

# Part C - Administering the poll

Council elections in Scotland:  
guidance for Returning Officers

January 2025

In this guidance we use 'must' when we refer to a specific legal requirement. We use 'should' for items we consider to be recommended practice, but which are not legal requirements.

## Translations and other formats

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## Updates to this document

Updated	Description of change	Paragraph number
March 2017	Updated to reflect that the Scottish Local Government Elections Amendment (No. 2) Order 2016 now provides for two notices to be displayed in the polling station providing guidance for voters: the 'Information for Voters' notice (to be displayed in each polling booth) and the notice entitled 'Guidance for Voters' (to be displayed inside the polling station).	<b>5.9</b>
March 2017	Clarified that the reference to an 'adjoining district' in the context of an election agent's office address only applies to a district in England.	<b>3.6</b>
September 2020	Updated to reflect new provisions that mean that candidates at local government elections in Scotland are not required to provide their home address on the nomination paper.	<b>2.50</b>
October 2021	Updated to reflect data protection legislation. Added text to highlight the role of the convener of the EMB (para <b>1.1</b> ) and made the subsequent guidance more generic Updated to provide additional guidance to address common queries. Added: <ul style="list-style-type: none"> <li>• guidance on what to consider as proof of the death of a candidate (paragraph <b>2.120</b>)</li> <li>• guidance on inclusion of candidate's full name / commonly used name on notice of election agent (paragraph <b>3.11</b>)</li> <li>• text about the issue of poll cards to prisoners (paragraph <b>4.48</b>)</li> </ul>	
December 2021	Minor amendment to paragraph <b>3.6</b> to clarify where the election agent's address can be located.	
May 2022	Minor amendment to paragraph <b>3.6</b> to clarify where the election agent's address can be located.	
January 2024	Updated links to code of conduct, data protection and performance standards	<b>N/A</b>

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# 1 Engaging with political parties, candidates and agents

1.1 As Returning Officer (RO) you are responsible for all aspects of the nominations process at council elections.<sup>1</sup>



You should read this guidance in conjunction with any additional guidance and directions issued by the Convener of the EMB. The Convener has the power to give general or specific directions to ROs relating to the discharge of their functions, and so when acting as RO you must comply with any such directions and consider any additional guidance issued.<sup>2</sup>

More detailed information on the roles and responsibilities of the Returning Officer is contained in [Part A – Roles and responsibilities](#).

1.2 Your project plan should include details on how you will engage with political parties, candidates and agents and how you will manage the nomination process.

1.3 There may be a significant number of new or less experienced candidates, agents and political parties who are unfamiliar with the practices and processes of standing for election and who will need your support to be able to participate effectively. It is therefore important that you engage with candidates, agents and parties as much as possible so that they receive all the information they need in order to stand for election and they can have confidence that the processes are well-managed.

1.4 For example, it is vital that all candidates know what they need to do in order to stand for election, what the spending limits are, how they can obtain the electoral register and what the restrictions are on the use of the register, including data protection considerations. One difficulty faced by Returning Officers is that those intending to stand for election do not always make contact with the election staff before submitting their nomination papers. You will therefore need to consider how you are going to raise awareness and promote the availability of information and briefings to all candidates and agents before they complete and submit their nomination papers.



To be able to meet the outcome set out in [performance standard 2](#) you should ensure that information on the election process and spending is easily available for candidates and agents, including through ensuring they are issued with written guidance.

To demonstrate that the outcome can be delivered you will need to have in place written guidance to be issued to candidates.

## Briefings

1.5 You should ensure that candidates and election agents are offered a briefing session on the election processes, including local arrangements. The briefings should allow for the fact that there may be people who have little or no knowledge of election rules and procedures or who have not involved themselves in elections for some time.

1.6 All briefing sessions should highlight the importance of following the election rules.

1.7 In particular, you should provide a briefing on the nomination process including: deadlines, submission rules, the use of commonly used names, the completion of nomination papers, and the use of party names, descriptions and emblems. You should also cover what standards of behaviour you expect from supporters in the area of the polling place on polling day.

1.8 While you should invite all potential candidates to a briefing session ahead of or at the start of the nominations period, you may choose to hold an additional briefing session after the candidates standing for election have been confirmed after the close of nominations.

1.9 Your briefing session(s) should also highlight any security arrangements that have been put in place in consultation with the police. You may wish to invite your police single point of contact (SPOC) to attend any briefing sessions, or to provide written material that you can provide to candidates and agents. You should also invite the Electoral Registration Officer (ERO) to your briefings.

A [template presentation for candidates and agents](#) that you could use is available for download from the Commission's website.



# Providing information on the election process

1.10 You should ensure that all candidates and election agents are issued with written guidance on the election processes, including local arrangements. The information should be provided in good time to enable candidates and agents to act on it.

1.11 The purpose of providing written guidance is so that candidates and agents have access to authoritative and comprehensive guidance for reference at any time to ensure that they have all the information they need to take part in an election. It need not always be the case that such written guidance must be produced in hard copy – in some instances it may be appropriate to provide candidates and agents with a link to where they can find the relevant information online – but it is important in each case to ensure that candidates and agents can easily access the information they need and to do whatever is necessary to facilitate this.

1.12 As part of your plans for engaging with candidates and agents and supporting their participation in the elections, you will need to determine how information about local arrangements will be provided to them.

1.13 Local arrangements will include information on the dates, times and venues for the key election processes, including:

- postal vote issues and openings
- polling
- the verification and count

1.14 Whatever method you will be using for disseminating the information, you should ensure that candidates and agents can easily access all the information they need in order to be able to participate in the election.



To be able to achieve the outcome set out in [performance standard 2](#) you will need to ensure that information on the election process is easily available for candidates and agents.

To demonstrate that the outcome can be delivered you will need to arrange briefing sessions and produce briefing resources.

# Nomination packs

1.15 You should prepare a nomination pack for any person who expresses an interest in standing for election.

We have produced a set of [nomination papers](#) that contains all the forms needed for nomination.

1.16 The nomination pack should contain:

- a nomination form, which includes the candidate's consent to nomination
- a home address form
- a form for the candidate (or someone on their behalf) to give notice of appointment of an election agent
- forms for the candidate or election agent to give notice of appointment of polling agents, postal voting agents and counting agents
- a certificate of authorisation to allow a candidate to stand on behalf of a registered political party
- a form for a candidate standing on behalf of a registered political party to request the use of an emblem
- written guidance for candidates and agents covering key aspects of the electoral process, including the qualifications and disqualifications for election, the nominations process, campaigning dos and don'ts, accessing electoral proceedings and what happens after the declaration of the result
- details of any local arrangements, such as the arrangements for the opening of postal votes, the poll and the count
- a copy of the [Code of conduct for campaigners in Great Britain](#) which sets out what is, and is not, considered acceptable behaviour at polling stations and in the community
- details of how to obtain a copy of the electoral register and the lists of absent voters and forms to make such requests with information on where to send these requests to. You should highlight that the information contained in the electoral register and absent voting lists may only be used in accordance with the Representation of the People Regulations 2001 and in accordance with data protection legislation.
- information on the spending limit for candidates at the election and [guidance for candidates and agents on spending](#)
- a form for a candidate to withdraw from the contest if they decide to do so after they have been validly nominated
- any other relevant information

Guidance for candidates and agents at [council elections in Scotland](#) can be found on our website.

## Guidance on spending limits

1.17 Candidates are required by law to follow certain rules regarding how much they can spend and what they must report after the election.

1.18 You should ensure that candidates and election agents are issued with information on calculating the candidate spending limit<sup>3</sup> (including the electorate figure), spending returns and declarations in order to enable them to meet reporting requirements.

1.19 You should liaise with the ERO so that you are able to provide candidates at the election with an accurate electorate figure that will allow them to calculate their spending limit. It is important that candidates are provided with the correct figures so they know how much they can spend. The figure candidates need is the total number of electors on the local government register on the last day for the publication of the notice of election (i.e. on the twenty-eighth working day before the poll),<sup>4</sup> excluding any attainers who will not be 16 years old on or before polling day.

The Commission has produced [guidance on spending for candidates and agents](#), which you can use to provide candidates and agents with information on spending returns and declarations in order to enable them to meet their reporting requirements.



To be able to achieve the outcome set out in [performance standard 2](#) you will need to ensure that information on election spending is easily available for candidates and agents.

To demonstrate that the outcome can be delivered you will need to arrange briefing sessions and produce briefing resources.

## Providing information on accessing the electoral register

1.20 The ERO is required to supply Returning Officers with such copies of the electoral register as are required for the different aspects of the election.<sup>5</sup> You should liaise with the ERO to agree how this will be managed in practice.

1.21 You should receive copies soon after the publication of that register. You should also receive any further amendments that may be made to the register including through the election notices of alteration published by the ERO.<sup>6</sup>

1.22 On making a written request to the ERO, candidates are entitled to a free copy of the full register for the ward in which they are standing.<sup>7</sup>

1.23 The ERO is responsible for receiving requests and supplying a copy of the register and lists of absent voters to candidates.<sup>8</sup>



Save for some prescribed limited exceptions, no version of the register or any absent voting lists published, or otherwise made available, must contain data relating to those under 16 years of age. In relation to council elections in Scotland, the exceptions where the data may be disclosed are:

- to the individual themselves or to a person they have appointed as proxy to vote for them<sup>9</sup>
- for the purposes of a criminal investigation or criminal proceedings relating to the registration of electors or the conduct of elections<sup>10</sup>
- to EROs and Returning Officers in connection with the registration of electors or the conduct of elections<sup>11</sup>

The only other exception is that before a council election in Scotland, the information on those under 16 years of age **who will be eligible to vote at the election** (i.e. will attain the age of 16 on or before polling day), can, for the purposes of, or in connection with the election, be disclosed in the electoral register, postal voters list, list of proxies and list of postal proxies, that is supplied to:

- candidates at a council election in Scotland for electoral purposes
- the Returning Officer for the purposes of a council election in Scotland

The information supplied before an election must not contain dates of birth, or anything else that would identify a voter as under 16 years old.<sup>12</sup>

No other individuals or bodies may be supplied with any information relating to those aged under 16.

Further guidance on the supply of data of those under 16 is detailed in the [Access and supply of the register](#) section of our guidance for EROs.

Detailed information on access and supply of the full electoral register and absent voters lists to candidates, registered political parties (who can request a copy at any time) and others can be found in the [Access and supply of the register](#) section of our guidance for EROs.

The Commission has produced [template electoral register](#) and [absent voter list request](#) forms that can be used by candidates and election agents.

## Access needs for candidates

1.24 You should bear in mind that candidates and agents may have specific access needs, and so may need any information or guidance produced in a large-print or other format, such as Braille or audio, or in a language other than English.

## 2 The nominations process

2.1 This chapter provides guidance for ROs on the administration of the nominations process.

2.2 Questions of eligibility or disqualification are for the candidate only and you should not give advice on such matters. The candidate should be directed to the Commission's guidance for candidates and agents in the first instance. Should they have any further concerns, they should be advised to seek their own legal advice.

### Forms for nomination

2.3 A candidate is deemed to be validly nominated only if you have, by 4pm on the twenty-third working day before the poll), received the following completed forms:

- nomination form including consent to nomination<sup>13</sup>
- home address form<sup>14</sup>

2.4 To stand on behalf of a registered political party, the party must be registered on the Commission's register of political parties at <http://search.electoralcommission.org.uk> and be listed as allowed to field candidates in Scotland.<sup>15</sup> The candidate will also need to submit:

- A certificate of authorisation, authorising the use of the party name or a registered description on the ballot paper.<sup>16</sup> The party name or description authorised by the certificate must match the party name or description given on the nomination form or the whole nomination will be invalid.<sup>17</sup>
- A written request to use one of the party's registered emblems (if desired).<sup>18</sup>

2.5 Candidates do not have to use the nomination forms that you, as RO, have produced, as long as their nomination form is in the prescribed form or in a form to like effect.<sup>19</sup>

2.6 Under Section 199C(4) of the Representation of the People Act 1983, nomination papers can only be produced in English and not in any alternative languages or formats. You must prepare a nomination form for signature if someone requests it.<sup>20</sup>

We have produced a set of [nomination papers](#) that contains all the forms needed to stand for election. The forms include enhanced data protection messaging and you should ensure that you are using the most up to date version.

