**Argyll and Bute Election Office**
**Returning Officer: Pippa Milne**

Kilmory, Lochgilphead, Argyll PA31 8RT
Tel: 01546 603264 Fax: 01546 606874
e.mail: elections@argyll-bute.gov.uk
www.argyll-bute.gov.uk/elections
Direct Line: 01546 603264
Ask For: David Logan
Our Ref: SC/LGE/01
Your Ref:
Date: September 2023

**To Prospective Candidates and Election Agents**

**ARGYLL AND BUTE COUNCIL LOCAL BY-ELECTION – NOMINATION PACK**
**Date: Thursday 2 November 2023**

I enclose nomination papers, including relevant supporting documentation for the Local By-Election for the South Kintyre Ward to be held on **Thursday 2 November 2023.**

**Delivery of Nomination Papers**

Nomination papers must be delivered by hand. Arrangements have been made to accept nomination papers at:

**Election Office, Kilmory Headquarters, Lochgilphead, Argyll PA31 8RT**

To help facilitate the process we would recommend that you submit completed papers by e-mail to elections@argyll-bute.gov.uk for an informal check prior to arranging to deliver these by hand. Having had your nomination papers informally checked staff will provide you with a link to make an appointment to formally lodge your nomination papers. If you would like to combine an informal and formal check at the same time, to assist in ensuring that appropriate members of staff are on hand to receive nominations, it would be helpful if candidates and/or election agents would contact a member of the Election Team on 01546 603264 or by e-mail elections@argyll-bute.gov.uk to arrange a mutually convenient date and time.

The nomination period starts on **Wednesday 20 September 2023** and nomination papers can be lodged up to 4pm on each working day until the deadline at **4pm on Monday 2 October 2023.**

**Coronavirus**

We are not currently working to any controls or restrictions around Coronavirus, but will continue to take note of advice provided by the Electoral Management Board for Scotland, Public Health Scotland, the local Director of Public Health and our own Council's Health and Safety advisors.

**PIPPA MILNE**
Returning Officer for Argyll and Bute Council

ARGYLL AND BUTE COUNCIL BY-ELECTION

DATE OF ELECTION – 2 NOVEMBER 2023

# NOMINATION PACK

## LIST OF CONTENTS AND CHECKLIST FOR NOMINATION PACKS

| **Description** | **Documents to be returned to the Returning Officer by close of nominations** | **Documents to be returned to the Electoral Registration Officer** |
|---|---|---|
| Notes for Prospective Candidates | | |
| Timetable | | |
| Notice of Election | | |
| Checklist for completing Nomination paper | | |
| Nomination Paper | ✔ | |
| Home Address Form | ✔ | |
| Certificate of Authorisation (Registered Party candidates only) | ✔ | |
| Request for use of the Registered Party's Emblem | ✔ | |
| Notice of Appointment of Election Agent | ✔ | |
| Request for Register of Electors | | ✔ |
| Request for Absent Voters List | | ✔ |
| Guidelines for display of posters on street furniture and Use of Schools, Rooms for Election Meetings | | |
| Notice of Situation of Polling Places | | |
| Polling Arrangements and Procedure Notes | | |
| Requirement of Secrecy | | |
| Privacy Notice | | |
| | | |

**Note**: If you require any further assistance please do not hesitate to contact the Returning Officer's Office on 01546 603264

# Argyll and Bute Council

## Local By-Election

## 2 NOVEMBER 2023

## Candidates and Election Agents Guidance Notes

# Elections

## Argyll and Bute 2023

# IMPORTANT

- You must return completed nomination forms and related papers between 10.00am and 4.00pm on any week day between Wednesday 20 September and Monday 2 October 2023.

- It is very important that you keep to these dates. The Returning Officer, is by law, unable to accept any form after this date.

- You must return the forms to **The Returning Officer, Kilmory Headquarters, Lochgilphead, Argyll PA31 8RT.**

# CHECKLIST OF ITEMS TO BE LODGED

The items which must be lodged by no later than 4.00pm on Monday 2 October 2023 are:

- Nomination Form (by hand) *
- Appointment of Election Agent *
- Home Address Form*
- Certificate of Authorisation from Registered Nominating Officer *+
- Request for inclusion of Party emblem on ballot papers *+

*These forms are included in the nomination pack by the Returning Officer.

+For candidates standing for a Political Party

# THE ELECTION TEAM

The Chief Executive of Argyll and Bute Council is the Returning Officer, responsible for the conduct of the poll and the counting of votes afterwards. A team organises and administers the election.

## Returning Officer

Pippa Milne
Chief Executive
Argyll and Bute Council
Kilmory Headquarters
Lochgilphead
Argyll PA31 8RT

Day to day enquiries are dealt with by:

David Logan
Depute Returning Officer
Elections Office
Kilmory Headquarters
Lochgilphead
PA31 8RT

01546 604322
Mob 07979 306766
David.Logan@argyll-bute.gov.uk

Sandra Campbell – Melissa Stewart
Election Administrator
Elections Office
Kilmory Headquarters
Lochgilphead
PA31 8RT

01546 603264
melissa.stewart@argyll-bute.gov.uk
Sandra.campbell@argyll-bute.gov.uk

Shirley MacLeod
Committee Manager
Elections Office
Kilmory Headquarters
Lochgilphead
PA31 8RT

01546 603264
Shirley.macleod@argyll-bute.gov.uk

Election enquiries to elections@argyll-bute.gov.uk or visit www.argyll-bute.gov.uk/elections

# ELECTORAL REGISTRATION ENQUIRIES

Enquiries about Electoral Registration and Applications for postal or proxy votes are dealt with by the Electoral Registration Officer, Kilbrannan House, Bolgam Street, Campbeltown PA28 6HZ

Tel: 01586 55 5303 Fax: 01586 55 2883 0800 9800470
or visit www.saa.gov.uk/dab-vjb or E-mail ero-abc@dab-vjb.gov.uk

# ARGYLL AND BUTE COUNCIL ELECTIONS

# DATE OF ELECTION – 2 NOVEMBER 2023

# NOTES FOR PROSPECTIVE CANDIDATES

The following notes are for the guidance of prospective candidates. More election information is available at the Argyll and Bute elections website www.argyll-bute.gov.uk/elections

## 1. Poll

A copy of the notice of election is enclosed. In the event of a contest, polling will take place on Thursday 2 November 2023. The hours of poll will be 7.00 am to 10.00 pm.

## 2. Nomination Paper

Nomination papers completed and subscribed in accordance with the provisions of the Scottish Local Government Elections Order 2011 must be delivered by hand by the candidate, by his/her election agent or someone you trust, to the **Returning Officer, at Kilmory Headquarters, Lochgilphead, Argyll PA31 8RT** on any working day between the hours of 10.00 am and 4.00 pm beginning on Wednesday 20 September and ending at 4.00 pm on Monday 2 October 2023.

The nomination papers must state the candidate's –

a) name in full, with the surname placed first

b) home address in full; and

c) description, (if desired)

Where a candidate commonly uses a name which is different from any other name the candidate has, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper. So if you are named Elizabeth but you are commonly called Liz, and you want Liz (and not Elizabeth) to appear on the ballot paper then you must include Liz in the commonly used forenames box on the Nomination Paper. If you want Elizabeth to appear on the ballot paper leave the commonly used forenames box blank.

However, the ballot paper will show the proper name if the returning officer thinks –

a) that the use of the commonly used name may be likely to mislead or confuse electors; or
b) that the commonly used name is obscene or offensive.

The nomination paper must be completed to show the basis on which the candidate is qualified - because his/her name is included in the register of electors for the Council area; or because he/she has occupied land as owner or tenant, had his/her principal or

only place of work in, or resided in the Council area. Care should be taken when completing the qualification declaration to ensure that the correct qualification is used. This is normally, but it is not always and need not be, the first (ie that the candidate is a local government elector), in which case the address given in the qualification must be exactly as that shown in the current register of electors and so too must the electoral number of the candidate. The electoral number consists of the polling district letters and number(s) as shown in the relevant section of the Register of Electors and the elector's own number in that section e.g. AA12/123.

The candidate must sign the nomination form. This must be witnessed by one witness; the witness signing and giving his/her name and address.

It is essential that the nomination paper should be completed fully and accurately. Incomplete or inaccurate papers may be rejected. The nomination paper is in the nomination pack available from the Returning Officer, or downloadable from the website.

