

**ARGYLL AND BUTE COUNCIL BY-ELECTION  
OBAN NORTH AND LORN WARD 5  
DATE OF ELECTION – 2 JUNE 2016**

**NOMINATION PACK**

**LIST OF CONTENTS AND CHECKLIST FOR NOMINATION PACKS**

<b>Description</b>	<b>Documents to be returned to the Returning Officer by close of nominations</b>	<b>Documents to be returned to the Electoral Registration Officer</b>
Notes for Prospective Candidates and Timetable		
Copy of Notice of Election		
Nomination Paper	✓	
Notice of Appointment of Election Agent	✓	
Certificate in relation to Nomination Paper authorising description (Registered Party candidates only)	✓	
Request for use of the Registered Party's Emblem	✓	
Request for Register of Electors		✓
Notice of Withdrawal (if appropriate)	✓	
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		
Electoral Commission's Postal Voting Code of Conduct		
Role of Counting Agents in an Electronic Count		

**Note:** If you require any further assistance please do not hesitate to contact the Returning Officers Office on 01546 604192



# **Argyll and Bute Council**

**By-Election for Electoral Ward No 5**

**Oban North & Lorn**

**2 June 2016**

**Candidates and Election Agents  
Guidance Notes**

**Elections**  
**Argyll and Bute 2016**

## **IMPORTANT**

- You must return completed nomination forms and related papers between 10.00am and 4.00pm on any week day between Monday 18 April and Thursday 28 April 2016.
- 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 Election Office, Argyll and Bute Council, Kilmory Headquarters, Lochgilphead PA31 8RT.

## **CHECKLIST OF ITEMS TO BE LODGED**

The items which must be lodged by no later than 4.00pm on Thursday 28 April 2016 are:

- Nomination Form \*
- Appointment of Election Agent \*
- 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.

## THE BY-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

Sally Loudon  
Chief Executive  
Argyll and Bute Council  
Kilmory Headquarters  
Lochgilphead  
Argyll PA31 8RT

Day to day enquiries are dealt with by:

Charles Reppke  
Depute Returning Officer  
Elections Office  
Kilmory Headquarters  
Lochgilphead  
PA31 8RT

Sandra McGlynn  
Election Administrator  
Elections Office  
18 Lochnell Street  
Lochgilphead  
PA31 8JN

Shirley MacLeod  
Area Governance Manager  
Hill Street  
Dunoon  
Argyll  
PA23 7AP

01546 604192  
Mob 07770 730438

01546 603264

01369 707134

[Charles.reppke@argyll-bute.gov.uk](mailto:Charles.reppke@argyll-bute.gov.uk)

[Sandra.mcglynn@argyll-bute.gov.uk](mailto:Sandra.mcglynn@argyll-bute.gov.uk)

[Shirley.macleod@argyll-bute.gov.uk](mailto:Shirley.macleod@argyll-bute.gov.uk)

Election enquiries to [elections@argyll-bute.gov.uk](mailto:elections@argyll-bute.gov.uk) or visit [www.argyll-bute.gov.uk/elections](http://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.dab-vjb.gov.uk](http://www.dab-vjb.gov.uk) or E-mail [ero-abc@dab-vjb.gov.uk](mailto:ero-abc@dab-vjb.gov.uk)

# ARGYLL AND BUTE COUNCIL ELECTIONS

## Oban North & Lorn Ward By-Election

**DATE OF ELECTION – 2 JUNE 2016**

### **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](http://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 June 2016. 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 the candidate, or by his/her election agent if the agent's name and address have previously been given, to the **Returning Officer, at the Election Office, Kilmory, Lochgilphead, Argyll, PA31 8RT** on any day between the hours of 10.00 am and 4.00 pm beginning on Monday 18 April and ending at 4.00 pm on Thursday 28 April 2016.

The nomination paper 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 person who has received a severance payment within the meaning of Section 12 of the Local Governance (Scotland) Act 2004 (that is a person who was a Councillor before May 2007 and was paid a severance payment on retirement from being a Councillor) is also not qualified to be a candidate.

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 not later than 4.00pm on Thursday 28 April 2016** to the Returning Officer at the Election Office, Council Offices, Kilmory, Lochgilphead, Argyll PA31 8RT.