We have also produced a [checklist](#) for ROs to assist you with processing nomination forms.

## Informal checks

2.7 You should ensure that candidates have the opportunity to have their nomination papers informally checked prior to formal submission.

2.8 All candidates should be given an equal opportunity to access an informal check. Informal checks are designed to assist candidates with participating effectively in the electoral process so that, if possible, any errors made by them or their agent in completing the paperwork do not deny electors the opportunity to vote for them. You should account for a potentially high number of candidates and consider how you are going to manage this process, for example by putting in place an appointment system and/or providing an opportunity for checks to be carried out remotely.

2.9 When conducting an informal check it should be made clear that the nomination papers are being looked at informally. At the conclusion of the informal check, you should offer to return the nomination papers if an issue has been identified. If no issues have been identified, you should offer to accept them formally.



To meet the outcome set out in [performance standard 2](#) you will need to ensure that candidates have the opportunity to have their nomination papers informally checked prior to submission.

To demonstrate that the outcome can be delivered you will need to have in place arrangements for candidates to have their nomination papers informally checked prior to formal submission.

## Delivery of nomination papers

### Time of delivery

2.10 Nomination papers can be accepted until 4pm on any working day after the notice of election is published up until the deadline.<sup>21</sup> You must specify the times and place for delivery on the notice of election.<sup>22</sup>

2.11 The deadline for the delivery of nominations is 4pm on the twenty-third working day before the poll.<sup>23</sup> This deadline cannot be moved or extended for any reason. Delivery is determined as being when the nomination papers are delivered by hand at the place specified in the notice of election.<sup>24</sup> A certificate of authorisation or emblem request must be received by you during the period for delivery of nominations.<sup>25</sup>

2.12 No appointment is required to deliver nomination papers. However, you should consider how you are going to manage the potential volume of nominations that you will receive. This could include offering appointments for informal checks and the formal delivery of the nomination papers.

2.13 It is the responsibility of the candidate to ensure that their nomination papers are delivered in the correct manner and by the required deadline. If a completed nomination paper and home address form has not been delivered by that time, the nomination has not been made, which means that you cannot rule the nomination valid or invalid.<sup>26</sup>

## Place of delivery

2.14 Nomination papers must be delivered to the location specified by you on the notice of election.<sup>27</sup> The location given on the notice of election should be exact, and include any room name or number. This will avoid any doubt should nominations be delivered close to the deadline.

2.15 You should provide clear signage from the entrance of the building to the room set aside for delivery. This route, or an appropriately signposted alternative, should be fully accessible.

2.16 You or an appointed depute must be present throughout the period for nominations<sup>28</sup> and only you and your staff should deal with nominations. You should give details to other council staff, such as reception staff, of what to do if a person tries to deliver nomination papers to them, making it clear that they should not handle nomination papers and should not offer to deliver them, but should instead direct them to you.

## Who can deliver nomination papers?

2.17 There are no restrictions on who can deliver nomination papers.<sup>29</sup> However, you should advise candidates that they, their agent, or someone they trust delivers them, so they can be sure they are delivered to you in time.

## How must nomination papers be submitted?

2.18 The nomination form and the home address form must be delivered by hand and cannot be submitted by post, fax, email or other electronic means.<sup>30</sup> Where a document is required to be delivered by hand, this can include delivery by a courier.

2.19 Certificates of authorisation and emblem request forms may be delivered by hand or by post, but cannot be submitted by fax, email or other electronic means.<sup>31</sup>

2.20 The **original version** of each completed document should be submitted. A certificate of authorisation, for example, which has been sent as an attachment to an e-mail to be printed out would be a 'copy document' and not the original document. A certificate requires a method of authentication to make it a certificate<sup>32</sup>. This will, in practice in most cases, take the form of a signature to attest the truth of the facts stated. It could, however, also take the form of a seal. Whatever method of authentication is used, the document you receive must be the original document and not a copy document.

2.21 You should take steps to communicate the requirements relating to delivery of nomination papers to all prospective candidates and agents and ensure that these requirements are highlighted in any local briefings or guidance you produce.

2.22 Once a nomination paper has been formally delivered, no changes can be subsequently made to it (subject to your power to correct minor errors). At the point of formal submission you should therefore endorse the paper with the date and time of delivery, so that you have a record of when each paper was formally submitted. If a candidate later decides that they want to make changes they should withdraw and then submit new nomination papers within the statutory timeframe.

2.23 There is no provision to allow a subscriber to withdraw their signature from a nomination paper once it has been delivered.

## What to do if nomination papers are received by post

2.24 Any nomination forms or home address forms received by post have not been 'delivered' in accordance with the rules.<sup>33</sup> The candidate is therefore not deemed to stand nominated and no decision can be taken as to whether the form is valid.<sup>34</sup>

2.25 You should have processes in place for monitoring postal deliveries to the place designated for the delivery of nomination forms and home address forms so that any forms received can be identified quickly and action taken to try to contact the candidate.

2.26 You should try to contact the candidate using the details on the home address form and advise them that the nomination form and home address form cannot be accepted by post and that they (or someone on their behalf) needs to attend the place designated for the receipt of nomination papers, within the times specified on the notice of election, to 'deliver' the nomination form and home address form by hand in accordance with the rules.<sup>35</sup> It is the candidate's responsibility to ensure that this is done by the deadline for the receipt of nominations. You and your staff are not permitted to deliver the forms for the candidate.

2.27 The candidate does not need to produce 'new' nomination papers and you should retain any nomination papers you receive by post to enable them to be collected and delivered to you by hand.

2.28 The certificate of authorisation (if applicable) and emblem request (if applicable) may be sent by post, although they may equally be delivered with the nomination form. You should have processes in place for monitoring postal deliveries to the place designated for the delivery of nomination forms so that any certificates of authorisation and emblem requests received that way can be identified quickly. Further information on the certificate of authorisation and emblem requests is contained in paragraphs **2.62** to **2.85**.



## Delivering multiple nomination forms

2.29 There is no limit to the number of nomination forms that may be delivered for the same candidate. If a candidate is validly nominated by more than one form, the first valid nomination form must, by law, be deemed to be that from which to take the details for the notice of poll and the ballot paper.<sup>36</sup>

## Requirements of nomination

2.30 This section contains an explanation on what must be included on the nomination papers submitted by or on behalf of the candidate. It is designed to assist you in reviewing and ultimately determining the validity of nomination papers.

2.31 You should remind any person delivering the nomination papers that it is a criminal offence to knowingly make a false statement on nomination papers.<sup>37</sup> If the nomination form includes a commonly used name, you should highlight that the offence also applies if a candidate has given a commonly used name that they do not actually commonly use.<sup>38</sup> You may warn candidates that the penalty for a false statement is either a fine, currently set at a maximum of £10,000 (or unlimited if convicted on indictment) and/or imprisonment.<sup>39</sup>

## Nomination form

### Candidate's names

2.32 The candidate's full names must be listed on the nomination form, with their surname given first followed by all of their other names in full.<sup>40</sup>

2.33 The nomination form contains no space for prefixes or suffixes.

2.34 Candidates should be advised not to use prefixes such as Mr, Mrs, DR or Cllr, or suffixes, in the field of the nomination form asking for the candidate's full name. If a prefix or suffix is included as part of the actual name the nomination form would not be invalid as a result, but the prefix or suffix should not be transferred to the notice of poll or ballot paper. If a candidate has submitted a nomination form with a prefix or suffix as part of their actual name, you should inform the candidate and their agent that it will not appear on the notice of poll or the ballot paper, but that their nomination as a candidate has not been affected.

2.35 However, if a candidate has a title, they can use this as their full name. For example, if the candidate's actual name is Joseph Smith, but their hereditary title is Joseph Avon, they can use the name Joseph Avon as their full name.

## Commonly used names

2.36 Where a candidate commonly uses a name that is different or partly different to their actual name, they can ask for their commonly used name(s) to be used instead of their actual name.<sup>41</sup>

2.37 A candidate can request to use a commonly used forename, surname or both. For example, they may be known by their abbreviated name 'Andy', rather than their full first name 'Andrew'. In that case, they can write 'Andy' into the commonly used forename box on the nomination form if they would rather that name appear on the ballot paper.

2.38 A candidate may also use initials as part of their commonly used name if they are commonly known by them.

2.39 It is not for you to decide whether the commonly used name is a 'name' that the candidate commonly uses. The law requires you to take whatever has been entered in the commonly used name box at face value and to accept it as the candidate's commonly used name.

2.40 The only grounds you have in law for rejecting a commonly used name is that you consider that:

- its use is likely to mislead or confuse electors, or
- it is obscene or offensive<sup>42</sup>

2.41 If at an informal check stage, you are presented with a nomination form that has been completed in such a way that it appears to you that the commonly used name given does not comply with the legislative requirements, you should draw the candidate's attention to the legal definition of a commonly used name and highlight that it is an offence to knowingly make a false statement on the nomination form. You should also point out that if a nomination form is not completed in accordance with the law, the candidate will run the risk of challenge if they are elected.<sup>43</sup>

2.42 It is the candidate's responsibility to ensure that they have completed their nomination form in accordance with the law and to be satisfied that the given commonly used name is a name that they genuinely commonly use.

2.43 In the course of providing informal advice, you may wish to draw attention to Parts 2a or 2b of our guidance for candidates and agents on commonly used names at [local government elections](#).

2.44 The table below contains a number of worked examples of various combinations of commonly used names and how this would affect the appearance of the candidate's name on the notice of poll and the ballot paper:

Candidate's actual surname	Candidate's other actual names in full	Commonly used forenames	Commonly used surname	Name to go on the notice of poll	Name to go on the ballot paper
Elector	Ann	Elsie	Voter	Voter Elsie	<b>VOTER</b> Elsie
Elector	Ann	[Blank]	Voter	Voter Ann	<b>VOTER</b> Ann
Elector	Ann	Elsie	[Blank]	Elector Elsie	<b>ELECTOR</b> Elsie

2.45 If either the commonly used forenames or commonly used surname box is left blank, then the candidate's actual forenames or surname, depending on which commonly used name box has been left blank, will go on the notice of poll and the ballot paper.<sup>44</sup>

2.46 You should advise the candidate that the use of commonly used names applies only to the notice of poll and the ballot paper. The candidate's actual name should appear on any documents that are required to show the candidate's name, such as the imprint and the candidate's spending returns.

2.47 If you refuse the use of a commonly used name, the validity of the nomination form remains unaffected.<sup>45</sup> Instead, the effect is that the candidate's actual name will appear on the notice of poll and on the ballot paper.<sup>46</sup> This should be made clear to candidates and agents and you must write to the candidate setting out the reasons for refusing to allow the use of the commonly used name.<sup>47</sup>

## Home address

2.48 Candidates are not required to provide their home address on the nomination paper. This information is instead provided on a separate home address form, which must be delivered by hand with the nomination paper by the close of nominations. The form is not prescribed but the information that needs to be provided is set out in law.

2.49 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)

2.50 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)

2.51 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.

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

2.53 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.

2.54 If such a 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 UK, the name of the country in which it is situated

## Meaning of qualifying address and relevant area

2.55 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.

2.56 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.

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

## Candidate's consent to nomination

2.58 Candidates must formally consent to their nomination on the nomination form stating that they are not disqualified from election and that they meet one or more of the qualifications for standing.<sup>48</sup> It must be delivered by hand and cannot be submitted by post, fax, email or other electronic means.