## 3. Candidate

The candidate must have attained the age of 18 at the day of nomination and must be a British or other Commonwealth citizen or citizen of the Republic of Ireland or a citizen of another Member State of the European Community and not subject to any legal capacity and (in terms of Section 29 of the Local Government (Scotland) Act 1973) –

a) is, on the day he/she is nominated, a local government elector for the area of the authority; or
b) has, during the whole of the 12 months preceding the day on which he/she is nominated, occupied as owner or tenant any land or other premises in the area of the authority; or
c) his/her principal or only place of work in the 12 months preceding the day on which he/she is nominated has been in the area of the authority; or
d) has, during the whole of the 12 months preceding the day on which he/she is nominated, resided in the area of the authority.

The candidate must not be disqualified from being nominated as a candidate by reason of any of the disqualifications in section 31 of the Local Government (Scotland) Act 1973 or Section 1(1) of the Local Government and Housing Act 1989 which are shown on the back of the nomination paper.

A candidate who has been elected to the Council may for the purposes of the Protection of Vulnerable Groups (Scotland) Act 2007 be required to consent to an application for membership of the Protection of Vulnerable Groups Scheme.

## 4. Consent to Nomination

A person is not validly nominated as a candidate unless his/her consent to nomination is given on the nomination paper on or within one month before the last day for the delivery of nomination papers. The consent requires the candidate to state that he/she is aware of the various disqualification provisions and to the best of his/her knowledge he/she is not disqualified.

## 5. Candidate's Description

The particulars of a candidate given in a nomination paper may, if desired, include a

description. A description need not be included, but if it is, it will be printed on the ballot papers and in the Notice of Poll. (see also paragraph 6 below).

The description, if any, must consist of either –

a) the name of a party registered under section 28 of the Political Parties, Elections and Referendums Act 2000;

b) a description registered for use by a political party or parties under section 28A or 28B of the same act; or

c) the word “independent”

## 6. Registration of Political Parties

The Scottish Local Government Election Rules provide that no nomination may be made in relation to a local government election unless the nomination is in respect of –

(a) A person who stands for election in the name of a qualifying registered party; or

(b) A person who does not purport to represent any party.

A party is a “qualifying registered party” if the party was, on the last day for publication of the Notice of the Election, registered in respect of that part of Great Britain in the Great Britain Register maintained by the Electoral Commission. A person does not purport to represent any party if either the description of the candidate given in his or her nomination paper is “Independent” or no description of the candidate is given in his or her nomination paper.

The Scottish Local Government Election Rules provide in Rule 4 that a nomination paper may not include a description of a candidate which is likely to lead voters to associate the candidate with a registered political party unless the description is authorised by a Certificate –

(a) issued by or on behalf of the Registered Nominating Officer of the Party; and

(b) received by the Returning Officer at some time during the period for the delivery of nomination papers (and must be received by the closing time).

If the Certificate is issued on behalf of the relevant Registered Nominating Officer the Returning Officer requests that it is accompanied by written evidence of delegation, to the person issuing the Certificate, signed by the relevant Registered Nominating Officer. A person is guilty of a corrupt practice if he or she fraudulently purports to be authorised to issue a certificate.

If in the Returning Officer’s opinion a nomination paper breaches Rule 4, he/she must give a decision to that effect as soon as practicable after the close of the period for delivery of nomination papers.

The effect of all of the foregoing is that a person may only stand as a candidate at a local government election if his or her nomination paper is accompanied by a Certificate authorising his or her candidature issued by, or on behalf of, the Nominating Officer of a registered party, or if his or her nomination paper either gives the description

"Independent" or gives no description whatsoever.

For convenience a form is enclosed which may be used by the person certifying the candidate's description.

## 7. Emblems

If a candidate who is the subject of a party's authorisation under Rule 4 so requests, then the ballot paper will contain, against the candidate's particulars, the party's registered emblem (or one of the party's registered emblems). The request must be made **by the candidate**, must be **made in writing** to the Returning Officer, must accurately identify the emblem, and must be **received** by the Returning Officer before the last time for the delivery of nomination papers. The ballot paper can contain only one emblem (per candidate) registered by that Party in the Register of Political Parties.

Candidates are not entitled to use variations of the emblem registered. The use of emblems applies only to candidates from Registered Political Parties. No other candidates are allowed to have emblems on the ballot paper.

For convenience, a form is enclosed which may be used by the candidate to request the use of an emblem.

## 8. Delivering the Nomination Paper

The nomination paper must be delivered by hand **by not later than 4.00pm on Monday 2 October 2023** to the **Returning Officer at Kilmory Headquarters, Lochgilphead, Argyll PA31 8RT.**

Nomination papers can be obtained from Kilmory Headquarters or may be downloaded from www.argyll-bute.gov.uk/elections. Irrespective of where the nomination paper is obtained it should be delivered (hand delivery) to the Election Office at the address given. It should not be delivered to any other Council office. If it is, the Returning Officer cannot guarantee that it will be delivered to themselves as required by the Local Government Election Rules.

## 9. Withdrawal of Candidates

Should a candidate wish to withdraw themselves from nomination they can do so in the prescribed manner, but intimation must be made to the Returning Officer, in writing, at the Office for the delivery of nomination papers not later than 4.00 pm on Monday 2 October 2023. The Notice of Withdrawal must be signed by the candidate and attested by one witness.

## 10. Election Agent

In terms of section 67 of the Representation of the People Act 1983 a person must be named by each candidate as the Election Agent for that candidate. The Election Agent's name and address must be declared in writing to the Returning Officer by not later than 4.00 pm on Monday 2 October 2023. A candidate may name themselves as Election Agent. The declaration as an Election Agent of a person other than the candidate must be made by the candidate, and must be accompanied by a written declaration of acceptance signed by the Election Agent.

The notice given to the Returning Officer must include the address of the office of the Election Agent to which all claims, notices, writs, summonses and documents may be sent. An agent must have an office and the address (which may be the person's home) must be given. This applies equally where the candidate appoints themselves as their own election agent.

If no agent is named within the required time, or if the agent appointed dies and a new appointment is not made on the day of death or the following day, or if the appointment of the agent is revoked without a new appointment being made, the candidate will be deemed to have appointed themselves as agent.

For convenience a form on which intimation of the appointment of an Election Agent may be given is enclosed.

## 11. Candidates Free Copy of Register

The Electoral Commission Guidance manual contains information about using the electoral register which candidates are entitled to receive on request.

Such a request should be made in writing direct to the Electoral Registration Officer, Kilbrannan House, Bolgam Street, Campbeltown, PA28 6HZ using the form which will be available in the nomination pack and should –

(a) specify the documents requested and

(b) state whether a printed copy of any of the documents is requested instead of the version in data form (unless a specific request for printed copy is made it will be provided in data form).

As noted above there are restrictions on the use of the full Register supplied to candidates as follows:-

No candidate or election agent who has been supplied with a copy of the register may –

(a) supply a copy of the full register to any person;

(b) disclose any information contained in it (that is not contained in the edited register); or

(c) Make use of any such information,

except for electoral purposes.

Advice from the Electoral Commission is that "electoral purposes" should be defined as anything to do with the process of campaigning and getting elected. Fundraising, including by political parties, for the purposes of communicating with voters and campaigning to get elected may count as "electoral purposes". The Order applies to the period between elections and equally to people who are not members of political parties.

Any person who contravenes the restrictions in use specified above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.

## 12. Absent Voting

All applications to vote by post or for changes to an existing proxy and other applications and notices about postal and proxy voting must, if they are to be effective for this election, reach the Electoral Registration Officer, Kilbrannan House, Bolgam Street, Campbeltown, PA28 6HZ (Telephone 01586 555300 for more information) by 5.00 pm on **Wednesday 18 October 2023**. Applications to cancel or alter existing proxy votes must reach the ERO by 5.00pm on Wednesday 25 October 2023.

New applications to vote by proxy (not postal proxy) must be with the ERO by 5.00 pm on **Wednesday 25 October 2023**.

## 13. Opening of Postal Voters Ballot Envelopes

Candidates will be advised in due course as to the arrangements for the opening of postal voters' envelopes.

## 14. Polling and Counting Agents

Notification of the appointment of Polling and Counting Agents must be given to the Returning Officer by not later than **Thursday 26 October 2023.** Whilst there is no restriction on the number of polling agents who may be appointed, only one polling agent will be admitted to a Polling Station on behalf of any one candidate at any one time. All persons acting in the capacity of agent must be notified in writing of the requirement of secrecy before so acting.

## 15. Counting of Votes

The counting of votes will take place on Thursday 2 November 2023 at a time and venue to be confirmed.

## 16. Election Expenses

The Electoral Commission' guidance manual for candidates and agents contains information about election expenses.