Nomination papers can be obtained from Kilmory Headquarters and the Council's Customer Service Office at Municipal Building, Albany Street, Oban PA34 4AW or may be downloaded from [www.argyll-bute.gov.uk/elections](http://www.argyll-bute.gov.uk/elections). Irrespective of where the nomination paper is obtained it should be delivered (hand delivery is recommended) 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 him as required by the Local Government Election Rules. The Returning Officer accepts no responsibility for nomination papers delivered other than to the election office nor for any which may have been sent by post and which in both cases may therefore not reach the Election Office by the closing time for nominations.

## 9. Withdrawal of Candidates

Should a candidate wish to withdraw his/her nomination he/she 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 Thursday 28 April 2016. 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 Thursday 28 April 2016. A candidate may name him or herself 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 him/herself as his/her 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 him/herself 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 by 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 Tuesday 17 May 2016. Applications to cancel or alter existing proxy votes must reach the ERO by 5.00pm on Tuesday 17 May 2016.

New applications to vote by proxy (not postal proxy) must be with the ERO by 5.00 pm on Tuesday 24 May 2016.

## **13. Opening of Postal Voters Ballot Papers**

Candidates will be advised in due course as to the arrangements for the opening of postal voters’ ballot boxes.

## **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 Wednesday 25 May 2016. 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 June 2016 at a time to be confirmed in the Corran Hall, Oban.

## **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 him or her, unless the candidate is out of the United Kingdom when the return is delivered, in which case his/her declaration may be made and delivered within fourteen days after his or her 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 constituency is £740 plus 6p 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 (Wednesday 13 April 2016) if they have already been declared a candidate on or before that date.

A person who has not been declared a candidate by 11 January 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 wards are listed below, and maps can be seen at [www.argyll-bute.gov.uk/elections](http://www.argyll-bute.gov.uk/elections). The by-election in the Oban North & Lorn Ward on 2 June 2016 is to elect one Councillor

to fill a vacancy in one of the 4 seats in that Ward.

<b>Name of Ward</b>	<b>Number of Councillors to be elected</b>
1 South Kintyre	3
2 Kintyre and the Islands	3
3 Mid Argyll	3
4 Oban South and the Isles	4
5 Oban North and Lorn	4
6 Cowal	3
7 Dunoon	3
8 Isle of Bute	3
9 Lomond North	3
10 Helensburgh Central	4
11 Helensburgh and Lomond South	3

**Sally Loudon**  
**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 BY-ELECTION – 2 JUNE 2016

## Election Timetable 2 June 2016

	-34	Wednesday 13 April 2016
Notice of Election: to be published not later than 4.00pm on	-28	Thursday 21 April 2016
Delivery of nomination papers: between the hours of 10.00am and 4.00pm on any day after the date of publication of the notice of election		From Monday 18 April 2016
<b>First Issue of Poll Cards</b>	-23	Thursday 28 April 2016
Latest time for lodging Nomination Papers not later than 4.00pm on	-23	Thursday 28 April 2016
Latest time for lodging appointment of Election Agent not later than 4.00pm on	-23	Thursday 28 April 2016
Latest time for withdrawal of Nomination Paper not later than 4.00pm on	-23	Thursday 28 April 2016
Publication of Statement as to Persons Nominated/Notice of Poll and list of polling stations	-23	As soon as practicable after 5.00pm on Thursday 28 April 2016
<b>Last date for receipt of new applications for the Register</b>	<b>-12</b>	<b>Monday 16 May 2016</b>
<b>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</b>	<b>-11</b>	<b>Tuesday 17 May 2016</b>
Issue of Postal Votes		Friday 20 May 2016
<b>Last day for new applications to vote by proxy (not postal proxy): not later than 5.00pm on</b>	<b>-6</b>	<b>Tuesday 24 May 2016</b>
Last day for the appointment of Polling and Counting Agents	-5	Wednesday 25 May 2016
First day to apply for replacement postal ballot papers	-4	Thursday 26 May 2016
Opening of Postal Votes		Various dates from Monday 23 May 2016
Last date for clerical amendments to register (to deal with clerical errors) or new proxies on grounds on medical emergencies – not later than 5.00pm		Thursday 2 June 2016
Last day to apply for replacement postal ballot papers – not later than 5.00pm on		Thursday 2 June 2016
<b>POLLING</b>		<b>THURSDAY 2 June 2016</b>
Verification and Count – 10.10pm		Thursday 2 June 2016
Latest date for delivery of return of declarations as to election expenses	35	Thursday 7 July 2016

# ARGYLL AND BUTE COUNCIL

## NOTICE OF ELECTION

One Councillor is to be elected for the Oban North & Lorn Ward of Argyll and Bute Council.