2.59 Candidates are not allowed to sign (subscribe) the nomination form giving their consent to nomination earlier than one calendar month before the deadline for submitting nomination forms.<sup>49</sup> Their signature must be witnessed, and the witness must sign the form and give their full name.<sup>50</sup> The witness's address must be provided on the home address form.<sup>51</sup>

2.60 There are no restrictions on who can be a witness.

2.61 You must reject a nomination if the nomination form is not subscribed (signed) by the candidate and a witness, or does not include the name of the witness.<sup>52</sup>

## Use of party names, party descriptions and party emblems

2.62 In all cases, to be able to use a party's identifiers (i.e.name, description and emblem) the party must be registered on the [Commission's register of political parties](#) and be listed as allowed to field candidates in Scotland.<sup>53</sup>

2.63 Political parties can register up to 12 descriptions.<sup>54</sup>

2.64 You must check that the party name or description as given on the nomination form is registered on the [Commission's register of political parties](#) and matches it exactly.<sup>55</sup> If it does not, you must reject that nomination.<sup>56</sup> Even if a registered party is well known, it is vital to check the register of political parties for the exact details of the party as registered with the Commission.

2.65 For the purposes of maintaining a clear audit trail and in case of any future challenges, you should print a copy of the relevant part of the [Commission's register of political parties](#) showing the descriptions and party name at the time of your determination.

2.66 Political parties can also register up to 3 emblems<sup>57</sup>.

2.67 A Zip file of emblem images will be available on our website. However while the Zip file is a tool that can be used by your printer to prepare ballot papers, it is the information on the [Commission's register of political parties](#) that should be used for confirming which emblem to print on the ballot papers.

### **Additions, alterations, removals and changes to party names, party descriptions and party emblems on the register of political parties**

2.68 The legislation provides that the removal or substitution of any registered descriptions may take effect up to and including the day before the actual date of publication of the notice of election for any particular election (note that this is not the last day for publication of the notice of election but the actual day of publication)<sup>58</sup>. After that point, any changes or deletions to any party descriptions do not apply for that election.

2.69 It is possible that a nomination may be submitted which bears a registered party description that no longer appears on the register of political parties. If the deletion of the description has taken effect after you have published your notice of election but before the last day for publication of notice of election, the deletion does not apply to your election and the 'old' description is still valid. In any such circumstances you can check with the [Scotland Office of the Commission](#) whether or not the submitted party description applies for your election.

2.70 You should also note that political parties may change their registered party name and emblems, and add any new description if they previously had registered fewer than 12 descriptions, at any time until the close of nominations.

2.71 Where a candidate attempts to submit a nomination form bearing a description that has yet to be registered, you should advise the candidate not to formally submit the form, but to take it back and submit it once the description has been successfully registered.

2.72 If a candidate formally submits their nomination form with a description that is not yet registered, you must determine the nomination invalid on the basis that, when the determination is made, the description provided does not match any registered with the Commission<sup>59</sup>. You may wish to contact the Commission for confirmation that a description is not yet registered before making your determination. You can do this by contacting the [Scotland Office at the Commission](#).

For up-to-date information about political parties, registered descriptions and registered emblems, you should check the register of political parties on the Commission's website at <http://search.electoralcommission.org.uk>. If you have any queries, you should contact the Commission's [Scotland Office](#).

## What descriptions may be used?

2.73 The legislation is precise about the use of descriptions. A candidate may only use one of the following descriptions:

- the word 'Independent'
- the registered party name of a registered political party
- one of the descriptions the party has registered with the Commission<sup>60</sup>

2.74 If a candidate wishes to use a party name or description, this must be authorised by the party's Nominating Officer (or a person authorised to act on their behalf). If the description on the nomination form matches one contained on our register of political parties or is a registered party name, a certificate of authorisation, signed by or on behalf of the party's Nominating Officer, must be received by the deadline for the delivery of nomination forms.<sup>61</sup>

2.75 Candidates standing on behalf of more than one registered party may use a joint description which is registered with the Commission.<sup>62</sup> If a candidate is standing on behalf of more than one political party the candidate must submit a certificate of authorisation issued by each of the parties' Nominating Officers (or persons authorised to act on their behalf), which must be received by the deadline for the delivery of nomination forms.<sup>63</sup>

2.76 Joint descriptions are listed on the [Commission's register of political parties](#) on the registration page for the relevant parties within the descriptions section, and in each case the description will be followed by the words '(Joint Description with the xx party)'. An example would be 'The Square and Circle Party Candidate (Joint Description with the Circle Party)', which would be listed on the Square Party page. Please note that the words in brackets are for explanatory purposes only and do not form part of the description.

2.77 You can check who the Nominating Officer for a particular party is by referring to the [Commission's register of political parties](#). However, as long as the person who has signed the certificate claims that they have been authorised to do so by the registered Nominating Officer, the certificate should be taken at face value.

2.78 A Nominating Officer may stand as a candidate. If this happens, the candidate, as Nominating Officer, may authorise their own description. A person authorised by the Nominating Officer to issue a certificate of authorisation may also be a candidate and sign a certificate for their own nomination.

2.79 A certificate of authorisation can allow the candidate to:

- use the exact party name as registered with the Commission
- use one of the party's registered descriptions, or
- choose the party name or one of the party's registered descriptions

## Requests for a party emblem

2.80 If requested, the candidate of a registered party can choose to have a registered emblem of the party they are representing displayed on the ballot paper.<sup>64</sup> To qualify, a candidate must have been authorised to use a party name or description other than 'Independent'.

2.81 Candidates standing on behalf of more than one registered party who use a joint description may choose to use a registered emblem of one of the parties that have authorised the use of the description.<sup>65</sup> There is no provision for joint emblems to be registered with the Commission.

2.82 The candidate, not the election agent or the Nominating Officer, must make the request in writing to you by the deadline for delivery of nominations.<sup>66</sup>

2.83 If the party has more than one registered emblem, the candidate should specify which one they want to use. If the candidate does not specify one, or the registered party substitutes or removes the emblem from the register of political parties after the nomination forms have been submitted but before the close of nominations, you should try to contact the candidate and ask them to select one. You should also tell them that if they do not select a particular emblem before the close of nominations, you will not be able to print an emblem against their name on the ballot paper.

2.84 The candidate may provide a high-resolution copy of the emblem for use in the printing of ballot papers, or may request that you download the emblem from the Commission's website. You must ensure that whatever copy is used is in the same form as the registered emblem.

2.85 The maximum size of an emblem on the ballot paper is set by the directions for printing in the election rules. When adding a party emblem to a ballot paper, the shape of the emblem should not be altered. You must ensure that the emblem is in the same form as the registered emblem – for example, do not stretch emblems into square shapes if they are not registered as square images on our website, as this would have the effect of altering their appearance.

## Determining nomination and home address forms

2.86 A candidate who delivers their completed nomination papers by the required deadline, will be deemed nominated unless you decide that the nomination form is invalid or, where required, the home address form hasn't been completed correctly (or the candidate dies or withdraws).<sup>67</sup>

2.87 There is case law which makes clear that Returning Officers must not undertake any investigation or research into any candidate and that their duty does not go beyond seeing that a nomination form is correct on its face.<sup>68</sup> As RO, you should not, for example, investigate whether a name given on a



nomination form is genuine. You will also need to disregard any personal knowledge you may already have of the candidate. Any determinations need to be made on the basis of the form itself.

2.88 In very limited circumstances, there is an exception, also based on case law, to the principle of accepting nomination papers at face value. You may come across a situation where the candidate's nomination is clearly a sham - for example, if a candidate has given an obviously fictitious name or address such as 'Mickey Mouse of Disney Land'. In such a case the nomination form must be held to be invalid on the grounds that the candidate's particulars are not as required by the rules<sup>69</sup>. In addition, the case law also provides that candidates who give particulars that are obscene, racist or an incitement to crime deliver particulars that are "not as required by law". This is because they contravene the law and/or will inevitably involve the Returning Officer in a breach of the law. When considering the name, the primary consideration should be whether the "name" that has been provided on the nomination form appears to be "obviously fictitious" on the face of the paper. If the "name" does not appear to be a genuine name and instead appears to be a statement or slogan, for example, you may consider that it is "obviously fictitious". Any conclusion would be supported by considering the wider context. For example, does the name appear to be a political slogan made in response to topical political events, rather than the genuine name of a real person? A court would likely in those circumstances conclude that such names are "obviously fictitious" and that the nomination form should be rejected.

2.89 In addition, the case law also provides that candidates who give descriptions that are obscene, racist or an incitement to crime deliver particulars that are "not as required by law". This is because they contravene the law and/or will inevitably involve the Returning Officer in a breach of the law.

2.90 You must determine the validity of a nomination form and the home address form as soon as is practicable after formal delivery.<sup>70</sup> The sooner you carry out the formal determination, the greater the chances of any candidates who have made a mistake and whose nomination has been rejected being able to submit new forms before the close of nominations.

2.91 By law, the only grounds you have for determining that a nomination form is invalid are:

- that the form is not signed (subscribed) by the candidate as required
- that the particulars of the candidate are not as required by the rules
- that the form is not signed (subscribed) by a witness as required
- that the form does not include the name of the witness as required.<sup>71</sup>

2.92 The home address form must be completed in full or you must determine that the home address form does not comply with legal requirements and is not valid.<sup>72</sup> For further information about the requirements see paragraph **2.49**.

2.93 The description given on the nomination form is part of 'the particulars of the candidate'.<sup>73</sup> Therefore, if the party does not appear on the Commission's

register of political parties as a party that can contest elections in Scotland, or the party name or description used on the nomination form does not match the party name or description as registered with the Commission, the nomination form must be rejected.<sup>74</sup> Equally, if the use of the party name or description has not been authorised by the delivery of a certificate of authorisation signed by or on behalf of the party's Nominating Officer, or if it explicitly authorises a specific name or description and this does not match the party name/description on the nomination form, the nomination form must be held invalid.<sup>75</sup>

2.94 If the nomination form does not comply with the description rules outlined above, you must give a decision to that effect as soon as practicable after the delivery of the nomination form and in any event within 24 hours after the deadline for the delivery of nominations.<sup>76</sup>

2.95 If a nomination form is determined to be invalid, you must state that fact on the nomination form, write the reasons for rejection and sign it.<sup>77</sup> If a nomination form is ruled invalid, it is important to take steps to contact the candidate and agent as soon as possible so that they may have the opportunity wherever possible to submit another set of nomination papers before the close of nominations.

2.96 You must send notice of your decision that nomination paper and home address forms are **valid or invalid** to the candidate at their home address.<sup>78</sup> This should be done as soon as practicable after your decision has been made.

2.97 If you have not received the nomination form and the home address form by the deadline for the submission of nomination papers, (i.e. by 4pm on the twenty-third working day before the poll), the candidate has not been validly nominated.<sup>79</sup> There is then no need to make a formal determination, and their name should not appear on the notice of poll or the ballot paper.

We have produced a [nomination checklist](#) which sets out what you will need to consider and specific things to look out for when determining a nomination form.

## What to do after your formal determination

2.98 Once you have made a decision that the nomination paper or home address form is valid, that decision cannot be challenged during the election, although it may be challenged after the election by way of an election petition.<sup>80</sup>

## Correction of minor errors

2.99 You are permitted by law to correct minor errors made on a nomination form or home address form at any time before the end of the period of 24

hours starting with the deadline for the delivery of nomination forms.<sup>81</sup> This includes the correction of obvious errors of spelling of a candidate's details<sup>82</sup> and errors in a home address. You should attempt to contact the candidate or agent before making any minor error amendment.

2.100 You must have regard to the Commission's guidance on the correction of minor errors.<sup>83</sup>

## Errors of spelling in details of candidates

2.101 Dealing with the 'obvious' errors of spelling may be difficult, as what is obvious to one person may not be so to another. Care should be taken in exercising this power.