The Election Agent of every candidate must deliver, within thirty five days after the day on which the result of the election is declared, a return containing as respects that candidate a statement of all payments made by the Election Agent together with all bills or receipts, for items of more than £20, relating to the payments.

Saturdays, Sundays and certain holidays are not excluded in reckoning time for this purpose and the return must be delivered by the Election Agent to the office to which the nomination paper was delivered.

The return must be accompanied by a declaration made by the Election Agent. At the same time that the Election Agent delivers that return, or within seven days afterwards, the candidate must deliver a declaration made by themselves, unless the candidate is out of the United Kingdom when the return is delivered, in which case their declaration may be made and delivered within fourteen days after their return to the United Kingdom.

The completion and delivery of the return and these declarations as to election expenses is a statutory requirement.

**Expenses Limit**

The expenses limit at this election for a candidate in this ward is £806 + 7p for every entry in the Register of Electors to be used at the Election as it has effect on the last day for publication of the Notice of Election. Election expenses are not reimbursable by the Returning Officer.

At local government elections candidates can be considered to be joint candidates for the purposes of election spending limits. The maximum limit is reduced in the case of joint candidates. Where there are two joint candidates the limit for each is reduced by one quarter. Where there are three or more joint candidates the limit for each is reduced by one third.

Candidates (but only in the same ward) are regarded as joint candidates if they do any of the following –

a) employ the same election agent
b) use the services of the same clerks or messengers (except accidental, casual or trivial use of the same)
c) hire or use the same committee rooms at an election
d) publish joint addresses, circulars or notices at election.

**Regulated Period**

The regulated period is the period between when a person becomes a candidate and polling day. A person becomes a candidate on the last day for publication of the notice of election (Monday 25 September 2023) if they have already been declared a candidate on or before that date.

A person who has not been declared a candidate by **19 September** becomes a candidate on the date (whichever is the earlier) on which they are-

a) declared by themselves or by others to be a candidate
b) nominated as a candidate.

## 17. Council Wards

Argyll and Bute Council comprises 36 Councillors, elected by the Single Transferable Vote (STV) system of proportional representation. Each ward elects either 3 or 4 Councillors. There are 11 wards – 8 with three Councillors and 3 with four Councillors. The ward for this by-election is listed below, and maps can be seen at www.argyll-bute.gov.uk/elections.

| Name of Ward | Number of Councillors to be elected |
|---|---|

| | | |
|---|---|---|
| 1 | South Kintyre | 1 |

**Pippa Milne**
**Returning Officer**

Kilmory
Lochgilphead
PA31 8RT

*NOTE*
*These notes have been compiled for the assistance of prospective candidates. They are not to be taken as a definitive statement of the law and the Returning Officer accepts no responsibility for any errors or omissions in them. Candidates are referred to the appropriate Statutes and Election Rules and should, of course, seek their own independent advice.*

| ARGYLL AND BUTE LOCAL ELECTIONS – 2 NOVEMBER 2023 | | |
|---|---|---|
| Notice of Election to be published on<br><br>Notice of Election: to be published not later than 4.00pm on | <br><br>-28 | Tuesday 19 September 2023<br><br>Monday 25 September 2023 |
| Delivery of nomination papers: between the hours of 9.00am and 4.00pm on any day after the date of publication of the notice of election | -27 | From Wednesday 20 September 2023 |
| Latest time for lodging Nomination Papers not later than 4.00pm on | -23 | Monday 2 October 2023 |
| Latest time for lodging appointment of Election Agent not later than 4.00pm on | -23 | Monday 2 October 2023 |
| Latest time for withdrawal of Nomination Paper not later than 4.00pm on | -23 | Monday 2 October 2023 |
| Publication of Statement as to Persons Nominated/Notice of Poll and list of polling stations | -23 | As soon as practicable after 4.00pm on Monday 2 October 2023 |
| **First Issue of Poll Cards** | -22 | Tuesday 3 October 2023 |
| **First Issue of Postal Packs**<br><br>Delivery of blank postal packs and ballot papers | | Monday 9 October 2023<br><br>Tuesday 10 October 2023 |
| **Last date for receipt of new applications for the Register** | **-12** | **Tuesday 17 October 2023** |
| **Last day for applications for a new postal vote; to change a postal vote to a proxy vote, or vice-versa, or to have a postal ballot paper sent to a different address, or to cancel a postal or proxy not later than 5.00pm on** | **-11** | **Wednesday 18 October 2023** |
| Second issue of Poll Cards | | Monday 23 October 2023 |
| Second Issue of Postal Votes | | Tuesday 24 October 2023 |
| **Last day for new applications to vote by proxy (not postal proxy): not later than 5.00pm on** | **-6** | **Wednesday 25 October 2023** |
| Last day for appointment of Polling and Counting Agents | -5 | Thursday 26 October 2023 |
| Opening of Postal Votes | | Various from Friday 13 October |
| Last date for clerical amendments to register 9.00pm or new proxies on grounds on medical emergencies or for work reasons – not later than 5.00pm | | Thursday 2 November 2023 |
| Last day to apply for replacement postal ballot papers – not later than 10.00pm on | | Thursday 2 November 2023 |
| **POLLING** | | **THURSDAY 2 November 2023** |
| Verification and Count 10pm | | Thursday 2 November 2023 |
| Latest date for delivery of return of declarations as to election expenses | 35 | Friday 8 December 2023 |

# NOTICE OF ELECTION

## ARGYLL AND BUTE COUNCIL

# Election of Councillor

I, Pippa Milne, the Returning Officer for Argyll and Bute Council, hereby give notice that a by-election is to be held for the return of **one Councillor** for the SOUTH KINTYRE Ward No. 1 of Argyll and Bute Council.

| | Ward | Number of Councillors to be elected |
|---|---|---|
| 1 | South Kintyre | 1 |

1. Nomination forms can be downloaded from www.argyll-bute.gov.uk/elections or obtained from the Election Office at Kilmory Headquarters, Lochgilphead, Argyll PA31 8RT. This office is open for the issue and delivery of nomination papers, on weekdays from 10.00am to 4.00pm from Wednesday 20 September 2023.

2. Completed nomination forms **must** be delivered to the Returning Officer at the above address by **4pm** on Monday 2 October 2023.

3. An election will be held if the Ward is contested and voting will take place between 7am and 10pm on Thursday 2 November 2023.

4. Applications to register to vote **must** reach the Electoral Registration Officer at Kilbrannan House, Bolgam Street, Campbeltown PA28 6HZ by 12 midnight on **Tuesday 17 October 2023**. Applications can be made online: **https://www.gov.uk/register-to-vote**.

**Postal or proxy voting**

1. Any elector may apply for a postal or proxy vote at this election.

2. Applications, amendments or cancellations of postal votes **must** reach the Electoral Registration Officer at Kilbrannan House, Bolgam Street, Campbeltown PA28 6HZ by 5pm on **Wednesday 18 October 2023**.

**3.** Applications to vote by proxy at this election **must** reach the Electoral Registration Officer at Kilbrannan House, Bolgam Street, Campbeltown PA28 6HZ by 5pm on **Wednesday 25 October 2023.**

4. Applications to amend or cancel existing proxy arrangements **must** reach the Electoral Registration Officer at Kilbrannan House, Bolgam Street, Campbeltown PA28 6HZ by 5pm on **Wednesday 18 October 2023**.

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5. Applications to vote by emergency proxy at this election ie, made after the 25 October 2023 deadline on the grounds of; disability suffered after that deadline (or, for applicants who suffered a disability before the deadline, their disability meant that they could not reasonably have made an application in time), work/service reasons, following Scottish Government advice or being detained in a hospital under the civil sections of the Mental Health (Care and Treatment) (Scotland) Act 2003 or for Scottish prisoners serving a sentence of 12 months or less, must reach the Electoral Registration Officer at the address above **by 5pm on Thursday 2 November 2023.** To apply on the grounds of work/service, the person must have become aware that they cannot go to the polling station in person after 5pm on Wednesday 1 November 2023.

6. For advice on postal or proxy voting, contact the Electoral Registration Office **0800 980 0470.** Website: www.dab-vjb.gov.uk: E-Mail: ero-abc@dab-vjb.gov.uk

Pippa Milne
Returning Officer
Kilmory Headquarters
Lochgilphead PA31 8RT

Tel: 01546 605522
E-Mail: elections@argyll-bute.gov.uk
Web: www.argyll-bute.gov.uk/elections

Dated: 19 September 2023

Printed and published by the Returning Officer, Kilmory Headquarters, Lochgilphead, Argyll PA31 8RT

## You must print off the forms in this pack before submitting them

### The following forms must be delivered by hand:

1: Nomination form, including consent to nomination

2: Home address form (part 1 and part 2)

### The following papers can be delivered by hand or by post:

3: Certificate of authorisation (party candidates only)

4: Request for a party emblem (party candidates only)

5: Notification of election agent

The notice of election published by the Returning Officer will specify the times and exact location to which nomination papers must be delivered.