Name of Ward	Number of Councillors to be elected
Oban North & Lorn	1

Nomination forms can be obtained from The Election Office, Council Offices, Kilmory, Lochgilphead, Argyll PA31 8RT between the hours of **10.00 am** and **4.00 pm** Monday to Friday after the date of this notice, but not later than **4.00 pm** on **Thursday 28 April 2016**.

Completed nomination papers **MUST** be delivered to the Election Office at the above address by **4.00pm on Thursday 28 April 2016**.

If the election is contested, the poll will take place between the hours of 7.00am and 10.00pm on Thursday 2 June 2016.

### Postal or Proxy Voting

Applications to cancel or alter existing postal and proxy votes, or to change from postal to proxy voting **MUST** reach the Electoral Registration Officer, Kilbrannan House, Bolgam Street, Campbeltown PA28 6HZ by **5.00pm on Tuesday 17 May 2016**.

New applications to vote by post **MUST** reach the Electoral Registration Officer at the above address by **5.00pm on Tuesday 17 May 2016**.

New applications to vote by proxy **MUST** reach the Electoral Registration Officer at the above address by **5.00pm on Tuesday 24 May 2016**.

New proxy applications on grounds of a disability (whether a medical condition, illness or otherwise); or for an absence for reasons relating to occupation, service or employment at short notice can be applied for after **5.00pm on Tuesday 24 May 2016**, they **MUST** reach the Electoral Registration Officer at the above address by 5.00pm on the day of the poll.

For advice on postal or proxy voting contact the Electoral Registration Office **0800 980 0470**. Website: [www.dab-vjb.gov.uk](http://www.dab-vjb.gov.uk); E-Mail: [ero-abc@dab-vjb.gov.uk](mailto:ero-abc@dab-vjb.gov.uk)

### Sally Loudon Returning Officer

Council Offices  
Kilmory  
Lochgilphead PA31 8RT

Tel: 01546 603264  
Fax: 01546 606874  
E-mail: [elections@argyll-bute.gov.uk](mailto:elections@argyll-bute.gov.uk)  
Web: [www.argyll-bute.gov.uk/elections](http://www.argyll-bute.gov.uk/elections)

15 April 2016

### Notes

**1 Nomination Packs** : Nomination packs may also be downloaded from [www.argyll-bute.gov.uk/elections](http://www.argyll-bute.gov.uk/elections) or obtained (but not lodged) at Municipal Building, Albany Street, Oban PA34 4AW

**2 Electoral Register** : The deadline for applications to be included in the Register of Electors to be used at the election is Monday 16 May 2016.

**3 Issue and Delivery of Postal Ballot Papers** : Postal ballot papers will be delivered from Friday 20 May 2016. Please consider this when deciding whether to vote in person, by post or by proxy. In the event of any delay in the receipt of a postal ballot paper please note that the earliest date an application can be made for the replacement of a lost postal ballot paper is Thursday 26 May 2016.

For advice about registering to vote or applying for a postal or proxy vote contact the Electoral Registration Office on 0800 980 0470 or [ero-abc@dab-vjb.gov.uk](mailto:ero-abc@dab-vjb.gov.uk) For all other enquires about the election contact the election office on 01546 603264 or e-mail [elections@argyll-bute.gov.uk](mailto:elections@argyll-bute.gov.uk)

# NOMINATION PAPER

**Election of a Councillor  
for the**

**OBAN NORTH & LORN WARD 5**

**ELECTORAL WARD  
of**

**Argyll and Bute Council**

**THURSDAY 2 JUNE 2016**

**(Name)**.....

In accordance with Rule 4(1) of the Scottish Local Government Elections Order 2011 the place fixed by the Returning Officer for the receipt of this duly completed nomination paper is:-

Election Office, Council Offices, Kilmory, Lochgilphead, Argyll PA31 8RT

**The nomination paper must be lodged not later than 4.00pm on  
Thursday 28 April 2016**

---

**For Official Use**

Lodged.....(date).....(time).....



# NOMINATION PAPER

## ELECTION OF A COUNCILLOR for the

### OBAN NORTH & LORN WARD 5 ELECTORAL WARD

of Argyll and Bute Council

Day of Election: **2 JUNE 2016**

I, the undersigned, am hereby nominated as a candidate at the said election.