## Errors in a home address

2.102 Where a home address is not absolutely correct there may not be a need to make a correction. By law, errors in a home address do not affect the validity of a nomination, as long as the address can be commonly understood.<sup>84</sup>

## Inspection of nomination papers

2.103 You should keep the nomination papers secure. By law, you must allow public inspection of the nomination papers (excluding the home address form) during office hours on any working day from 4pm on the day after the deadline for nominations up to and including the day before polling day.<sup>85</sup>

2.104 After that point, the nomination papers are not open to public inspection, but you should store them securely for one year after the election due to the time limit for prosecution in case of an election petition. Your document retention policy should set out your approach to the retention of nomination papers.

2.105 There is no right of objection to a nomination at a council election.<sup>86</sup>

## Inspection of home address forms

2.106 You should keep the home address forms secure. During office hours, on any working day from 4pm on the day after the deadline for nominations up to and including the day before polling day, you must only allow the forms to be inspected by those who are entitled to do so.<sup>87</sup> 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)

2.107 Home address forms should be inspected under supervision. Taking extracts of the home address forms, or copies of them, is not permitted.<sup>88</sup>

2.108 Once the inspection period has passed, the home address forms are not open to inspection.

2.109 Home address forms must be kept securely stored for a period of 35 working days after the result has been declared for that electoral ward. They must be securely destroyed on the next working day after the 35-day period. However, if an election petition relating to the election is presented within the 35 working days, the home address forms must be kept securely until the conclusion of the petition proceedings (including any appeal from such proceedings). They must then be securely destroyed as soon as is practicable following the conclusion of the proceedings or appeal.

## Withdrawal of a candidate

2.110 It is possible for a validly nominated candidate to withdraw their candidature.<sup>89</sup> For this to be effective, you need to receive a withdrawal notice signed by the candidate and attested by one witness, by 4pm on the twenty-third working day before the poll.<sup>90</sup>

2.111 The notice must be delivered by hand to the place for the delivery of nomination papers.<sup>91</sup> There are no restrictions on who can deliver the notice of withdrawal.

The withdrawal notice is not prescribed in legislation. We have produced a [template withdrawal notice](#) that you could give to any candidate who requests one.

2.112 The details of any candidates who by the close of withdrawals remain validly nominated must be printed on the ballot papers. If a candidate has not withdrawn by the deadline, their name must go forward to the ballot paper.<sup>92</sup>

## After the close of nominations

2.113 After the close of nominations you must publish a notice of poll as soon as practicable after 4pm on the 23<sup>rd</sup> working day before the poll.<sup>93</sup> For details on what the notice should contain, see Chapter 4.

## Nomination in more than one ward

2.114 A candidate may submit nomination forms for more than one ward of the same council. However, they must have withdrawn from all those wards except one before the deadline for withdrawals, i.e. by 4pm on the 23<sup>rd</sup> working day before the poll.<sup>94</sup> If they do not withdraw from all but one ward, they will be deemed to have withdrawn from all of the wards.<sup>95</sup>

## Uncontested election

### Notice of uncontested election

2.115 If the council election in any electoral area is uncontested, you must, as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature, declare that there will be no poll for that electoral ward and that on the day of election, the remaining validly nominated candidate(s) will be elected.<sup>96</sup> No poll is necessary. This notice of uncontested election is prescribed, but you may use a form to like effect.<sup>97</sup> Except where it is not appropriate, the notice of uncontested election must be combined with the notice of poll, see paragraphs **4.10** to **4.18**.<sup>98</sup>

### Declaration of validly nominated candidates

2.116 By not later than 11am on the day of the election, you must declare the validly nominated candidates referred to in the notice of uncontested election elected.<sup>99</sup>

2.117 You must also by law give their names to the Proper Officer of the council.<sup>100</sup>

2.118 You are also required to give public notice of the name of each elected person, and this may be combined with the declaration of result following the count.<sup>101</sup>

## Death of a candidate

2.119 In the event of a candidate dying during the election period, the procedure to be followed at council elections depends on the time when you receive proof of the death of the candidate. It is the time when you receive proof of the candidate's death that is the relevant factor, not the actual time of death.

2.120 You must be satisfied from the proof you are given that the candidate has died.<sup>102</sup> What the proof of death can be is not specified in electoral law so local factors and individual circumstances may help to dictate what you accept as proof. While a death certificate would be the most reliable form of proof, it may not be available to you immediately and you may decide to accept alternative information as proof.

2.121 The effect of the death of a candidate depends on whether or not the candidate was standing on behalf of a registered political party.

## Death of an independent candidate

2.122 Should you receive proof before the result of the election is declared that an independent candidate (i.e. a candidate using the description 'Independent' or without a description) has died and the election remains contested, the poll and count are legally required to continue.<sup>103</sup>

2.123 If, at any stage in the count, the deceased independent candidate has received the same number of votes as any other candidate, the deceased candidate is to be treated as having the lower number of votes and so they will be the first to be excluded or the last to have their surplus transferred (as appropriate).<sup>104</sup>

2.124 If a deceased independent candidate obtains sufficient votes to be elected, you are required by law to declare that even though the deceased candidate has obtained a sufficient number of votes to be elected, no member has been returned.<sup>105</sup> You must also give public notice of the result.<sup>106</sup> The election will need to be re-run.<sup>107</sup>

### **Death leads to an uncontested election**

2.125 If you are notified of the death of an independent candidate at a contested election before the opening of the poll and, as a result, the number of candidates remaining validly nominated equals the number of vacancies, you must by law countermand the notice of poll and the poll does not take place.<sup>108</sup>

2.126 If you are notified of the death of an independent candidate at a contested election after the opening of the poll but before the declaration of result and, as a result, the election becomes uncontested, the poll must, by law, be abandoned.<sup>109</sup> However, in this case, because the poll will have started, the documentation (i.e. issued and un-issued ballot papers, etc.) has to be returned to you and sealed up in the normal way. By law, any postal votes received back must also be sealed in packets and any envelopes not opened at the time of the notification of the death must be sealed in packets unopened.<sup>110</sup>

2.127 In both cases, you must treat the election as an uncontested election.<sup>111</sup>

### **Death of a party candidate**

2.128 If you receive proof and are satisfied that a candidate standing on behalf of a registered political party or parties has died before the opening of the poll, the notice of poll must by law be countermanded and the poll does not take place.<sup>112</sup>

2.129 If notification of the death of a party candidate at a contested election is received after the opening of the poll but before the declaration of result, the poll must, by law, be abandoned and will have to be re-run.<sup>113</sup> However, in this case, because the poll will have started, the documentation (i.e. issued and un-issued ballot papers, etc.) has to be returned to you and sealed up in the normal way. By law, any postal votes received back must also be sealed in packets and any envelopes not opened at the time of the notification of the death must be sealed in packets unopened.<sup>114</sup>

## New election

2.130 Where a new election is required after the countermanding or abandonment of a poll due to a candidate's death, you are required by law to select a new day for the poll, and this must fall between 21 and 28 working days<sup>i</sup> after the publication of the new notice of election.<sup>115</sup> If a party candidate has died, you must, by law, publish a new notice of election on the first working day that occurs after a period of seven calendar days starting on the day that you have received proof of death.<sup>116</sup> If an independent candidate has died and a new election is required, you must, by law, publish a new notice of election on the first working day that occurs after a period of seven calendar days starting on the day of the original election.<sup>117</sup>

2.131 If a party candidate has died, all of the existing candidates remain validly nominated but may withdraw up to 4pm on the seventh working day after the notice has been published.<sup>118</sup>

2.132 Only the party whose candidate died may nominate a new candidate.<sup>119</sup> The new nomination must be made by 4pm on the seventh working day after the new notice of election has been published.<sup>120</sup>

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<sup>i</sup> If the date for the new election falls on any day from 22 December to 3 January inclusive, the date for the poll must be between 25 and 32 working days after the new notice of election.

# 3 Agents at the election

## The election agent

3.1 Each candidate must have an election agent, and notice of the appointment must be delivered to you by the latest time for the delivery of notices of withdrawal, which is 4pm on the twenty-third working day before the poll.<sup>121</sup> We have produced a form for the [notification of the appointment of an election agent](#) as part of the set of nomination papers we have produced.

3.2 A candidate may appoint themselves as their election agent.<sup>122</sup> Also, if no agent is appointed by the deadline for withdrawals, the candidate is deemed to be their own election agent.<sup>123</sup>

3.3 A candidate is also deemed to be their own agent if they revoke their agent's appointment, or the agent dies, and a replacement is not appointed on the day of the death or on the following day.<sup>124</sup>

3.4 If a candidate is acting as their own election agent, irrespective of whether they became an agent as a result of not appointing one or because they had given written notice of their own appointment, they can also revoke their own appointment and appoint a new agent.<sup>125</sup> Candidates must notify you in writing of any such changes.<sup>126</sup>

3.5 The election agent must have an office, and the notice of appointment must set out the office address to which all claims, notices, legal process and other documents may be sent.<sup>127</sup> The office address must be an address to which any legal notices can be delivered and therefore must be a physical address – PO boxes or similar mailboxes cannot be used.

3.6 The location of the office must be:

- 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<sup>128</sup>

3.7 The election agent's office address will often be the same as their home address, but it might also be that of the local political party office or an office especially set up for the election.

3.8 Where a candidate acts as their own election agent as a result of not having appointed anybody else, the office address is deemed to be the address provided on the home address form.<sup>129</sup> If that address is outside the relevant qualifying area as defined in the bullet points above, you should



contact the candidate and request that they provide an alternative address within the relevant qualifying area.

3.9 This applies even where they have chosen not to publish their home address on the notice of poll and ballot papers.

3.10 If the candidate gives you written notification of their appointment as their own election agent, they must give an office address within the qualifying area as defined in the bullet points above.<sup>130</sup>

3.11 Upon notification of an election agent's name and address, you must publish a notice setting out those details as soon as possible.<sup>131</sup> You should also include the full name of the candidate on this notice, and you could add any commonly used name in brackets, for completeness. The notice must be updated if any agent's appointment is revoked, or an agent dies, with the new agent's details published on the revised version.

[Our data protection resource](#) for EROs and ROs covers the requirements of a privacy notice and document retention considerations.

## Other agents

3.12 A candidate or their election agent may appoint agents to observe the opening of postal votes, the poll and the verification and count.<sup>132</sup> You are responsible for receiving the notifications of appointment of these agents<sup>133</sup> and must ensure that all appointed agents are given a copy of the relevant secrecy requirements for the opening of [postal votes](#), [the poll](#) and [the count](#).<sup>134</sup>

For further details on the role of these agents, see [Part 5: Your right to attend key electoral events](#) of our guidance for candidates and agents at council elections.

## The opening of postal votes

3.13 Postal voting agents are permitted by law to observe the opening of the postal voters' ballot box, the opening of returned postal votes and the checking of signatures and dates of birth provided on returned postal voting statements.<sup>135</sup> You must be given written notice of the name and address of any postal voting agents before the start of any particular session that the agents are seeking to attend.<sup>136</sup> The Commission has developed a [form for the notification of appointment of a postal voting agent](#).

3.14 You must give candidates at least 48 hours' notice of the time and place of any postal vote opening session and the number of agents that may be appointed to attend each opening.<sup>137</sup>

## The poll

3.15 Polling agents are entitled by law to access polling stations for the purpose of detecting personation.<sup>138</sup> They can also observe the procedures to be followed inside a polling station. You must be notified in writing of any polling agents that have been appointed by not later than five working days before the poll for their appointment to be in force for the poll<sup>139</sup>. The Commission has developed a [form for the notification of appointment of polling agents](#).

3.16 There is no limit on the number of polling agents that may be appointed at a council election.

3.17 A polling agent can be appointed to a particular polling station or stations, or to all polling stations within the ward. The same polling agents may be appointed to attend more than one polling station. However only one polling agent for each candidate may be admitted to a polling station at any particular time.<sup>140</sup>

## The count

3.18 Counting agents can be appointed to observe the verification and counting processes relating to the contest for which they have been appointed.<sup>141</sup>

3.19 You must be notified in writing of the appointment of counting agents by not later than five working days before the poll for their appointment to be in force for the verification and count.<sup>142</sup> The Commission has developed a [form for the notification of appointment of counting agents](#).