Ensure that where signatures are required, you submit the **original signed version** of each completed paper. Documents without original signatures cannot be accepted.

**General Data Protection Regulation (GDPR)**

Data protection legislation applies to the processing of all personal data. Please contact the Information Commissioner's Office for further information about how the legislation affects you.The lawful basis to collect the information in these forms is that it is necessary for the performance of a task carried out in the public interest and exercise of official authority as set out in the Representation of the People Act 1983 and associated regulations.

The information will be processed by the Returning Officer. For further information on data protection and data processing, you should refer to the Returning Officer's privacy notice on their website.

| CL | Council election | Candidate checklist |
|---|---|---|

This checklist is designed to assist candidates standing in a council election in Scotland in preparing to submit their nomination, and should be read alongside the Electoral Commission's Guidance for candidates and agents.

| Task | Tick |
|---|---|
| **Nomination form (all candidates)** | |
| If not pre-printed, add the name of the electoral ward and day and date of the election you are standing in | |
| Add your full name – surname in the first box and all other names in the second | |
| Optional - Use the commonly used name(s) boxes if you are commonly known by a name other than your full name and want it to be used instead of your full name | |
| Description – Party candidates can use a party name or description registered with the Electoral Commission and supported by a certificate of authorisation from that party; others can use 'Independent' or leave this blank. Whatever you enter in this box will appear as your description on the ballot paper. | |
| You must be a British citizen, qualifying Commonwealth citizen, qualifying foreign national or a schedule 6A national and not require leave to remain in the United Kingdom, or have indefinite leave to remain, or (in the case of foreign nationals) have pre-settled status. You must also be 18 years old or older on the date you sign this form. | |
| You must declare that you meet at least one of the listed qualifications (a, b, c or d) and should cross through any that do not apply. Those left should match the qualification(s) given on your home address form. | |
| You must not sign the form if you are disqualified to stand. Make sure that you read the Electoral Commission guidance on standing for election as well as the legislation listed. If you are not sure if you are able to stand you should contact the Electoral Commission or take your own legal advice. | |
| Sign and date the document in the presence of another person. You must not sign the consent to nomination earlier than one calendar month before the deadline for submitting your nomination papers | |
| Get the other person to complete and sign the witness section. This must be the same person whose details you provided as your witness on the home address form. | |
| Method of submitting the nomination form (which must include all pages of legislation) to the RO: by hand, in person (but not limited to you or your agent. It cannot be submitted by post, fax, e-mail or other electronic means. | |
| **Candidate's home address form (all candidates)** | |
| Add your full name | |
| Add your home address in full | |
| Add your qualifying address, or qualifying addresses, to each of the relevant qualifications and tick those which apply. | |
| Add the full name and home address in full of the person who will witness your nomination form. The home address form will not be accepted without this information. | |
| Please also complete part 2 of the form, this part must be submitted as part of | |

| | |
|---|---|
| your nomination papers. Part 2 includes a statement to be completed if you wish for your home address to be made public. | |
| Method of submitting the form to the RO: in person (but not limited to you or your agent), by hand, to be accompanied by the nomination form. It cannot be submitted by post, fax, e-mail or other electronic means. | |
| Certificate of authorisation (party candidates only) | |
| Ensure the certificate contains the candidate's full name | |
| Check the certificate allows the registered party name or description given on the nomination form to be used (or allows the candidate to choose to use the party name or any registered description) | |
| Ensure it is issued by the party Nominating Officer (or someone that they have authorised to issue it on their behalf) and that it is the original copy signed by that person | |
| Method of submitting the certificate of authorisation to the RO: by hand (but not limited to you or your agent) or by post (it cannot be submitted by fax, e-mail or other electronic means) | |
| Request for party emblem (party candidates only) | |
| Write the name or description of an emblem registered by the party and published on the Electoral Commission's website | |
| Ensure the request is made by the candidate | |
| Method of submitting the emblem request to the RO: by hand (but not limited to you or your agent ) or by post (it cannot be submitted by fax, e-mail or other electronic means) | |
| Notification of appointment of an election agent | |
| Give the name, address and office address of the appointed election agent. If you do not appoint an agent or choose to act as your own agent and do not provide an office address, your home address will be published on the notice of election agents if that address is within the required area. | |
| Give your name and signature (or the signature of a person authorised to act on your behalf) | |
| Ensure the appointed agent signs the form showing their acceptance (you do not need to sign the form again if you are appointing yourself as the election agent) | |
| Method of submitting the notification of election agent to the RO: by hand or by post (it cannot be submitted by fax, e-mail or other electronic means) | |

| Office Use only | Date received | Time received | Initials | No. |
|---|---|---|---|---|
| | | | | |

| 1 | Council election | Nomination form |
|---|---|---|

| *ELECTION OF COUNCILLORS / A COUNCILLOR for the | | |
|---|---|---|
| electoral ward: | South Kintyre | |
| of Argyll and Bute | | Council |
| Day and date of election | Thursday 2 November 2023 | |

| I, the undersigned, am hereby nominated as a candidate at the said election. | |
|---|---|
| **Candidate's Details** | |
| Candidate's surname | |
| Other names in full | |
| Commonly used surname (if any) (*see Note 3 below*) | |
| Commonly used forenames (if any) (*see Note 3 below*) | |
| Description (if any) (*see Note 6 below*) | |

| I, the nominee for election, consent to being nominated as a candidate for the | | |
|---|---|---|
| electoral ward: | | |
| of | | Council |
| I declare that I am qualified to be elected; that I have attained the age of 18 years and am a qualifying Commonwealth citizen or a citizen of the Irish Republic or a qualifying foreign national or a schedule 6A national; that I am not subject to any legal incapacity; and that in terms of Section 29 of the Local Government (Scotland) Act 1973: | | |
| *a. I am registered as a local government elector for the local government area named above as in the register of electors | | |
| and my electoral number (*see Note 5 below*) is*:* | | |
| and / or | *b. I have during the whole of the 12 months preceding the day of nomination occupied as owner or tenant land or premises in the area named above; | |
| and / or | *c. I have during the 12 months preceding the day of my nomination had my principal or only place of work in the area named above; | |

| | |
|---|---|
| and / or | *d. I have during the whole of the 12 months preceding my nomination resided in the area named above. |

*Delete qualifications that are not applicable

I declare that

a. I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any of the disqualifications in Section 31 of the Local Government (Scotland) Act 1973, a copy of which is printed overleaf;

b. I am not disqualified for election by reason of holding a politically restricted post in terms of Section 1(1) of the Local Government and Housing Act 1989, under a local authority within the meaning of Part 1 of that Act; and

c. I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any sanction imposed by the Standards Commission for Scotland in terms of Section 19(1)(d) of the Ethical Standards in Public Life etc. (Scotland) Act 2000

| | |
|---|---|
| Candidate's signature | |
| Date | |

Witness: I confirm the above-mentioned candidate signed the declaration in my presence.

| | |
|---|---|
| Signature of witness: | |
| Witness (name in full): | |
| | |
| Date | |

This form must be delivered to the Returning Officer by no later than 4pm on the last day for delivery of nomination papers.

A candidate who is qualified by more than one qualification should complete all of those that apply.

**Notes**

**1.** The attention of candidates and local government electors is drawn to the rules for completing nomination papers and other provisions relating to the nominations contained in the local government election rules contained in Schedule 1 to the Scottish Local Government Elections Order 2011.

**2.** Where a candidate is commonly known by some title they may be described by their title as if it were their surname.

**3.** If a candidate's nomination form gives a commonly used surname or forename in addition to or instead of another name the nomination form may state the commonly used forename or surname in addition to or instead of the other name.

**4.** But in terms of rule 14(7) and (8) the ballot paper will not show the other name if the Returning Officer thinks:

(a) that the use of the commonly used name may be likely to mislead or confuse electors; or
(b) that the commonly used name is obscene or offensive.

**5.** A person's electoral number consists of the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is registered together with the number in the register to be used at the election, except that before publication of the register the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is entitled to be registered together with the number (if any) in the electors lists for that register shall be used instead.