<b>Candidates Surname</b>	
<b>Other names in full</b>	
<b>Commonly used surname (if any)</b>	
<b>Commonly used forenames (if any)</b>	
<b>Description (if any)</b>	
<b>Home address in full (please also include telephone number)</b>	

I, the nominee for election, consent to being nominated as a candidate for the

#### **Oban North & Lorn electoral ward of Argyll and Bute 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 relevant citizen of the European Union; 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 Argyll and Bute local government area as in the register of electors in respect of the following address  and my electoral number is:
* (b)	I have during the whole of the twelve months preceding the day of nomination occupied as owner or tenant land or premises at the following address(es)
* (c)	I have during the twelve months preceding the day of my nomination had my principal or only place of work at the following address(es)
* (d)	I have during the whole of the twelve months preceding my nomination resided at the following address(es)

- delete where inapplicable

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;
- (c) I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of having received a severance payment within the meaning of section 12 of the Local Government (Scotland) Act 2004; and
- (d) 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(b).

<b>Signature of Candidate</b>	
<b>Date</b>	
<b>Signature of Witness</b>	
<b>Name and Address of Witness</b>	
<b>Date</b>	

**Note 1** The attention of candidates and local government electors is drawn to the rules for filling up nomination papers and other provisions relating to the nominations in the local government elections rules contained in Schedule 1 to the Scottish Local Government Elections Order 2011 and to the disqualification provisions relating to persons holding politically restricted posts under a local authority contained in Part 1 of the Local Government and Housing Act 1989.

**Note 2** Where a candidate is commonly known by some title, the candidate may be described by the title as if it were the candidate's surname.

**Note 3** 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.

**Note 4** But the ballot paper will 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 voters; or
- (b) that the commonly used name is obscene or offensive.

**Note 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.

**Note 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 1985.

(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 56A of the Bankruptcy (Scotland) Act 1985;
- (b) a bankruptcy restrictions undertaking entered into under section 56G of that Act;
- (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.

## Local Governance (Scotland) Act 2004: Membership of local authorities etc

### **12 – Severance payments for councillors**

(1) The Scottish Ministers may, by regulations, provide for the making by local authorities of payments (“severance payments”) to persons who—

- (a) were, immediately prior to the date of an ordinary election, members of local authorities,
- (b) were not candidates to be councillor at that election, and
- (c) meet such other criteria as may be specified in the regulations.

(2) Those regulations may include provision as to—

- (a) the amounts of severance payments and the methods of calculating those amounts,
- (b) the procedure for applying for severance payments and for dealing with such applications.

(3) Where the Scottish Ministers have made a requirement under subsection (2) of section 13 in relation to a matter specified in subsection (3)(b) of that section they shall, before making regulations under subsection (1) of this section, consider any information, advice or recommendations given to them by the Scottish Local Authorities Remuneration Committee in response to the requirement.

(4) In section 29 (qualifications for nomination, election and holding office as member of local authority) of the 1973 Act, after subsection (1) insert—

“(1A) A person who has received a severance payment (within the meaning of section 12 of the Local Governance (Scotland) Act 2004 (asp 9)) shall not be so qualified.”

## 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 and, where the councillor is also the Water Industry Commissioner for Scotland, they may also impose the sanction in section 25(12)(b) below.
  - (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;
    - (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; or
    - (c) where the member is the Water Industry Commissioner for Scotland, impose the sanction in section 25(12)(b) below.
  - (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.



## ARGYLL AND BUTE COUNCIL ELECTIONS

Nomination packs may be obtained after Monday 18 April 2016 from the following offices:-

- (1) The Election Office  
Council Offices  
Kilmory  
Lochgilphead  
PA31 8RT

And from the following Customer Services Area Office:-

- (2) Municipal Buildings  
Albany Street  
Oban  
PA34 4AW

Completed Nomination Papers **must** be delivered only to:-

The Election Office  
Council Offices  
Kilmory  
Lochgilphead  
Argyll and Bute Council  
PA31 8RT

They should not be returned to any other office.

Nomination Packs may also be downloaded from [www.argyll-bute.gov.uk/elections](http://www.argyll-bute.gov.uk/elections)



This form must be lodged with the Returning Officer at the place fixed for the delivery of Nomination Papers not later than 4.00pm on Thursday 28 April 2016

**ARGYLL AND BUTE COUNCIL ELECTION  
Oban North & Lorn Ward**

**DATE OF ELECTION: Thursday, 2 June 2016**

**NOTICE OF APPOINTMENT OF ELECTION AGENT**

---

**Part A** In terms of Section 67 of the Representation of the People Act 1983,  
I, ..... of .....  
.....  
being a candidate at the above Election, do hereby nominate and declare  
.....of  
.....  
to be my election agent.

