

Candidates and agents at the constituency election

Scottish Parliamentary Election – 6 May 2021

Briefing on 25 March 2021

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Who's who

- The Constituency Returning Officer, Eileen Howat, is responsible for the constituency election and managing polling stations.
- The Regional Returning Officer, Gavin Stevenson, is responsible for the regional election and the allocation of regional seats.
- The Electoral Registration Officer, Helen McPhee is responsible for maintaining the register of electors and absent voters' lists.
- Contact details are provided later.

Election Timetable

Publication of Notice of Election	15 March 2021
Nominations Commence	16 March 2021
Close of nominations and deadline for withdrawals of candidature	4pm – 31 March 2021
Notification of appointment of election agents	4pm – 31 March 2021
Publication of statement of persons nominated and notice of poll (if no objections)	5pm – 31 March 2021 (if no objections) 4pm – 1 April 2021 (if objections are made)
Deadline for new postal votes or to make changes to existing postal or proxy votes	5pm – 6 April 2021
Deadline for cancelling existing postal or proxy votes	5pm – 20 April 2021
Deadline for applications to register to vote	19 April 2021

Election
timetable
(cont'd)

Deadline for applications for new proxy votes	5pm – 27 April 2021
Appointment of counting and polling agents	28 April 2021
Appointment of sub agents	4 May 2021
Polling day	7am to 10pm
Deadline to apply for an emergency proxy	5pm – Polling day
Replacement for spoilt postal votes ends	10pm – Polling day
Replacement for lost postal votes ends	10pm – Polling day
Alterations to register to correct clerical error	9pm – Polling day
Return of spending returns to the CRO	+ 35 calendar days from result

Staying safe – Covid considerations

General public health principles that everyone should follow in all aspects of daily life, including participating in elections:

- Maintain physical distancing
- Clean hands regularly
- Avoid touching your face
- Wear a face covering where necessary
- No-one should attend any electoral events if they are unwell, symptomatic with COVID-19, a confirmed case or a confirmed contact of someone who is self-isolating

Qualifications

- To qualify as a candidate you must (on the day you are nominated and on polling day):
 - be at least 18 years of age
 - be a British citizen, an eligible Commonwealth citizen or a qualifying foreign national

Disqualifications

- A person cannot be a candidate if, at the time of your nomination or your election:
 - you are a full-time member of the judiciary
 - you are a civil servant
 - you are a member of the armed forces
 - you are a member of the police force
 - you are a member of a legislature of any country or territory outside the Commonwealth (other than Ireland)
 - you hold an office that is mentioned in the Scottish Parliament (Disqualifications) Order 2020

Disqualifications

- Also, you cannot be a candidate if:
 - your estate has been sequestrated by a court in Scotland and you have not been discharged; or you are currently subject to a bankruptcy restrictions order or debt relief restrictions order made by a court in England, Wales or Northern Ireland
 - you are currently serving a prison sentence of at least one year
 - you have been disqualified under Part III of the Representation of the People Act 1983 (which relates to donations and other offences)

- Dual candidacy
- You can be a candidate for both a constituency and a region, but the constituency must be within the region
 - You must stand for the same party in both contests, or be an independent in both contests
 - You cannot stand in more than one constituency or in more than one region
 - If you are elected at the constituency election, your name will be disregarded at the allocation of regional seats

Nominations

- Nomination papers must be submitted to Wynne Carlaw, Depute Constituency Returning Officer, by **4pm on 31 March 2021**

Completing nomination papers

- Take care when completing your nomination papers, as mistakes may invalidate your nomination.
- Complete nomination papers early and arrange for us to provide an informal check.

Nomination form

If you wish to stand as a constituency candidate, your form must contain:

- your **full name**
- your **full home address**
- the name, address and signature of a **witness** to your nomination

You also have an option to include on the form:

- a **registered party name** (if authorised to use one)
- the description 'Independent' (or no description at all)
- any names you commonly use (and which you wish to appear on the ballot paper).

Submitting nomination papers

- **Anyone** can deliver the nomination papers on behalf of a constituency candidate, but it should be someone you trust.
- The nomination form and the consent to nomination must be submitted by hand.
- Party candidates - the certificate of authorisation and emblem request form may be submitted by post, but may not be submitted by fax, email or other electronic means.

The deposit

- A candidate must deposit **£500** with the CRO so that their nomination is valid.
- Payment can be made using legal tender (cash), debit card or bankers' draft from a drawer which carries on business as a banker in the United Kingdom
- If a candidate obtains more than 5% of the valid votes cast, the deposit will be returned.