**6**. Description (if any) and commonly used surname / forename (if any) must be read in terms of rule 4 of the election rules. See the Electoral Commission's *Guidance for candidates and agents* for full details.

# Local Government (Scotland) Act 1973: Disqualifications

**31 – Disqualifications for nomination, election and holding office as member of local authority**

(1) Subject to subsections (2) and (3) below, a person shall be disqualified for being nominated as a candidate for elections as, or for being elected, or for being a member of a local authority if –

(a) *[This has been removed and no longer applies]*

(b) he is a person whose estate has been sequestrated by a court in Scotland or who has been adjudged bankrupt elsewhere than in Scotland; or

(ba) he is subject to a bankruptcy restrictions order;

(c) he has, within five years before the day of nomination, or election or since his election, as the case may be, been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or

(d) he is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983.

(1A) A person is disqualified for being a member of a joint board if he or a partner of his holds any paid office or employment (other than the office of convener or depute convener of the board) or other place of profit in the gift or disposal of the board.

(2) Where a person is disqualified under subsection (1) by reason of his estate having been sequestrated, the disqualification shall cease if and when –

(a) the sequestration of his estate is recalled or reduced; or

(b) he is discharged under or by virtue of the Bankruptcy (Scotland) Act 2016.

(3) Where a person is disqualified under subsection (1) above by reason of having been adjudged bankrupt, then –

(a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment;

(b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge; and

(c) if he is discharged without such a certificate, his disqualification shall cease on the expiration of five years from the date of his discharge.

(3A) A person who is for the time being an officer or employee of the Strathclyde Passenger Transport Authority or an employee of a subsidiary of that Authority shall be disqualified for being appointed or for being a member of the Strathclyde Passenger Transport Authority.

(3B) In subsection (1)(ba) above, “bankruptcy restrictions order” means –

(a) a bankruptcy restrictions order made under section 155 of the Bankruptcy (Scotland) Act 2016;

(b) *[This has been removed and no longer applies]*

(c) a bankruptcy restrictions order made under paragraph 1 of Schedule 4A to the Insolvency Act 1986; or

(d) a bankruptcy restrictions undertaking entered into under paragraph 7 of that Schedule.

**[The following section refers to candidates who are elected. Holders of posts mentioned in this section, except those in subsection (6), are not disqualified from standing for election, but must resign in compliance with this section]**

**31A – Disqualification of officers, employees etc. from remaining members of local authority**
(1) A person elected a member of a local authority who is the holder of any paid office or employment or other place of profit in the gift or disposal of the authority is disqualified from remaining a member of the authority after the relevant day unless the person complies with subsection (2) below.

(2) A person complies with this subsection by resigning, not later than the relevant day, from that office, employment or, as the case may be, other place of profit.

(3) A resignation effected in pursuance of subsection (2) above terminates the holding of the office, employment or other place of profit with immediate effect notwithstanding any contrary provision in the terms and conditions under which the office, employment or place of profit is held.

(4) In this section the “relevant day” is the day first occurring after that on which the person elected a member of the local authority was, under the local elections rules, declared to be so elected (no account being taken of a day which is a Saturday or Sunday or Christmas Eve, Easter Monday, or a bank holiday in Scotland under the Banking and Financial Dealings Act 1971 or a day appointed for public thanksgiving or mourning in Scotland).

(5) In subsection (4) above, the “local elections rules” means an order made under section 3(1) of the Local Governance (Scotland) Act 2004.

(6) This section does not affect section 1 (disqualification and political restriction of certain local government officers and staff) of the Local Government and Housing Act 1989.

## Local Government and Housing Act 1989: Political restrictions of officers and staff

**1 – Disqualification and political restriction of certain officers and staff**
(1) A person shall be disqualified from becoming (whether by election or otherwise) or remaining a member of a local authority if he holds a politically restricted post under that local authority or any other local authority in Great Britain.

# Ethical Standards in Public Life etc. (Scotland) Act 2000: Enforcement

**19 – Action on finding of contravention**

(1) Where the members of the Commission conducting a hearing find that a councillor has contravened the councillors' code or a member of a devolved public body the members' code, they shall impose one of the following sanctions—
   (a) censuring, but otherwise taking no action against, the councillor or member;
   (b) suspending, for a period not exceeding one year, the councillor's or member's entitlement to attend one or more but not all of the following—
      (i) all meetings of the council or body;
      (ii) all meetings of one or more committees or sub-committees of the council or body;
      (iii) all meetings of any other body on which the councillor or member is a representative or nominee of the council or body;
   (c) suspending, for a period not exceeding one year, the councillor's or member's entitlement to attend meetings of the council or body and of any committee or sub-committee thereof and of any other body on which the councillor or member is a representative or nominee of the council or body;
   (d) in the case of a councillor, disqualifying the councillor for a period not exceeding five years, from being, or from being nominated for election as, or from being elected, a councillor;
   (e) in the case of a member of a devolved public body, removing the member from membership of the body and disqualifying the member, for a period not exceeding five years, from membership of the body.

(2) A period of suspension imposed under subsection (1)(b) or (c) above which would continue until or after the day of the next following ordinary election of councillors shall end at the beginning of that day.

(3) Disqualification imposed under subsection (1)(d) above—
   (a) has the effect of vacating the councillor's office; and
   (b) extends to the councillor's membership of committees and sub-committees of the council of which the councillor was a member and any joint committee, joint board or other body on which the councillor is a representative or nominee of the council.

(4) Where the members of the Commission disqualify, under subsection (1)(d) above, a councillor who is also a member of a devolved public body otherwise than as a representative or nominee of the council, they may also, in respect of that membership, remove and disqualify that person under subsection (1)(e) above.

(5) The members of the Commission, on removing and disqualifying a member of a devolved public body under subsection (1)(e) above, may—
   (a) where the member is a councillor, disqualify that person under subsection (1)(d) above; or
   (b) direct that the removal from membership and disqualification apply also in respect of any other devolved public body of which the member is a member.

(6) The members of the Commission may, on imposing a suspension under subsection (1)(b) or (c) above on a member of a devolved public body, direct that any remuneration or allowance deriving from membership of the body that would be payable to the member be not paid or be reduced as they direct.

(7) The powers to remove and disqualify a person from membership of a devolved public body under subsections (4) and (5)(b) above are exercisable as respects that body only after the members' code applicable to that body first has effect.

(8) The Commission shall, after consulting such association of local authorities and any such other bodies or persons as it thinks fit, issue guidance to councils on the extent to which a councillor should engage in activities (other than those mentioned in subsection (1)(c) above) which are, or may be perceived to be, the activities of a councillor during a period of suspension.

| **Home address form** | Office use only | | | |
|---|---|---|---|---|
| **Local government elections in Scotland** | Date received | Time received | Initials | No |
| ELECTION OF COUNCILLORS / A COUNCILLOR for the | | | | |
| South Kintyre | electoral ward of the | | | |
| LOCAL GOVERNMENT AREA of: Argyll and Bute | | | | |
| Date of election: Thursday 2 November 2023 | | | | |

You must complete Part 1 and Part 2. Only sign Part 2 if you wish for your home address to be made public.

| **Part 1:** | | |
|---|---|---|
| Full name of candidate | | |
| Home address (in full) | | |
| Qualifying address: Add your qualifying address, or qualifying addresses (in full) to each of the relevant qualifications below (you can complete more than one qualification). | | |
| Qualifcations that apply (tick those which apply) | | Address |
| (a) I am registered as a local government elector for the area of local government named above | | |
| (b) I have during the whole of the preceding 12 months occupied as owner or tenant land or other premises in the local government area named above | | |
| (c) my principal or only place of work during the preceding 12 months has been in the local government area named above | | |
| (d) I have during the whole of the preceding 12 months resided in the local government area named above | | |
| Witness details | | |
| Full name of the person who will witness the candidate's consent to nomination form | | |
| Full home address of the person who will witness the candidate's consent to nomination form | | |

| **Part 2:**<br>**Note: This part (part 2) of the home address form must be submitted as part of your nomination papers** | |
|---|---|
| If you DO NOT wish for your home address to be made public you MUST indicate in which relevant area your home address is situated, but do not need to sign this form. The name of the relevant area in which your home address is situated (or country, if outside the UK), as explained below, will appear on the notice of poll and the ballot paper, but your home address will not. | |
| The relevant area my home address is situated in: | (insert name of relevant area)[1] |
| **OR** | |
| My home address is situated outside the UK. My home address is situated in: | (insert name of country) |
| **OR**; you can request that your home address is made public; your address will then appear on the notice of poll and the ballot paper. | |
| **Statement:** I require my home address to be made public, I understand that the address will appear on the notice of poll and the ballot paper (put an X in the box to the right and sign in the box below) | |
| Signature of candidate (only required where the statement above requiring home address to be made public has been completed) | |
| Candidate's signature: | |
| Date: | |

Deliver the home address form with the nomination paper to the Returning Officer by no later than 4**pm** on the last day to deliver nominations

[1] the name of the "relevant area" in which your home address is situated (if your home address is in the UK)

- **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

Note: The relevant area should be given in the format described above and is not the ward or parish, nor should the local authority name be given in full

| Office Use only | Date received | Time received | Initials | No. |
|---|---|---|---|---|
| | | | | |

# 3 Council election Certificate of authorisation

To accompany the nomination of a candidate standing **on behalf of a registered political party**. Candidates standing on behalf of two or more parties require a certificate from each party and each must allow the registered joint description to be used.