3.20 You must give counting agents who have been appointed notice in writing of the time and place at which the verification and count will begin.<sup>143</sup>

3.21 You are permitted by law to limit the number of counting agents.<sup>144</sup> The number that may be appointed by each candidate or agent must be the same.<sup>145</sup>

3.22 When determining the maximum number of counting agents, each candidate or agent should, as far as possible, be permitted to appoint sufficient numbers of counting agents to enable full and proper scrutiny of the verification and count processes. You should, however, consider any health and safety implications, including fire regulations for the verification and count venue, when deciding on maximum numbers of counting agents.

For details on who can attend the verification and count, see [Part E: Verifying and counting the votes](#).

# 4 Production of notices, poll cards and ballot papers

## Production and publication of notices

4.1 When you are required to publish notices, you should post them in a conspicuous place within the electoral area. This should include council offices, noticeboards, libraries and other public buildings. The notice may also be given in such other manner as you think fit.<sup>146</sup>

4.2 In order to ensure that voters can receive the information they need, in an accessible format and within time for them to cast their vote, you should ensure that information on the election, including the notice of election and notice of poll, are easily accessible to voters, such as through the council website.

4.3 If you are making information available on your website you should ensure it is accessible to all voters. For example, if you are providing information in PDF format, you should be aware that if certain steps are not followed when creating PDFs they may not be compatible with screen readers and other assistive technologies. The Scottish Government has produced [Principles of inclusive communication](#), an information and self-assessment tool that you can refer to. You could also speak to your council's equalities officer for advice.

4.1 In accordance with data protection legislation, you will need to consider whether it is appropriate or necessary for the notices to remain published, on your website or elsewhere, beyond the expiry of the petition period for that election. Where the notices serve specific purposes, i.e. advising who will be a candidate at the election, once the election is over, and the opportunity to question that election has passed, they serve no further purpose. Therefore, you should either remove the notices, or remove the personal data contained in the notices, once the petition deadline for the election has passed.

4.2 Data protection legislation does permit personal data to be stored for longer periods if the data will be processed solely for archiving purposes in the public interest, or for scientific, historical, or statistical purposes and subject to the implementation of appropriate safeguards. For notices of election results, for example, you should retain these on your website as they are for public interest and historical and statistical purposes.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure that information on the poll, including the notice of election and notice of poll, is easily accessible to voters, such as through the council website. To demonstrate that the outcome can be delivered you will need to ensure that information on the poll can be easily accessed through the council website.

See [Part B – Planning and organisation](#) for more general guidance on communicating information to electors.

4.3 You should have robust proof-checking processes in place to ensure that there are no errors on the notices you are required to publish. Having robust proof checking process in place could help detect any errors and avoid any potential data breaches before they occur.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure that you have robust processes in place for ensuring that there are no errors on the notice of election. To demonstrate that the outcome can be delivered you will need to have in place processes for the proof-checking of the notice.

## Translation and formats of notices

4.4 You must, where you consider it appropriate to do so, ensure that notices are translated or provided in another format. You may produce them:

- in Braille
- in languages other than English
- using graphical representations
- in audio format
- using any other means of making information accessible<sup>147</sup>

4.5 The nomination form and the ballot papers cannot be produced in any other language or format.<sup>148</sup> However, both the enlarged hand-held and display copies of the ballot papers must have the instructions for voters printed at the top of the papers, and these words may be translated into languages other than English.<sup>149</sup>

## Notice of election

4.6 The Convener of the Electoral Management Board for Scotland may direct when the notice of election is published by all Returning Officers for scheduled polls. The notice of election must include the following:

- the place and times at which nomination papers can be delivered, and at which nomination papers may be obtained
- the date of the poll if the election is contested
- the date by which applications for absent votes (including emergency proxies) and any cancellations or changes to absent voting arrangements must reach the ERO in order to be effective for the election<sup>150</sup>

4.7 The notice of election should also include the date by which applications for registration must reach the ERO in order to be effective for the election.

4.8 The address given for the delivery of nomination papers should be exact, and include any room number. This will avoid any doubt should nominations be delivered close to the deadline. All reception staff at offices of the building and other connected buildings should be informed that they should not take receipt of nomination papers.

4.9 The Commission has developed a template [notice of election](#) that you can use.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure that you have robust processes in place for ensuring that there are no errors on the notice of election. To demonstrate that the outcome can be delivered you will need to have in place processes for the proof-checking of the notice.

## Notice of poll

4.10 You must publish a notice of poll, which may apply to one or more wards, as soon as practicable after the deadline for withdrawals).<sup>151</sup>

4.11 The notice of poll must be combined with the notice of uncontested election for any wards where an election is not required, unless it is not appropriate to do so.<sup>152</sup> For details on the contents of the notice of uncontested election, see paragraph **2.115**.

4.12 The notice of poll is prescribed, but you may use a form to like effect.<sup>153</sup> It must state:

- the number of councillors to be elected in each ward
- the name and description (if any), of each candidate remaining validly nominated
- the name of the relevant area (or the country if the home address is situated outside the UK) in which the candidate's home address is situated, or if they have requested to have their home address made public; the home address of the candidate<sup>154</sup>

4.13 Your privacy notice should make clear that you are required under electoral legislation to publish a candidate's name and address information in the notice of poll.

[Our data protection resource](#) for EROs and ROs covers the requirements of a privacy notice.

4.14 The names of the candidates on the notice must be listed in alphabetical order of their surname; this is also how they will appear on the ballot paper. Where there are two or more candidates with the same surname, the alphabetical order of the other names will decide which candidate is listed first.

4.15 If a person has requested the use of a commonly used name on their nomination form, the commonly used name must be shown on the notice instead of the actual name. Where a candidate has requested the use of a commonly used surname, the candidate's alphabetical position on the notice of poll and on the ballot paper must be made by reference to their commonly used surname.

4.16 If, however, you have rejected the use of any commonly used name as you think it is likely to mislead or confuse electors, or is obscene or offensive, the actual name must, by law, be published on the notice of poll instead of the commonly used name

4.17 You should give a copy of the notice of poll to candidates and election agents as soon as practicable after publication. You should also be prepared to give copies to any accredited observers on request.

4.18 The Commission has developed a template [notice of poll](#) that you can use.

## Notice of the situation of polling stations

4.19 You must, not later than the publication of the notice of poll, also give public notice of:

- the situation of each polling station
- the description of voters entitled to vote there<sup>155</sup>

4.20 You should have robust proof-checking processes in place to ensure that there are no errors on the notice of situation of polling stations.

4.21 You must give a copy of the notice of situation of polling stations and descriptions of voters entitled to vote there to all election agents as soon as practicable after giving the notice,<sup>156</sup> and you should also give a copy of the notice to all candidates. You should also be prepared to make these notices available to any accredited observers on request.

4.22 The Commission has developed a template notice of [situation of polling stations](#) that you can use.

## Production of poll cards

4.23 As RO, you are responsible for sending electors and their proxies an official poll card<sup>157</sup>.

4.24 Poll cards must follow the prescribed form in the election rules or be in a form to like effect. You must ensure that on each poll card all of the elements

specified in the election rules and shown on the front and the back of the poll cards in the Appendix to the election rules are included.

4.25 You will need to dispatch your poll card data to your printers.

4.26 If you are outsourcing the production of poll cards, you should ensure that your software is able to produce a data file that your printers can use to produce the materials to the specification required. At an early stage in discussions with suppliers you should address in what format you will supply the data and in what format they will send you any proofs, and this should be included in your specification and contract.

4.27 If you send registration data to a contractor to produce poll cards for the election, you are using a processor. As a data controller, data protection legislation imposes a legal obligation when using a processor to formalise the working relationship in a contract which sets out:

- the subject matter, nature and purpose of the processing;
- the obligations and rights of the data controller;
- duration of the processing; and
- the types of personal data and categories of data subjects.

4.28 In addition, the contract must set out specific obligations on the processor, including that they:

- comply with your instructions
- are subject to a duty of confidentiality
- keep personal data secure and notify you of any breach
- maintain written records of the processing activities they carry out for you
- only use a sub-processor with your consent
- submit to audits and inspections and provide you with whatever information you need to ensure compliance with data protection requirements
- delete or return all personal data to you as requested at the end of the contract

4.29 You should ensure your agreement/contract specifically confirms that:

- electoral registration data held by the processor should be destroyed as soon as possible after polling day
- information from the full electoral register cannot be disclosed at any time, confirming that they will not disclose data to any unauthorised party; and
- after the election, they will return any discs and paper records provided to them and securely destroy any other electronic or paper copies of the data in line with the Information Commissioner's guidelines.

4.30 You should also conduct a test-run by submitting sample data to the printers in advance of 'live' data being submitted. This will also enable pre-

proofs to be developed, so that it is clear which part of the data should go where on the poll card.

4.31 You should also liaise with your Royal Mail contact (or other commercial delivery firm) at an early stage to ensure that you have appropriate licences in place and that the poll card meets specific delivery requirements.

4.32 Regardless of whether you have outsourced the production of poll cards you remain responsible for ensuring that they are produced in accordance with the legislation. You should therefore ensure that you have arrangements in place which enable you to quality-assure the whole process.

4.33 In order to ensure that voters receive the information they need you should have in place a process for checking live proofs of poll cards, including those for absent voters, as well as arrangements to check the actual stationery being produced, which will highlight if any of the signed-off proofs have been inadvertently altered. Random spot checks within polling districts could also be carried out so that a representative cross-section can be checked.

4.34 We have produced a [proof checking factsheet](#) which you can use to help you quality assure the whole process. Having robust proof checking processes in place can help detect any errors and avoid any potential data breaches before they occur.

We have published a resource for ROs on [quality assurance of the production and delivery of election materials](#)



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure you have robust processes in place for ensuring that there are no errors on poll cards. To demonstrate that the outcome can be delivered you will need to have in place processes for the proof-checking of poll cards.

4.35 EROs must publish two interim election notices of alteration before publishing the final election notice of alteration on the fifth working day before the poll.<sup>158</sup> These notices support the prompt dispatch of poll cards to those electors who have applied to register close to the registration deadline.

4.36 The first interim notice of alteration must be published on the last day for the delivery of nominations,<sup>159</sup> which is the twenty-third working day before the poll. The second interim notice must be published between the twenty-second and the sixth working day before the poll (inclusive).<sup>160</sup> The Convener of the EMB may direct when the second interim notice of election should be published by EROs for scheduled polls.

4.37 An update of the registration data resulting from each of the interim notices of alteration should be sent to your printers as soon as practicable to enable the production of poll cards for new electors.



Further information on interim notices is included in [Maintaining the register throughout the year](#) of the Commission's guidance for EROs.

Further details on the management of contractors and suppliers can be found in [Part B – Planning and organisation](#). We have also produced a [contract development checklist](#) to support you in your work with contractors/suppliers.

## Poll card delivery

4.38 You must send out poll cards to electors across your council area and their proxies.

4.39 The Convener of the EMB may direct when the first issue of poll cards are dispatched for scheduled polls



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure that poll cards can be received by voters as soon as possible so that they have the maximum amount of time to act on the information. To demonstrate that the outcome can be delivered, you will need to set out information on the method for delivery of poll cards, including an estimation of when poll cards will be delivered.

4.40 Poll cards may be delivered by hand or by post.<sup>161</sup>

### **Delivery by hand**

4.41 If you decide to deliver poll cards by hand you should plan for how this will work in practice. You should appoint sufficient staff to ensure that poll cards can be received by voters as soon as possible to maximise the time they have to change their registration details or apply for an absent vote. You should clearly set out in your instructions the last day by which you would expect all poll cards to have been delivered.

4.42 You should ensure that staff are aware of data protection considerations, and should consider requiring staff to confirm in writing at the point of recruitment, that they will abide by your data protection policy.

4.43 You should also have in place a mechanism for monitoring delivery, with a view to ensuring that poll cards have been delivered across the whole of the council area and to agreed timeframes. This may include requiring delivery staff to fill in log sheets and having supervisors carry out spot-checks.