Consent to nomination

- All candidates must consent to their nomination.
- On the consent to nomination form candidates are asked to confirm that they are not disqualified from being a Member of the Scottish Parliament
- The form must also contain:
 - the candidate's name and address
 - the candidate's date of birth
 - the signature of a witness

Descriptions you can use if you are standing for a political party

- You can use either:
 - the exact party's name as registered with the Commission, or
 - One of the party's descriptions as registered with the Commission
 - If authorised, the party name can be preceded by the word 'Scottish' if it is not already part of the name. If the party name begins with 'The', then 'Scottish' would be inserted after that word.
- To use a party's name you must have **a certificate of authorisation** signed by the party's Nominating Officer (or someone authorised to act on their behalf).

Certificate of authorisation

- Party candidates must have written permission to use the party name/description from the Nominating Officer (or a person authorised to act on their behalf)
- **A certificate of authorisation may:**
 - Allow the use of the party name or a particular description
 - Allow candidate to choose whether to use the party name or any of the descriptions registered with the Electoral Commission
- Should be provided with the other nomination papers at the time of the informal check/ formal nomination

Joint descriptions

- As a constituency candidate, you can stand for election for more than one party and use a joint description
- You will need a certificate of authorisation from the Nominating Officers for both parties and they can allow the use of a joint description consisting of the names of both parties.

Emblem requests by party candidates

- If you are standing on behalf of a party, you can also request to have a party emblem appear on the ballot paper.
- The emblem must be registered by the party and published on the Electoral Commission's register of political parties.
- The request must be made in writing and should be provided with the other nomination papers at the time of the informal check/ formal nomination – a form is included in the nomination pack.

Election agent

- Responsible for the proper management of the campaign and in particular its financial management.
- All constituency candidates must have an election agent, but you can act as your own agent if you wish.
- The appointment of the election agent must be declared to the Constituency Returning Officer before **4pm on 31 March 2021**

Other Agents

- **Sub-agents**

The election agent may appoint sub-agents to act on their behalf in the constituency, as long as those parts do not overlap. The agent must give written notice to the **CRO by 4 May 2021**
- **Polling and counting agents**

The CRO requires notice in writing of any people appointed as polling agents and any persons nominated to attend the counting of the votes **by 28 April 2021**
- **Postal vote agents**

The appointment of postal voting agents attending a particular opening session must be made before the start of the session. We will give 48 hours' notice

Access to the electoral register / lists of absent voters

- Access by candidates – once you officially become a candidate:
 - Earliest, 27 working days before polling day
 - Once you or others have declared yourself a candidate after this date / date you submit your nominations paper
- Make written request to the ERO – forms are available from the ERO

Access to the
electoral
register /
lists of absent
voters

- Only use data for permitted purposes!
 - to complete the nomination form
 - to help you campaign
 - to check that donations/loans are permissible

Registration

- As a candidate you are uniquely placed to encourage people to register to vote.
- You should encourage people to register as soon as possible.
- The deadline for applying for the election is **19 April 2021**.
- Individuals can register online at **<https://www.gov.uk/register-to-vote>**. It only takes a few minutes.

Registration

- When discussing registering to vote with individuals, you will need to make them aware that they will need:
 - their National Insurance number,
 - date of birth and address to register.
- People who do not have or cannot find their National Insurance Number can still register, but they may need to provide further information. If so, they will be contacted by the ERO.

Absent voting

- If you are encouraging people who don't have a postal (or proxy) vote to apply for one, make sure you explain that they will only qualify for one in time for the elections if they are (or will be) registered in time to vote at the elections.

Campaigning

- The Scottish Government's current stay at home guidelines do not support door to door campaigning or leafleting by individual political party activists.
- Campaigning at this point in time is therefore not considered essential or necessary activity. However, you can continue to send voters campaigning information remotely
- Any changes to this position are to be determined and communicated by the Scottish Government.
- You should continue to check the latest government guidelines on national and local restrictions, and be aware that different restrictions could apply to different parts of the electoral area

Campaigning dos and don'ts

- Do use imprints on all your campaign material, including websites.
- Do comply with planning rules relating to advertising hoardings and large banners.
- Do make sure outdoor posters are removed 2 weeks after the election.
- Do not produce material that looks like a poll card.
- Do not pay people to display your adverts (unless they display adverts as part of their normal business).