This certificate must be authorised by the registered Nominating Officer of the party or by a person authorised to sign on their behalf.

The Nominating Officer can authorise the candidate to use either the name of the party or a particular description registered with the Electoral Commission, or to use 'any registered description or the party name as registered with the Electoral Commission'. Party names and registered descriptions are listed on the Electoral Commission website (http://search.electoralcommission.org.uk).

| **Details of candidate to be authorised and the allowed description/party name** | | | |
|---|---|---|---|
| Council: | Argyll and Bute | Date of election: | 2 November 2023 |
| Ward: | South Kintyre | | |
| I hereby certify that | | | |
| The candidate (name in full): | | | |
| Is authorised to stand for: | Name of political party registered with the Electoral Commission | | |
| The candidate may include the following registered description/party name in their nomination form: | | | |
| Note: An incorrect or fraudulently completed form may lead to the rejection of the nomination form as invalid | | | |
| Signature of party's registered Nominating Officer (or person authorised by the registered Nominating Officer): | | | |
| Name of person signing this form: | | | |
| Date: | | | |

This form must be delivered for a candidate standing on behalf of a political party to the Returning Officer by no later than 4pm on the last day for delivery of nomination papers.

| Office Use only | Date received | Time received | Initials | No. |
|---|---|---|---|---|
| | | | | |

# 4 Council election Request for a party emblem

This form is for a **candidate of a political party** who has been given a certificate of authorisation and who wishes to have a party emblem printed on the ballot paper next to their name.

The registered emblems of a political party can be found on the Commission's website at http://search.electoralcommission.org.uk.

**This form must be signed by the candidate.**

| **Candidate's request for use of an emblem** | | | |
|---|---|---|---|
| Council: | Argyll and Bute | Date of election: | 2 November 2023 |
| Ward: | South Kintyre | | |
| Candidate's name in full: | | | |
| I request that the ballot paper shall contain, against my name, the following registered emblem (please identify which emblem if the party has registered more than one): | | | |
| Emblem to be used (please use name or description as on the Electoral Commission website): | | | |
| Candidate's signature: | | | |
| Date: | | | |

This form must be delivered for a candidate standing on behalf of a political party to the Returning Officer by no later than 4pm on the last day for delivery of nomination papers.

Candidates standing on behalf of more than one political party and using a joint description may choose one emblem from one of the parties that they are standing for. Please indicate the name of the party and the emblem name in the 'Emblem to be used' box above.

| Office Use only | Date received | Time received | Initials | No. |
|---|---|---|---|---|
| | | | | |

# 5 Council election — Notification of election agent

| | | | |
|---|---|---|---|
| Council: | Argyll and Bute | Date of election: | 2 November 2023 |
| Ward: | South Kintyre | | |

| **Candidate's notification of their election agent** | |
|---|---|
| I, (Candidate's name in full): | |
| Hereby declare that the name and address of my election agent is | |
| Agent's name: | |
| Agent's address (in full): | |
| The office address of my election agent to which all claims, notices, legal process and other documents may be sent is: | |
| Agent's office address in full: | |
| Candidate's signature (or of a person authorised to act on behalf of candidate): | |
| Date: | |

| **Confirmation of acceptance by election agent** | |
|---|---|
| I [agent named above] confirm my acceptance as the election agent for the above named candidate. I understand that I must carry out my duties according to law. I understand that there are penalties if I fail to fulfil my duties according to law. | |
| Agent's signature: | |
| Date: | |

| **Agent's other details in case of query (Optional – will not be published)** | | | |
|---|---|---|---|
| Home telephone: | | Work telephone: | |
| Mobile telephone: | | | |
| Email address: | | | |

This form must be delivered to the Returning Officer by no later than 4pm on the last day for delivery of nomination papers.

**Please return completed form to:**

Electoral Registration Officer,
Kilbrannan House, Bolgam Street,
CAMPBELTOWN PA28 6HZ

**Phone:** 01586 55 5303 **Fax:** 01586 55 2883
**Email:** ero-abc@dab-vjb.gov.uk

# Request for electoral register

| **Name of electoral area: (e.g. ward / division / constituency / region / voting area)** | **Argyll and Bute South Kintyre** | **Date of election** | **Thursday 2 November 2023** |
|---|---|---|---|

This form must be submitted to the **Electoral Registration Officer** for the electoral area. Some elections/referendums cover more than one registration area so you may need to apply to each area.

This form must be completed by the candidate, except in the case of party lists such as at GLA London Member, European Parliament, Scottish Parliamentary regional or Welsh Assembly regional elections where this form must be completed by the election agent.

| Declaration of candidacy and confirmation of legal use of electoral register information | |
|---|---|
| Name of Candidate / party list election agent | |
| I declare that I am a candidate / party list election agent at the above named election. I will use my copy of the electoral register for electoral purposes and checking the validity of donations only. I will only allow others who are assisting me in my campaign to use my copy of the electoral register for the same purposes only. I understand that any use other than electoral or donation checking purposes is illegal with a maximum fine of £5,000. My request is for the register as at the last date for notice of election and any revisions or notices of amendment while I am a candidate. | |
| Signed (Candidate / party list election agent) | |

| Delivery details | | |
|---|---|---|
| My application is for the electoral register in (tick one box only): | | |
| Paper format | | |
| Data format | | |
| Delivery address: | | |

| Contact details (in case of query) | |
|---|---|
| Telephone | |
| Mobile | |
| Email | |

This electoral register can only be supplied, at the earliest, on the last date allowed for the notice of election to be published.

# Request for absent vote list

| Name of electoral area: (e.g ward/division/constituency/region/ voting area) | Argyll and Bute<br>South Kintyre | Date of election | Thursday<br>2 November 2023 |
|---|---|---|---|

This form must be sent to the **Electoral Registration Officer. Please return completed form to:**
Electoral Registration Officer, Kilbrannan House, Bolgam Street, CAMPBELTOWN
PA28 6HZ

Some elections/referendums cover more than one registration area so you may need to apply to each area.

This form must be completed by the candidate, except in the case of party lists such as at GLA London Member, European Parliament, Scottish Parliamentary regional or Welsh Assembly regional elections where this form must be completed by the election agent

| Declaration of candidacy and confirmation of legal use of absent vote list information | |
|---|---|
| Name of Candidate / party list election agent | |
| I declare that I am a candidate / party list election agent at the above named election. I will use my copy of the absent vote list (postal and/or proxy voters list) for **electoral purposes only**. I will only allow others who are assisting me in my campaign to use my copy of this data for the same purposes only. I understand that any use other than electoral purposes is illegal with a maximum **fine of £5,000**. | |
| Signed (Candidate / party list election agent) | |

| Application and delivery details | | |
|---|---|---|
| My application is for the absent vote list in (you may tick as many boxes that you wish): | | |
| The current list of postal voters | | |
| The current list of proxy voters | | |
| The final list of postal voters | | |
| The final list of proxy voters | | |
| Please supply the data in (please tick one box only): | | |
| Paper format | | |
| Data format | | |

| Delivery address: | |
|---|---|
| Contact details (in case of query) | |
| Telephone | |
| Mobile | |
| Email | |

**ARGYLL AND BUTE COUNCIL**
**ELECTIONS**
**GUIDELINES ON DISPLAY OF CAMPAIGN POSTERS AND USE OF CAR PARKS**

## DISPLAY OF CAMPAIGN POSTERS

Commencing from the last date for the publication of the Notice of Election, and until Election Day, the Council will not object to the fixing of election posters to items of street furniture such as lighting columns, subject to the following conditions:-

a) Election Agents' names and addresses must be advised to the appropriate Area Roads Operations Office prior to the display of election material.

b) All posters must be backed by some form of board or card of adequate stiffness and tied with cord of sufficient strength. They must not be attached to street furniture using glue or any form of adhesive.

c) Placing posters must not inconvenience the travelling public in terms of obscuring signs that are essential for the direction of traffic and safety. The mounting height of posters must not be less than eight feet (2.4m) above ground level.

d) Posters must not, in any circumstances, be attached to any traffic signal post or control box, or to street furniture in central reservations and pedestrian refuge islands. For structural and electrical safety reasons, ladders should not be placed against lighting columns – free standing step-ladders or other means of access should be used.

e) Only one poster per candidate or two posters back to back, is allowed on each item of street furniture.

f) All posters must be removed within 48 hours after polling day.

g) Permission is granted on the understanding that those concerned indemnify the Council against any third party claim arising from the attachment.