### **Delivery by post**

4.44 You may use Royal Mail or any other commercial delivery firm for the delivery of poll cards. If you are delivering poll cards by post, you should liaise with your postal services provider to agree timescales for delivery and obtain any proof of postage that the firm provides.

4.45 You should also have in place a mechanism for monitoring the delivery of poll cards, with a view to ensuring that they have been delivered across the whole of the council area and to agreed timeframes. If possible, you should have arrangements in place to track deliveries in order to assist with responding to any enquiries from electors.

4.46 Your contingency planning should address how you would issue any poll cards in the event that Royal Mail or the commercial delivery firm you have contracted are unable to deliver the poll cards, for example, due to industrial action.

4.47 A poll card must be sent to the elector's qualifying address or, in the case of a proxy, to the proxy's address as shown in the list of proxies.<sup>162</sup>

4.48 In the case of detained prisoners or prisoners held on remand, at elections on or after 5 May 2022, you must send a poll card to the place at which they are being detained rather than the address at which they are registered.<sup>163</sup>

4.49 An anonymous elector's poll card must be sent in a covering envelope to the elector's qualifying address or, where a different address has been specified on their registration application, the poll card must be sent to that other address.<sup>164</sup>

We have published a resource for ROs on [quality assurance of the production and delivery of election materials](#)

## Production of ballot papers

4.50 The EMB may arrange for the production of all ballot papers to be printed by the e-count contractor for scheduled polls. In this case the EMB will discuss numbers and delivery timetables with you so that you can take these into account in your election planning.

4.51 In any case, you will need to provide candidate information to the contractor so that the ballot papers can be produced, and you will need to ensure that the returned proofs are correct. If arranged by the EMB you will be provided with information on how this process will work in practice.

4.52 If you send data to a contractor to produce ballot papers for the election, you are using a processor. As a data controller, data protection legislation imposes a legal obligation when using a processor to formalise the working relationship in a contract which sets out:

- the subject matter, nature and purpose of the processing;
- the obligations and rights of the data controller;
- duration of the processing; and
- the types of personal data and categories of data subjects.

4.53 In addition, the contract must set out specific obligations on the processor, including that they:

- comply with your instructions
- are subject to a duty of confidentiality
- keep personal data secure and notify you of any breach
- maintain written records of the processing activities they carry out for you
- only use a sub-processor with your consent
- submit to audits and inspections and provide you with whatever information you need to ensure compliance with data protection requirements
- delete or return all personal data to you as requested at the end of the contract.

General guidance on the management of contractors and suppliers and on monitoring their work can be found in [Part B – Planning and organisation](#).

## Checking of ballot papers

4.54 You should have robust proof-checking processes in place, as well as arrangements to check the ballot papers while being printed. This will highlight if any of the signed-off proofs have been inadvertently altered. This could include, for example, ensuring that proofs are checked twice by at least two people.

4.55 When proof-checking ballot papers, you should check that:

- every candidate is included on the ballot paper with their particulars shown as required by law
- every candidate is listed in alphabetical order by surname
- every detail on the ballot paper is spelt correctly
- every emblem that has been validly requested has been included beside the correct candidate and matches the party's entry in the Commission's register
- all candidate descriptions have been printed against the correct candidate
- the voting instructions at the top of the ballot paper match the legislative requirements
- the ballot papers have been cut to the correct size
- the official mark as agreed by the EMB with the printers has been included

4.56 Once you have received the printed ballot papers, you should carry out a final check before any ballot papers are issued either at a postal vote issuing session or supplied to a polling station. This should be done by checking at least the first and last ballot paper in every book and by checking that the ballot paper numbers in each book or packet run sequentially.

General guidance on the management of contractors and suppliers and on monitoring their work can be found in [Part B – Planning and organisation](#). We have also produced a [contract development checklist](#) to support you in your work with contractors/suppliers.

We have also produced a [proof checking factsheet](#) and a resource for ROs on [quality assurance of the production and delivery of election materials](#) which you can use to help you quality assure the whole process.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure you have robust processes in place for ensuring that there are no errors on the ballot papers. To demonstrate that the outcome can be delivered, you will need to have in place a process for proof-checking ballot papers, as well as arrangements to check the ballot papers whilst being printed, which will highlight if any of the signed-off proofs have been inadvertently altered.

## Colour of ballot papers and the official mark

4.57 The Convener of the EMB may direct the colour of the ballot papers and the tendered ballot papers for scheduled polls

4.58 The Convener of the EMB may also direct the form of the official mark for scheduled polls, which may be different for polling station ballot papers to those issued in postal vote packs. In this case, the Convener of the EMB will provide you with the official marks that must be used. You must ensure that they appear on the polling station and postal vote ballot papers as appropriate.

## Number of ballot papers to be printed

4.59 The Convener may direct or give a recommendation on the volume of ballot papers to be printed for scheduled polls. Regardless of direction, you should be aware of the likely pattern of turnout in your wards and take account of this in your planning.

4.60 There are significant risks attached to printing ballot papers based on lower than 100% turnout levels. For example, if you start running out of ballot papers on polling day it will be more difficult at that stage to print additional ballot papers and send these to the affected polling stations in a timely manner.

4.61 If you decide for any reason not to print ballot papers based on 100% turnout of eligible electorate, you should carefully assess the risks.

4.62 As part of your risk assessment you should consider:

- the particular context of these polls
- any particular local circumstances

- Projected turnout – taking into account the potential for late engagement and interest in the elections. As a minimum you should assume that the turnout will be not less than the turnout at the last equivalent polls.
- any local or national issues which may affect turnout
- whether having a stock of additional ballot papers ready for rapid delivery to polling stations is preferable, in terms of your ability to respond to additional demand, and more cost effective than printing ballot papers on polling day.

4.63 You should also take steps to ensure that additional ballot papers can be printed at short notice if required and decide how polling station staff would be briefed should this situation occur.

## Ballot paper security

4.64 Once the official mark is printed on ballot papers, they are effectively 'live'. Your security arrangements should prevent unauthorised access to or use of the ballot papers at all times.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to maintain the secure storage of ballot papers at all times. To demonstrate that the outcome can be delivered, you will need to have in place arrangements for securely storing ballot papers that prevent unauthorised access to or use of the ballot papers during all stages of the production process and storage between printing and the poll.

# 5 Polling station voting

5.1 We have produced a [polling station handbook](#) which covers in detail the voting procedures and what to expect on polling day. The guidance contained in the polling station handbook has not been reproduced here. Instead, this part of our guidance focuses on the preparations you will need to make in advance of polling day.

## Certificates of employment

5.2 A person employed by you at a polling station or a police officer can be issued with a certificate of employment allowing them to vote at another polling station within the ward, rather than their prescribed one.

5.3 A certificate of employment must be in the prescribed form and signed by you as Returning Officer or in the case of a police officer, by a Police Inspector (or higher ranking officer) of the police.<sup>165</sup>

## Setting up polling stations

Guidance on the identification of suitable polling stations can be found in [Part B – Planning and organisation](#).

5.4 You should take all necessary steps to ensure that polling stations are laid out with the voter in mind. In particular, the needs of voters with a range of disabilities should be taken into account. The positioning of all of the required furniture and equipment, as well as where all of the notices should be displayed, should also be considered, along with the placement of signage within the polling station and external signage.

5.5 You should develop plans for the layout of each of your polling stations which can be used to assist those setting up the polling stations. You should consider voter throughput and flow, including how the voter will move through the voting process from entering to exiting the polling station.

5.6 Whoever is in charge of setting up polling stations should be instructed on how to do so and what the layout should be capable of achieving.

5.7 If polling station staff are not expected to set up polling stations, they should be instructed to check that the polling station has been set up properly, and should have reference to any layout plans you have produced and the polling station set-up checklist in the Commission's polling station handbook when doing so. The polling station handbook also covers the positioning of equipment and display of notices, and provides examples of layouts for both a room where there is one polling station and a room where there is more than one polling station.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure access needs are taken into account when planning for and setting up polling stations and that polling station staff are trained to set-up polling stations in such a way that takes account of voter needs. To demonstrate that the outcome can be delivered, you will need to have made an assessment regarding access needs, identifying any problems and actions taken to remedy these, and provide guidance/training to polling station staff.

Further guidance on training polling station staff can be found in [Part B – Planning and organisation](#).

5.8 Polling station inspector visits can be used to check polling station set-up and to ensure that all notices remain properly displayed throughout polling day.

Further details on the role of polling station inspectors can be found in [Part B – Planning and organisation](#).

We have also produced a [checklist for polling station inspectors](#) that they can use when undertaking their visits.

## Polling station equipment and materials

5.9 You must provide polling stations with certain materials:

- Ballot box(es)
- Ballot papers (including tendered ballot papers)
- Materials to enable voters to mark their ballot papers (in practice, pencils or pens - you may wish to provide a string to attach pencils/pens to the polling booths)
- Relevant part of the register
- Lists of absent voters – lists of postal voters, proxy voters and postal proxies
- Form to record the details of electors who have been issued ballot papers after the correction of a clerical error (which may be appended to the polling station register)
- Corresponding number list
- Large -print version of the ballot paper for display inside the polling station.
- Enlarged hand-held sample copy of the ballot paper to give to electors to take to a polling booth with them for reference
- Voting device for use by blind or partially sighted voters. This must allow the ballot paper to be attached and detached without damaging the ballot paper. It should also hold the ballot paper firmly in place and allow the voter to identify the space on the ballot paper on which to mark their preference against the candidates
- Ballot paper accounts

- Declaration by companions of voters with disabilities
- List of tendered votes
- List of votes marked by the Presiding Officer.
- Statement of number of votes marked by the Presiding Officer.
- List of voters with disabilities assisted by companions.
- Guidance for voters notice (to be displayed inside every polling station) and the Information for voters notice (to be displayed inside every polling booth).
- Polling screens.
- A copy of the requirements as to secrecy.
- Packets, with seals, in which to place the items to be returned to you, such as postal ballot papers returned to the polling station, and for packaging the election documentation at close of poll.<sup>166</sup>

5.10 In addition, you should provide:

- envelopes, with seals, in which to place any ballot papers that have been issued but which the elector has not placed in the ballot box
- form or list to record electors marked as postal voters but who claim not to have applied for one
- notepaper for use by polling station staff
- stationery items as required, e.g. paper clips, drawing pins, adhesive tack, adhesive tape
- plastic sacks for returning stationery and equipment to the verification venue
- envelopes for making up assorted packets

5.11 You should check that all polling station equipment is fit for purpose and that you have a sufficient quantity, particularly in the event of a high turnout.

5.12 You should have prepared your polling station equipment and materials in good time before polling day, for either delivery to polling stations or collection by Presiding Officers.

5.13 As part of your evaluation of the suitability of your polling stations you will already have considered accessibility issues both inside and outside of each of your polling stations. You should ensure that any additional equipment you have identified as required to make the polling station accessible is delivered and set up in good time for the opening of the poll.

5.14 Where a polling station has an induction loop installed, it should be used wherever possible to support the accessibility of the electoral process to voters with hearing loss. Polling station staff would need to be trained on how to use these at the briefing session.

5.15 You must provide a copy of the relevant [secrecy requirements](#) to all polling station staff.<sup>167</sup>



5.16 You should consider whether more than one ballot box may be needed in some polling stations. All ballot boxes provided for use in polling stations must be sealed by polling station staff at the start of the poll.

## Allocation of ballot papers

5.17 You must provide each polling station with such number of ballot papers as, in your opinion, may be necessary.<sup>168</sup> If you are not allocating ballot papers for 100% of electors entitled to vote in person at the polling stations careful consideration needs to be given to the number that will be required in each case.

5.18 As part of your consideration, you should consider expected turnout levels. You should assume that the turnout will be not less than the turnout at the last equivalent poll, and you should take into account the potential for late engagement and interest in the election, and any local or national issues which may affect turnout.