Code of conduct for campaigners

- Campaigners are an essential element of a healthy democracy, but their activities should not bring into question the integrity of the electoral process.
- Electoral registration and absent vote applications:
 - Ensure forms fully confirm to the requirements of electoral law
 - Include the EROs address for the return of forms
 - Ensure unaltered applications are sent to ERO within **two working days**.
 - Make sure electors understand implications of applying for an absent vote.
 - Do not encourage postal ballot pack redirection.
 - Do not encourage electors to appoint a campaigner as proxy.

Code of conduct for campaigners

- Postal ballot packs:
 - Never touch a postal ballot paper
 - Never observe electors completing their postal vote.
 - Never handle or take any completed ballot paper or postal ballot pack from voters
- Campaigning outside polling stations:
 - You are allowed to put your messages to voters on polling day, including public spaces outside polling places
 - Keep access to polling places and the pavements around polling places clear to allow voters to enter.
 - Campaigning is not permitted within a polling station or polling place (building in which the polling stations are situated and the boundary of the property at which those buildings are located). Two metres social distancing will be maintained inside the polling place and inside and outside the polling stations, and priority will be given to voters; as a result, tellers must remain outside the polling place

Polling day

- We have put arrangements in place to ensure that polling stations are safe places to vote
- Most of the measures that will be in place will be familiar to us all from visiting other public places such as shops and banks, for example floor markings to ensure physical distancing and the provision of hand sanitiser on entry and exit
- Voters will be encouraged to bring their own pen or pencil for use in polling stations, but pencils will also be made available for anyone who needs one
- Voters should be encouraged to check their poll card before polling day, to see if their polling station has changed since previous elections.

Polling day

- Polling stations open from 7am to 10pm
- Office open **6am to 10pm** for queries or problems relating to the administration of the election
 - contact the Electoral Commission for any queries about a candidate's campaign literature (contact details shown later)
- Voters in the polling station or in a queue outside the polling station at 10 pm can apply for a ballot paper
- Postal votes – can be handed into polling stations within voting area or delivered to the elections office until 10pm.
- A person in a queue at a polling station at 10pm waiting to hand in postal vote can do so after 10pm.

Counting of votes

- We have also made adaptations to the verification and count in light of the public health situation.
- The anticipated duration of the count is likely to be longer than usual because of the impact of measures to ensure the safety of staff and observers.

Counting of votes

- Count centre will open to candidates, agents and spectators from 8.30am
- The count will be held in:
 - Citadel Leisure Centre, South Harbour Street, Ayr, KA7 IJB
- Make sure appointments for counting agents are submitted to the **CRO by 28 April 2021**
 - Limits to counting agents [x]

Spending issues

Election spending

- The time when spending and donation rules apply is called the 'regulated period'.
- The regulated period for the Scottish Parliamentary election is divided into two periods: the '**long campaign**' (started 6 January and stops on the day you officially become a candidate) and the '**short campaign**' (begins the day after you officially become a candidate and ends on polling day).

Election spending

You must keep within the spending limit for each period and keep separate records of spending for each period.

Long campaign:

Burgh constituency = £21,500 + 4.2p per elector

County constituency = £21,500 + 6.3p per elector

Short campaign:

Burgh constituency = £8,700 + 6p per elector

County constituency = £8,700 + 9p per elector

(Ayr Constituency is a Burgh constituency)

No spending will be reimbursed

Details about the spending limits for candidates can be found in [Part 3 of the Commission's guidance for candidates and agents](#)

Spending returns

- Election agents must deliver a constituency candidate's spending return to the CRO **within 35 calendar days** of the declaration of result of the election
- Election agents and candidates must deliver declarations vouching for the candidate's election spending return to the CRO
- The election agent's declaration must be delivered at the same time as the return. Generally all candidates' declarations must be delivered **within 7 working days** of the election agent submitting the return.

Contacts

Contacts

- Election Office of the CRO
election@south-ayrshire.gov.uk/ 01292 612300
- CRO – Eileen Howat
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- Depute CRO – Douglas Hutchison
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- Depute CRO – Catriona Caves
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- Depute CRO – Wynne Carlaw
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- Depute CRO – Karen Briggs
karen.briggs@south-ayrshire.gov.uk/ 01292 612416
- Electoral Registration Officer – Helen McPhee
ero@ayrshire.vjb.gov.uk/ 01292 612221

Contacts

- Regional Returning Officer – Gavin Stevenson
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- Electoral Commission contacts
 - infoscotland@electoralcommission.org.uk
 - Tel: 0131 225 0200

Questions

The
Electoral
Commission

Thank you