## USE OF COUNCIL CAR PARKS BY CARAVANS ETC.

Caravans may be sited in Council car parks, should space be available, for a period not exceeding 14 days immediately prior to polling day subject to the following conditions:-

a) Where a car park is a free car park, no charge is made but, where a car park is fee-paying, the appropriate charge is levied.

b) The caravan should not be used for sleeping accommodation between the hours of 11.00pm and 7.00am.

c) To minimise the disturbance to residential areas located adjacent to car parks, the use of loud speakers is prohibited in connection with the use of a caravan in a Council car park.

d) The total cost associated with the provision and removal of such caravans and other units will be borne by the promoting organisation.

e) All associated signs and posters must be removed with 48 hours after polling day.

## AMENITY SERVICES TEAM LEADERS

Bute & Cowal – Nigel Potts 01369 708629
Oban Lorn & the Isles – Malcolm Cullen 01631 567817
Mid Argyll, Kintyre and the Islands – Julian Green 01546 604892
Helensburgh & Lomond – George Morrison 01436 657 646.

SITUATION OF POLLING PLACES

LOCAL GOVERNMENT BY-ELECTION 2 NOVEMBER 2023

| No. of polling station | Situation of polling station | Description of persons entitled to vote and electors |
|---|---|---|
| | **South Kintyre Ward** | |
| 1 | Victoria Hall, Kinloch Road, Campbeltown PA28 6EG | AA01 - 1314 |
| 2 | Stewarton and District Village Hall, Campbeltown PA28 6PG | AA02 - 294 |
| 3 | Dunaverty Hall, Southend, Campbeltown PA28 6RW | AA03 - 372 |
| 4 + 5 | Victoria Hall, Kinloch Road, Campbeltown PA28 6EG | AA04 - 1627 |
| 6 | Peninver Village Hall, Peninver, PA28 6QP | AA05 - 176 |
| 7 | Victoria Hall, Kinloch Road, Campbeltown PA28 6EG | AA06 - 625 |
| 8 | Victoria Hall, Kinloch Road, Campbeltown PA28 6EG | AA06 + AA07 - 625 |

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**ARGYLL AND BUTE COUNCIL BY-ELECTION**
**2 NOVEMBER 2023**
**POLLING ARRANGEMENTS AND PROCEDURE**
**NOTES FOR CANDIDATES AND AGENTS**

## 1. Definitions

"**Polling Place**" means the school or other building in which the Polling Station is situated and includes the grounds, walls, railings or fences surrounding the building.

"**Polling Station**" means the room, hall or area in a Polling Place where voting actually takes place.

"**Candidate**" means any person whose name appears in a registered party's list of candidates standing nominated, or an individual candidate standing nominated.

"**Election Agent**" means the national election agent (or deputy) of, or a sub agent appointed on behalf of a registered party standing nominated or an agent or sub agent of an individual candidate.

"**Polling Agent**" means a person appointed, to attend at Polling Stations for the purpose of detecting personation, by the election agent or sub agent of a registered party, or by an individual candidate.

## 2. Admission to Polling Stations

Only the following persons (in addition, of course to the voters and their accompanying children under 16 years) are entitled to be admitted to a Polling Station:-

(a) the candidates
(b) the election agents
(c) the polling agents appointed to attend at the polling station for the purpose of detecting personation (but not more than one polling agent will be admitted at the same time to a polling station on behalf of the same party or individual candidate)
(d) the Returning Officer and his/her staff
(e) a constable on duty
(f) the companion of a voter with disabilities
(g) a representative of the Electoral Commission or other officially appointed observer

NO OTHER PERSON WILL BE ADMITTED. CANDIDATES AND AGENTS MUST HAVE THE APPROPRIATE ADMISSION PASS ISSUED BY THE RETURNING OFFICER

In the polling station, candidates, election agents polling agents and observers must not:

- Interfere with the voting process
- Campaign, canvass voters, or distribute literature
- Take a copy of any register of electors which they may have used to mark who has voted out of the polling station until after the close of poll.

3. **Tellers**

The persons specified in the preceding paragraph are those (and only those) who are allowed into the Polling Stations and only for the purposes prescribed by law. There is no provision within the Election Rules for any person (which includes candidates, election agents and polling agents) to act within a Polling Place as Tellers. ANY PERSON SEEKING TO CHECK THE IDENTITY OF VOTERS FOR THE PURPOSE OF ASCERTAINING WHO MAY OR WHO MAY NOT HAVE VOTED IS NOT ALLOWED TO DO SO WITHIN THE POLLING PLACE subject to the comment below regarding inclement weather.

OFFERING LITERATURE WITHIN A POLLING PLACE OR ATTEMPTING BY WHATEVER MEANS TO INFLUENCE VOTERS AS TO WHOM THEY SHOULD OR SHOULD NOT VOTE IS STRICTLY FORBIDDEN.

An official Poll Card is issued by the Returning Officer to each elector. An elector is not required to show, or surrender, a Poll Card to anyone and must not be pressed to do so.

I have given discretion to Presiding Officers that, in the event of inclement weather, and only during such a period, one person on behalf of each party or individual candidate may be allowed into the entrance way within the building, provided –

(1) The building is constructed such as to enable this without those persons being in the Polling Station itself.

(2) The presence of those persons will not inconvenience voters in their passage to and from the room in which polling is taking place.

(3) (a) Those persons must not give the impression that they are employed by the Returning Officer.

(b) If they speak to a voter they should clearly identify themselves as representing whichever party or candidate.

(c) THEY MUST NOT ASK VOTERS WHO THEY INTEND TO VOTE FOR OR FOR WHOM THEY MAY HAVE VOTED.

(d) If they speak to a voter they should concern themselves ONLY with checking who may have voted and they may only do so after an elector has left the Polling Station.

(e) If a person asks a voter for their electoral number, or name and address, it must be made clear to the voter THAT THE INFORMATION DOES NOT HAVE TO BE GIVEN AND IS NOT FOR OFFICIAL PURPOSES. IF THE VOTER REFUSES, HE OR SHE MUST NOT BE PRESSED.

(f) A voter must not be asked to re-enter the Polling Station to retrieve a discarded poll card or ascertain their electoral number.

Those persons who are allowed into Polling Place during a period of inclement weather do so on the basis that they respect any decisions of the Presiding Officer as to their location. Since that decision will be based, in part, on ensuring that access by voters is not obstructed, it is likely to vary from Polling Place to Polling Place. It is also a condition that the Presiding Officer is entitled to require them to remove themselves at the Presiding Officer's discretion (and particularly if there is any breach of the foregoing provisions). The Presiding Officer has an absolute discretion to decide, as a result of the conduct of any person so acting, whether they should be allowed to remain in the polling place.

While what happens outside the Polling Place is not a matter for me as Returning Officer, I hope the foregoing may be regarded as best practice.

A VOTER MUST NOT IN ANY WAY BE IMPEDED OR OBSTRUCTED ON THEIR WAY INTO OR OUT OF THE POLLING STATION OR POLLING PLACE.

## 4. Bills and Posters

Fixing bills or posters to any part of the Polling Place, including walls, railings, fences, etc. is not allowed. Any bills or posters on pavements outside a Polling Place should be positioned so as not to cause any obstruction to pedestrian or vehicular traffic. Any question of obstruction of the pavement is a matter within the jurisdiction of the Police. While it is not my responsibility as Returning Officer, candidates should have regard to –

(a) Any restrictions placed by Local Authorities or Statutory Bodies concerning the posting of election material on their property, including lamp posts and street furniture, and

(b) The statutory restrictions on fly posting.