5.19 If you decide for any reason not to allocate ballot papers to polling stations based on 100% turnout of eligible electorate, you should have plans in place to ensure that additional ballot papers can be provided to any polling station that may require them in a timely manner and give clear advice to Presiding Officers about how to complete the ballot paper accounts to take account of the additional allocation.

5.20 When allocating ballot papers to polling stations, ensure that the numbers on the ballot papers allocated to each polling station run consecutively in order to avoid any problems with completing the corresponding number list or ballot paper accounts. Further guidance on the printing of ballot papers is provided in Chapter 4 - **Production of notices, poll cards and ballot papers**.

5.21 Tendered ballot papers must also be supplied to Presiding Officers.<sup>169</sup> Tendered ballot papers should be supplied to polling stations in a sealed envelope with instructions stating that the envelope should be opened and the ballot papers within it issued only in prescribed circumstances, and a brief description of those circumstances should also be provided. This can help to avoid tendered ballot papers being issued in error.

5.22 You should take all necessary steps to ensure that all polling station staff understand that there are limited circumstances in which tendered ballot papers can be issued, and are made aware of what these circumstances are and what processes they will be required to follow for issuing them. The circumstances under which tendered ballot papers can be issued and the processes for doing so are covered in the Commission's [polling station handbook](#).

Further guidance on training polling station staff can be found in [Part B – Planning and organisation](#).

# Polling station registers and absent voting lists

5.23 You must provide each Presiding Officer with the appropriate part of the register for their polling station and appropriate absent voting lists.<sup>170</sup> Polling station staff should have been trained on the various franchise markers that will appear on the register. Polling station staff should be aware of the importance of the security of voters' personal details on the electoral register and absent voting lists.

5.24 Polling station registers can be printed once the final election notice of alteration has been published, five working days before polling day. You should ensure that all printed polling station registers are checked to ensure that they are complete, reflect any recent additions or deletions to the register, and that the appropriate franchise markers are in place. You should also instruct your Presiding Officers to check that they have been provided with the correct register for their polling station and that it includes the expected number of electors allocated to their polling station.

5.25 Procedures should be put in place to deal with any necessary amendments to polling station registers and proxy lists after they have been printed resulting from alterations as a result of correcting clerical errors or court decisions on registration appeals and the granting of emergency proxy applications.

5.26 Identifying and rectifying clerical errors are the responsibility of the ERO and more information about that process, including some examples, can be found in our ERO guidance [Clerical errors on the electoral register](#).

5.27 Whether such determinations are made before polling day or on polling day itself, you should have in place a method for communicating the relevant information to Presiding Officers, which may be done orally or in writing.

5.28 You should liaise and agree with the ERO how any changes to the register as a result of a clerical error, court decision or the granting of an emergency proxy can be communicated.

5.29 Where a clerical error has been rectified and the relevant elector arrives at the polling station and applies for a ballot paper, the Presiding Officer must issue a ballot paper in the usual manner. The Presiding Officer must also make a written record of the elector to whom ballot papers have been issued following an alteration to the register due to a clerical error.<sup>171</sup> This record should include the elector's name and elector number. To assist Presiding Officers, you should attach an additional sheet to the polling station registers to allow them to record any such amendments.

5.30 Similar processes should also be developed to communicate additions to the list of proxy voters as a result of emergency proxy applications.

5.31 Where a person makes a complaint to polling station staff that suggests that they should be on the electoral register, the Presiding Officer should communicate that representation to the ERO as soon as is practicable. For this to work effectively there will need to be suitable communication systems in place between Presiding Officers and the ERO.

## Corresponding number lists

5.32 The corresponding number lists are prescribed documents that can be found in the appendix to the election rules, though forms ‘to like effect’ can be used.<sup>172</sup>

5.33 There are two types of corresponding number list: one list, which is the list to be used at postal vote issuing sessions, contains the ballot paper numbers of every ballot paper produced, as well as the elector numbers of postal voters; and another list, which is the one to be used in polling stations, and contains the ballot paper numbers and a column to add the elector numbers of voters to whom those ballot papers are issued.<sup>173</sup>

## Packets for postal ballot papers delivered to polling stations

5.34 Postal voters can return their postal votes by hand to any polling station in the council area.<sup>174</sup>

5.35 Polling station staff should be appropriately briefed to identify which postal votes can be returned to their polling station.

Further details on the training of polling station staff can be found in [Part B – Planning and organisation](#).

5.36 You should provide polling stations with packets for received postal votes. The number and style of packets should, as a minimum, be based on returns at the last equivalent poll, taking into account the potential for late engagement and interest in the election, and any local or national issues which may affect turnout.

5.37 Records of all such packets should be kept so that each one can be accounted for. The packets should be clearly labelled as containing postal votes. The labels should include the name of the polling station and polling station identifier. You should ensure that the packets are capable of being securely sealed. Polling agents are entitled to attach their seal to sealed packets before they are removed from the polling station and must therefore be permitted to do so.<sup>175</sup>

5.38 You should emphasise to Presiding Officers the importance of maintaining the security of postal votes returned to polling stations by

instructing them to immediately place any returned postal votes in the packets provided and to ensure that the packets are stored securely throughout the day.

5.39 You should arrange for postal votes to be collected from polling stations throughout the day as this will help to reduce the number that will have to be dealt with after the close of poll. Polling station inspectors can perform this duty. You should ensure that processes are in place to maintain a clear audit trail and to ensure the security of collected postal vote packets while in transit.

## Polling station log

5.40 You should prepare a polling station log for polling station staff to use to record any problems or anomalies. Where a voter is unable to vote for any administrative reason, their name and address should be recorded in the log.

5.41 Polling station staff should also be advised to use this log to record anything that may help to explain any apparent issues with the ballot paper accounts at the verification – for example, if a voter has been seen leaving the polling station with a ballot paper. You should consider instructing Presiding Officers to keep the log and ballot paper accounts together when delivering the ballot papers to the count.

5.42 You should also instruct polling station staff to record in the polling station log, any instances where they are required to ask the prescribed questions as a result of suspected personation. This should be done once the person in question has left the polling station. They should record as much information as possible, for example, any distinguishing characteristics, which may help any future investigation. Appendix 7 of the [polling station handbook](#) sets out the procedure for dealing with personation, which involves asking the prescribed questions.

5.43 If you are concerned that personation may have taken place at a polling station you should contact your SPOC and you can also contact your [local Commission team](#) for additional support.

## 'Guidance for voters' notice

5.44 You are required to produce the 'Guidance for voters' notice.<sup>176</sup> The contents and display of this notice is prescribed in legislation though a form to like effect may be used.<sup>177</sup>

5.45 The 'Guidance for voters' notice is required to be printed in conspicuous characters and graphical format and must be displayed inside the polling station and exhibited in every polling booth.<sup>178</sup>

## Use of English in polling stations

5.46 You should ensure that when you brief polling station staff, you make clear that, in polling stations, only English should be used when assisting or giving instructions to electors. This will ensure transparency in proceedings, and will enable any observers or polling agents present in the polling station to monitor the voting process.

5.47 Some voters may need assistance in another language because of their limited English language skills. You should therefore carefully consider what support you are able to provide to voters in your area who may have limited English language skills, in particular by providing translations of the polling station notices. In some exceptional cases the translated notices may not be sufficient or appropriate. For example, a voter may have low levels of literacy or may have a question that falls outside of what is covered by the notices. In those circumstances, if polling station staff are able to provide information in a language spoken by the voter, assistance in a language other than English may then be provided. Where assistance is given in another language, polling station staff should explain to other staff and any polling agents or observers present what question has been asked and the response given.

## 'Selfies' in polling stations

5.48 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,<sup>179</sup> whether intentionally or not, our advice is that you should not allow photos to be taken inside polling stations.

5.49 You should ensure that all polling station staff are aware of this guidance. You might also want to consider displaying a notice inside polling stations to make clear that photography of any kind (including photos taken on mobile phones) is not permitted. You may also want to consider whether you will allow the use of mobile phones at polling stations and whether to have signs explicitly prohibiting the use of mobile phones inside polling stations.

## Provision of information on the number of ballot papers issued

5.50 An election agent or polling agent might ask polling station staff for information on the number of ballot papers issued. It is for you to decide whether to release this information. A request for the number of ballot papers that have been issued can only be made by those who are entitled to be inside the polling station. If you decide to provide this information, you must be careful not to release any information that may risk breaching the secrecy of the ballot.

For the referendum on the UK's membership of the European Union, we produced a [summary sheet](#) on providing information on the number of ballot papers issued in the polling station, which you may find helpful.

## Close of poll

5.51 Voters who at 10pm are in a queue at their polling station for the purpose of voting may apply for a ballot paper.<sup>180</sup>

5.52 Good planning and flexible staffing should minimise the risk of there being queues at polling stations. As part of your planning you should consider where queues may arise and ensure that you have arrangements in place to be able to respond in the event of queues developing. You should ensure that polling station staff are monitoring turnout throughout the day and providing progress reports to polling station inspectors, and that you are kept informed if there is any intelligence that indicates a risk of there being a queue at close of poll at any polling station. However, you still need to be prepared to deal with any queues should they arise. You should also consider involving your police SPOC in planning arrangements to deal with possible queues at the close of poll, so they can assist you with queue management if necessary.

Further guidance on staffing arrangements at polling stations and relevant training of staff so they can carry out each other's roles in as far as the law permits can be found in [Part B – Planning and organisation](#).

5.53 The Commission's [polling station handbook](#) sets out in detail the processes to be followed at the close of poll, including how to deal with voters held in a queue at 10pm.

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<sup>1</sup> Rules for Conduct of a Scottish Local Government Election, Schedule 1, Scottish Local Government Elections Order 2011 (Local Government Rules 2011).

<sup>2</sup> Section 5(3), Local Electoral Administration (Scotland) Act 2011 (LEAS 2011).

<sup>3</sup> Section 76(2)(b) Representation of the People Act (RPA) 1983

<sup>4</sup> Section 76 RPA 1983

<sup>5</sup> Regulation 97, Representation of the People (Scotland) Regulations 2001 (RPR (Scotland) 2001).

<sup>6</sup> Regulation 97, RPR 2001 and sections 13AB and 13B, RPA 1983

<sup>7</sup> Regulations 101 and 107, RPR (Scotland) 2001.

<sup>8</sup> Regulations 61 and 101, RPR (Scotland) 2001.

<sup>9</sup> Section 14(6) and (8), Scottish Elections (Reduction of Voting Age) Act 2015 (2015 Act).

<sup>10</sup> Section 14(5), 2015 Act.

<sup>11</sup> Section 14(1), 2015 Act.

<sup>12</sup> Section 14(3), 2015 Act.