## 5. Rosettes etc

Subject to the qualification which follows, ROSETTES MAY NOT BE WORN WITHIN A POLLING STATION. Where a duly authorised candidate, election agent or polling agent enters a Polling Station for a few moments (for example to enquire about the total number of votes cast) rosettes need not be removed. If a polling agent remains in a polling station for a prolonged period they are there for the purpose prescribed by the elections rules which is to detect personation, and on that basis they do not require to and should not wear a

rosette or any insignia which conveys the name of a party or candidate. While a rosette may be worn within a Polling Place (but outside the Polling Station) by those who may be allowed into the entrance in periods of inclement weather, again they should not incorporate or represent any words or emblem or letters which communicate the names of any candidate or party. Similarly, other items displaying election material in support of a candidate or party such as T shirts or umbrellas should not be worn or displayed in the Polling Place.

6. Cars displaying election material in support of a candidate or party are not normally allowed inside the Polling Place gate. Such a car bringing an elderly person or a person with disabilities to vote is permitted to bring that person to the door of the Polling Place, where local conditions permit. The car should not be allowed to wait in a conspicuous place while the person is voting and must leave the Polling Place without delay as soon as the person has voted.

   Cars belonging to party workers are not allowed to park within the Polling Place grounds, and, in the interests of assisting voters (particularly elderly persons and people with disabilities) should not monopolise all of the parking space which may be available on the public road immediately outside the Polling Place entrance.

7. **Voters with disabilities**

   For your information polling staff can assist with the needs of voters who are disabled and will assist such voters as requested, at all times observing the voter's right to secrecy. Voters who are disabled may also be accompanied to and from the entrance to the Polling Place – the Polling Clerk can assist here. While party workers who may be canvassing outside the entrance to the Polling Place are not entitled generally in the Polling Place, I have no objections to (and indeed would welcome) such a person assisting a disabled voter to the entrance to the Polling Station (when I would expect the Presiding Officer/Polling Clerk then to assist the voter).

8. **Voting Information**

   While there is no specific entitlement to candidates or duly authorised agents to be informed of the number of persons who have voted, Presiding Officers are permitted to give those persons (and only those persons) a note of the actual number of persons who have voted from time to time throughout the day. INFORMATION AS TO WHETHER A PARTICULAR PERSON HAS OR HAS NOT VOTED WILL NOT BE GIVEN. A Presiding Officer will ensure that meeting such a request does not interfere with his or her official duties.

Pippa Milne
Returning Officer

September 2023

**Requirement of Secrecy**

**SECTION 3 – Subsections (1), (2), (3), (4), (5), and (6) of Section 66 of the Representation of the People Act 1983, as amended**

(1) The following persons—
   (a) every returning officer and every presiding officer or clerk attending at a polling station,
   (b) every candidate or election agent or polling agent so attending,
   (c) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,
   (d) every person so attending in pursuance of permission granted under section 8 or 9 (observers at Scottish local government elections) of the Local Electoral Administration and Registration Services (Scotland) Act 2006

   shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to -
   (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
   (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
   (iii) the official mark.

(2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—
   (a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;
   (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

(3) No person shall—
   (a) interfere with or attempt to interfere with a voter when recording his vote;
   (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
   (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given to a voter at that station;
   (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.

(4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not—
   (a) Except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or
   (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person; or
   (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or
   (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.

(5) No person having undertaken to assist a blind voter to vote shall communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given for the use of that voter.

(6) If a person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.

# PRIVACY NOTICE
## ELECTIONS AND ELECTORAL SERVICES
## Candidates and Agents

### Your Personal Data

Argyll and Bute Council will act as the 'Data Controller' for the personal data you provide to us. The Data Protection Officer, who is responsible for ensuring personal data is managed in accordance with data protection legislation, can be contacted as follows:

Address: Iain Jackson, Governance and Risk Manager, Argyll and Bute Council, Legal and Regulatory Support, Kilmory, Lochgilphead PA31 8RT.
Email: Iain.Jackson@argyll-bute.gov.uk or data.protection@argyll-bute.gov.uk
Telephone: 01546 604188 or 01546 605522

**Legal Obligation:** Under the Representation of the People Act 1983 each Local Authority must by law appoint a "Returning Officer". This is a personal appointment with its own statutory functions, separate to Argyll and Bute Council.

The Returning Officer has a statutory duty to process certain personal data for the purpose of administrating election and referenda; and as such, is subject to the requirements of data protection regulations as a "data controller". Pippa Milne is the Returning Officer for Argyll and Bute Council and is the registered Data Controller with the Information Commissioners Officer (ICO).

For many of the Returning Officer functions, the Council's Election Office will not be processing personal data on behalf of the Council; it will instead be processing personal data on behalf of one or more of the following statutory office holders:

- the Registration Officer appointed by the Council under Section 8 of the Representation of the People Act 1983;
- the Returning Officer appointed for the purposes of local authority elections by the Council under section 41 of the Representation of the People Act 1983;
- the Counting Officer responsible for the administration, within the Council's local authority area, of any local, regional or national referendum;
- any other statutory office holder whose duties relate to administering elections or referenda and whose office is held by virtue of holding one or more of the offices described above or is otherwise required by law to be held by an officer of the Council.

What information do we need?

Your personal data is used under the following legal basis: Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (ie the Returning Officer).

**The personal data required includes:**

- name and address
- contact details – phone number(s), email address
- written signature
- description of political party or if standing as an "independent"
- for local government candidates, place of work may be required for qualifications
- Electoral registration number
- BACS details for the reimbursement of statutory candidate deposits for some polls
- data required for Election expenses return (candidate spending); details of election expenses, office address, election agent details

**Third Party Data**
Some of the information processed by the Returning Officer may have been provided by a third party as part of the election process. This would be from the registered political party or their nominating officer with which you are affiliated, or the appointed election agent appointed by you.

Why we need this information?

As a candidate or election agent for an election we require your data for the following purposes:

- Processing and determining candidate nomination papers, agent appointment form, publishing statutory notices containing your details, and producing ballot papers and other poll material.
- Administering, managing and recording the poll processes in which you are entitled to be involved.
- Maintaining historical records of candidates, nominees and elected members participating in all elections, by-elections and referendum results in the Argyll and Bute area for public consumption, such as the election results or nomination and membership records.
- Producing and maintaining records of candidates, election agents, sub agents, polling agents, counting agents and postal voting agents as required by statute.
- Administering the election expenses return (candidate spending), holding of statutory returns relating to campaign/candidate spending during poll campaigns and publication of statutory notices regarding the same.

What we will do with your information?

Your information will be shared with the following recipients or categories of recipient:

- The Council's Returning Officer and, in the case of Local Government Elections, the relevant council departments and for community council elections, the Community Council liaison officer.
- Printing companies contracted to produce printed material related to the poll.
- Staff required to administer and manage the poll (eg door supervisors, polling place inspectors)
- Single Point of Contact (SPOC) officer at Police Scotland (if required)
- Scottish Government, Scottish Parliament, Scottish Office, Cabinet Office or UK Government as may be required for a particular poll for statutory returns.
- The Councils payment section for the reimbursement of statutory candidate deposits.
- Where information is required for material intended for public consumption ie candidate spending is made available to the public under supervision.

The Argyll and Bute Returning Officer is required by law to protect the public funds it administers. It may share information provided to them with other public bodies responsible for auditing, administering public funds, or where undertaking a public function, in order to prevent and detect fraud.

How long will we keep your information?

We will keep your information for the length of time specified in the Election Legislation if it is no longer required for the lawful purposes for which it was obtained, after which it will be destroyed under secure arrangements. More information on our retention policy can be obtained from the Data Protection Officer (contact details can be found above).

Automated Decision Making

*No automated decision making will take place*

Your Rights

When you provide information to the Council, you will have the following rights:

- to withdraw consent at any time, where the lawful basis specified above is consent
- to lodge a complaint with the Information Commissioner's Office – see below for details
- to request access to your personal data – please contact the Data Protection Officer if you wish to submit a request.
- to data portability, where the Legal basis specified above is i) consent or ii) performance of a contract
- to request rectification or erasure of your personal data, as far as the legislation permits – please contact the Data Protection Officer and provide details of what data you wish to be rectified or erased.

You can find out more about your rights in relation to data protection here: www.argyll-bute.gov.uk/data-protection or from the Data Protection Officer by telephone or in writing, as detailed above.

Information Commissioner's Office

The ICO is the UK's independent body set up to uphold information rights.
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Telephone: 0303 123 1113  Email: casework@ico.org.uk

The Information Commissioner's Office – Scotland, 45 Melville Street, Edinburgh, EH3 7HL
Telephone: 0303 123 1115  Email: Scotland@ico.org.uk