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- <sup>13</sup> Rule 5 Local Government Rules 2011, Sch 1 Scottish Local Government Elections Order 2011
- <sup>14</sup> Rule 4, Local Government Rules 2011, as amended by Scottish Local Government Elections Amendment Order 2020
- <sup>15</sup> Rule 4(5) and (9), Local Government Rules 2011.
- <sup>16</sup> Rule 4(5) and (6), Local Government Rules 2011.
- <sup>17</sup> Rule 7(2)(b), Local Government Rules 2011.
- <sup>18</sup> Rule 14(3) to (6), Local Government Rules 2011.
- <sup>19</sup> Rules 4(1) and 6(2), Local Government Rules 2011.
- <sup>20</sup> Rule 6(2)(b), Local Government Rules 2011.
- <sup>21</sup> Rule 1, Local Government Rules 2011.
- <sup>22</sup> Rule 3(1)(a), Local Government Rules 2011.
- <sup>23</sup> Rule 1, Local Government Rules 2011.
- <sup>24</sup> Rules 4(1) and 5, Local Government Rules 2011.
- <sup>25</sup> Rules 4(5)(b) and 14(5)(b), Local Government Rules 2011.
- <sup>26</sup> Rule 7, Local Government Rules 2011, as amended by Scottish Local Government Elections Amendment Order 2020.
- <sup>27</sup> Rule 4, Local Government Rules 2011.
- <sup>28</sup> Rule 6(2), Local Government Rules 2011.
- <sup>29</sup> Rule 4(1) Local Government Rules 2011
- <sup>30</sup> Rule 4(1), Local Government Rules 2011.
- <sup>31</sup> Rules 4(5)(b) and 14(5)(b), Local Government Rules 2011.
- <sup>32</sup> Rule 4(5), Local Government Rules 2011.
- <sup>33</sup> Rule 4(1), Local Government Rules 2011.
- <sup>34</sup> Rule 7, Local Government Rules 2011.
- <sup>35</sup> Rule 4(1), Local Government Rules 2011.
- <sup>36</sup> Rule 14(6), Local Government Rules 2011.
- <sup>37</sup> Section 65B, Representation of the People Act 1983 (RPA 1983).
- <sup>38</sup> Section 65B(2)(a), RPA 1983.
- <sup>39</sup> Section 168(1), RPA 1983; section 225(8), Criminal Procedure (Scotland) Act 1995 and Schedule 1, Interpretation Act 1978.
- <sup>40</sup> Rule 4(1), Local Government Rules 2011, as amended by Scottish Local Government Elections Amendment Order 2020
- <sup>41</sup> Rule 4(3), Local Government Rules 2011.
- <sup>42</sup> Rule 14(7), Local Government Rules 2011.
- <sup>43</sup> Rule 7(8), Local Government Rules 2011
- <sup>44</sup> Rules 14(2) and 20(3), Local Government Rules 2011.
- <sup>45</sup> Rule 7(2) Local Government Rules 2011
- <sup>46</sup> Rule 14(7), Local Government Rules 2011.
- <sup>47</sup> Rule 14(8), Local Government Rules 2011
- <sup>48</sup> Rule 5 and Form 2, Local Government Rules 2011.
- <sup>49</sup> Rule 5, Local Government Rules 2011.
- <sup>50</sup> Rule 6 and Form 2, Local Government Rules 2011, as amended by Scottish Local Government Elections Amendment Order 2020.
- <sup>51</sup> Rule 4 (10) and (12) Local Government Rules 2011, as amended by Scottish Local Government Elections Amendment Order 2020.
- <sup>52</sup> Rule 7(2), Local Government Rules 2011.
- <sup>53</sup> Rule 4(9), Local Government Rules 2011.
- <sup>54</sup> Section 28A, Political Parties, Elections and Referendums Act 2000 (PPERA 2000).
- <sup>55</sup> Rule 4(6), Local Government Rules 2011.
- <sup>56</sup> Rule 7(2)(b), Local Government Rules 2011.
- <sup>57</sup> Section 29, PERA 2000.
- <sup>58</sup> Section 30(6A), PERA 2000.
- <sup>59</sup> Rule 7(2)(b), Local Government Rules 2011.
- <sup>60</sup> Rule 4(4) and (6), Local Government Rules 2011.
- <sup>61</sup> Rule 4(5)(b), Local Government Rules 2011.
- <sup>62</sup> Rule 4(7) and (8), Local Government Rules 2011.
- <sup>63</sup> Rule 4(7), Local Government Rules 2011.

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- <sup>64</sup> Rule 14(3) Local Government Rules 2011
- <sup>65</sup> Rule 14(4), Local Government Rules 2011.
- <sup>66</sup> Rule 14(3) to (5), Local Government Rules 2011.
- <sup>67</sup> Rule 7(1), Local Government Rules 2011.
- <sup>68</sup> *Greenway Stanley v Paterson* [1977] 2 All ER 663; *R v An Election Court ex parte Sheppard* [1975] 1 WLR 1319. While these are English cases, a Scottish court may find the arguments in these cases persuasive.
- <sup>69</sup> This is based on an English case, *Sanders v Chichester* (1995) 139 SJLB 15. However, a Scottish court may find the arguments in this case persuasive.
- <sup>70</sup> Rule 7(3), Local Government Rules 2011.
- <sup>71</sup> Rule 7(2), Local Government Rules 2011, as applied with Rule 4 and Rule 6 Local Government Rules 2011, as amended.
- <sup>72</sup> Rule 4(11) and 4(12)(a) or (b) Local Government Rules 2011
- <sup>73</sup> Rule 4(4), Local Government Rules 2011.
- <sup>74</sup> Rule 7(2)(b), Local Government Rules 2011.
- <sup>75</sup> Rule 7(2)(b), Local Government Rules 2011.
- <sup>76</sup> Rule 7(3), Local Government Rules 2011.
- <sup>77</sup> Rule 7(5) Local Government Rules 2011
- <sup>78</sup> Rule 7(6) Local Government Rules 2011
- <sup>79</sup> Rule 7(1), Local Government Rules 2011.
- <sup>80</sup> Rule 7(7) and (8) Local Government Rules 2011
- <sup>81</sup> Rule 10(1), Local Government Rules 2011.
- <sup>82</sup> Rule 10(2), Local Government Rules 2011.
- <sup>83</sup> Rule 10(3), Local Government Rules 2011.
- <sup>84</sup> Section 50, RPA 1983
- <sup>85</sup> Rule 11, Local Government Rules 2011.
- <sup>86</sup> Rule 11A(1) Local Government Rules 2011
- <sup>87</sup> Rule 11A(3), Local Government Rules 2011
- <sup>88</sup> Rule 11A(2), Local Government Rules 2011
- <sup>89</sup> Rule 8, Local Government Rules 2011.
- <sup>90</sup> Rule 8, Local Government Rules 2011.
- <sup>91</sup> Rule 8, Local Government Rules 2011.
- <sup>92</sup> Rule 14 (1), Local Government Rules 2011
- <sup>93</sup> Rules 1 and 20, Local Government Rules 2011.
- <sup>94</sup> Rule 9, Local Government Rules 2011.
- <sup>95</sup> Rule 9, Local Government Rules 2011.
- <sup>96</sup> Rules 1 and 12(2) and (3), Local Government Rules 2011.
- <sup>97</sup> Rule 12(4), Local Government Rules 2011.
- <sup>98</sup> Rule 12(4), Local Government Rules 2011.
- <sup>99</sup> Rule 12(3)(a), Local Government Rules 2011.
- <sup>100</sup> Rule 12(3)(b), Local Government Rules 2011.
- <sup>101</sup> Rule 12(3)(c), Local Government Rules 2011.
- <sup>102</sup> Rules 62(1) and 65(1), Local Government Rules 2011
- <sup>103</sup> Rule 62, Local Government Rules 2011.
- <sup>104</sup> Rule 64, Local Government Rules 2011.
- <sup>105</sup> Rule 63(2)(a) and (b), Local Government Rules 2011.
- <sup>106</sup> Rule 63(2)(c), Local Government Rules 2011.
- <sup>107</sup> Rule 63(3), Local Government Rules 2011.
- <sup>108</sup> Rule 62(4)(a), Local Government Rules 2011.
- <sup>109</sup> Rule 62(4)(b), Local Government Rules 2011.
- <sup>110</sup> Rule 66, Local Government Rules 2011.
- <sup>111</sup> Rule 62(4)(c), Local Government Rules 2011.
- <sup>112</sup> Rule 65(2)(a), Local Government Rules 2011.
- <sup>113</sup> Rule 65(2)(b), Local Government Rules 2011.
- <sup>114</sup> Rule 66, Local Government Rules 2011.
- <sup>115</sup> Rules 63(7) and (8) and 65(9) and (10), Local Government Rules 2011.
- <sup>116</sup> Rule 65(4), Local Government Rules 2011.
- <sup>117</sup> Rule 63(4), Local Government Rules 2011.



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- 118 Rule 65(5) and (8), Local Government Rules 2011.
- 119 Rule 65(6), Local Government Rules 2011.
- 120 Rule 65(7), Local Government Rules 2011.
- 121 Section 67(1), RPA 1983.
- 122 Section 67(2), RPA 1983.
- 123 Section 70(1), RPA 1983.
- 124 Section 70(2) and (3), RPA 1983.
- 125 Sections 67(3) and (4) and 70(3A), RPA 1983.
- 126 Section 67(4), RPA 1983.
- 127 Section 69 (1), RPA 1983
- 128 Section 69(2)(b), RPA 1983.
- 129 Section 70(5), RPA 1983 refers to the address given in the nomination paper. Rule 4 of the Local Government Rules 2011 now require the home address to be given on the home address form
- 130 Section 69(1), RPA 1983.
- 131 Section 67(6), RPA 1983.
- 132 Regulation 7, Representation of the People (Postal Voting for Local Government Elections) (Scotland) Regulations 2007 (2007 Regulations) and rule 26, Local Government Rules 2011.
- 133 Regulation 7(2), 2007 Regulations and rule 26(3), Local Government Rules 2011.
- 134 Regulation 8, 2007 Regulations and rule 27(10), Local Government Rules 2011.
- 135 Regulations 6(d) and 7(1), 2007 Regulations.
- 136 7(2), 2007 Regulations.
- 137 Regulation 18, 2007 Regulations.
- 138 Rules 26(1)(a) and 28(1)(d), Local Government Rules 2011.
- 139 Rule 26(3), Local Government Rules 2011.
- 140 Rule 28(3), Local Government Rules 2011.
- 141 Rule 26(1)(b), Local Government Rules 2011.
- 142 Rule 26(3), Local Government Rules 2011.
- 143 Rule 41(1), Local Government Rules 2011.
- 144 Rule 26(2), Local Government Rules 2011.
- 145 Rule 26(2), Local Government Rules 2011.
- 146 Section 200, RPA 1983.
- 147 Section 199C(2) and (3), RPA 1983.
- 148 Section 199C(4), RPA 1983.
- 149 Rule 25(6), Local Government Rules 2011.
- 150 Rule 3, Local Government Rules 2011.
- 151 Rule 1, Local Government Rules 2011.
- 152 Rule 20(1), Local Government Rules 2011.
- 153 Rule 20(1), Local Government Rules 2011.
- 154 Rule 20 and Form 7, Local Government Rules 2011, as amended by Scottish Local Government Elections Amendment Order 2020
- 155 Rule 20(4), Local Government Rules 2011.
- 156 Rule 20(4), Local Government Rules 2011
- 157 Rule 24(1), Local Government Rules 2011.
- 158 Sections 13AB and 13B, RPA 1983.
- 159 Section 13AB(5), RPA 1983.
- 160 Section 13AB(6), RPA 1983.c
- 161 Rule 24(1), Local Government Rules 2011
- 162 Rule 24(3), Local Government Rules 2011.
- 163 Rule 24(3A). Local Government Rules 2011
- 164 Section 9B(8), RPA 1983 and forms 9 to 12, Local Government Rules 2011.
- 165 Rule 28(4) Local Government Rules 2011
- 166 Rules 22(3), 25, 27(10), 34(2), 35(2)(b), (4) and (7), 36(7), 38 and 40(1) and (3), Local Government Rules 2011.
- 167 Rule 27(10), Local Government Rules 2011.
- 168 Rule 25(1), Local Government Rules 2011.
- 169 Rule 25(1), Local Government Rules 2011.
- 170 Rule 25(3) Local Government Rules 2011

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- <sup>171</sup> Rules 33(1) (as modified by rule 33(3)) and 38, Local Government Rules 2011.  
<sup>172</sup> Rule 15(2)(b), Local Government Rules 2011.  
<sup>173</sup> Rule 15(2) and Form 6, Local Government Rules 2011.  
<sup>174</sup> Rule 43(2)(a), Local Government Rules 2011.  
<sup>175</sup> Rule 40(1), Local Government Rules 2011.  
<sup>176</sup> Rule 25(4), Local Government Rules 2011.  
<sup>177</sup> Rule 25(4) and Form 13, Local Government Rules 2011.  
<sup>178</sup> Rule 25(4), Local Government Rules 2011.  
<sup>179</sup> Rule 27, Local Government Rules 2011.  
<sup>180</sup> Rule 33(6), Local Government Rules 2011