---

**Part B** In terms of Section 67 of the Representation of the People Act 1983,  
I, ..... of .....  
.....  
being a candidate at the above Election, do hereby name myself as my own  
election agent.

---

**Part C** The office\* or place to which all claims, notices, writs, summonses and documents relating to the Election may be sent is as follows:  
.....  
.....  
..... Date .....2016.  
*(Signature of Candidate)*

---

**Part D** I, .....the person named above as the election agent for ..... hereby declare that I agree to my being nominated as his/her election agent.  
..... Date .....2016.  
*(Signature of Election Agent)*

---

\*If a temporary office or place is being used until polling day, insert also the office or place to which all claims etc. may be sent after that date.



# ARGYLL AND BUTE COUNCIL ELECTION

Oban North & Lorn Ward

**DATE OF ELECTION: 2 June 2016**

## **Certificate in relation to nomination paper**

In accordance with the Scottish Local Government Elections Order 2011,  
I do hereby certify that .....

(Name of Candidate)

may include the following description in his/her nomination paper

.....  
.....  
.....

(description – registered description or name of registered party)

for the Argyll and Bute Council By-Election on 2 June 2016

Signed by ..... (Party's nominating officer or  
his/her agent)

Date .....

This page does not form part of the nomination paper but may be used, if convenient, by the person certifying the candidate's description. It should be delivered to the Returning Officer at the address and during the period for the delivery of nomination papers.



**Argyll and Bute Council Election  
Oban North & Lorn Ward**

**Request for a party emblem**

Constituency Name	Argyll and Bute Council By-Election	Date of election	<b>2 JUNE 2016</b>
-------------------	-------------------------------------	------------------	--------------------

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

**This form must be signed by the candidate, not the election agent or Party Nominating Officer.**

<b>Candidate's request for use of an emblem</b>	
Candidate 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 as on Electoral Commission website):	
Candidate's Signature:	
Date:	



## Application by Candidate for a copy of the Electoral Register and/or Absent Voters List

I am standing as a candidate at the Local Government By-Election being held on **2 June 2016**.

I request a copy of the Electoral Register. Please tick the appropriate boxes in the table below:-

Document requested	Current only	Current and further documents issued	Paper version	Data version
The full latest version of the register of local government electors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any notice setting out an alteration to that register	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The postal voters list	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The list of proxies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The proxy postal voters list	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please send data format by e-mail  E-Mail Address .....

Candidates should note the following restrictions on the use of registers provided to them.

**THEY MAY NOT SUPPLY A COPY OF THE FULL REGISTER TO ANY PERSON, DISCLOSE ANY INFORMATION CONTAINED IN IT THAT IS NOT INCLUDED IN THE EDITED REGISTER OR MAKE USE OF ANY SUCH INFORMATION OTHER THAN FOR ELECTORAL PURPOSES.**

I am aware of the restrictions on the use of the Register of Electors as detailed in the Representation of the People (Scotland) Regulations 2001, as amended.

Name

(BLOCK CAPITALS) .....

Address .....

.....

Telephone No ..... E-mail address .....

Signature .....

Electoral Ward No ..... Electoral Ward Name .....

**Please return the completed form to:**

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

Tel: 01586 55 5303 Fax: 01586 55 2883



To be completed by candidates withdrawing their nominations and delivered to the Returning Officer at the place fixed for the delivery of nomination papers by 4.00pm on Thursday 28 April 2016.

<b>ARGYLL AND BUTE COUNCIL ELECTION</b> <b>WARD 5 OBAN NORTH &amp; LORN</b> <b>DAY OF ELECTION – 2 JUNE 2016</b> <b>NOTICE OF WITHDRAWAL</b>	
I, (name of candidate as in nomination paper)	
of (address as in nomination paper)	
Hereby withdraw my nomination as a candidate for  WARD 5 OBAN NORTH & LORN	
	(signature of candidate)
	(date)
<b>Witness</b>	(signature of witness)
	(date)
<b>Name</b>	
<b>Address</b>	
<b>Designation</b>	

**For Official Use**

Lodged..... (date).....(time).....  
(LG 2014)



## **ARGYLL AND BUTE COUNCIL**

### **ARGYLL AND BUTE COUNCIL ELECTION 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 PERFORMANCE MANAGERS**

Bute & Cowal / Mid Argyll, Kintyre and the Islands

Helensburgh & Lomond / Oban Lorn & the Isles

Alan MacDonald 01369 708617

Stuart McCracken 01631 569184

## REPRESENTATION OF THE PEOPLE ACT 1983

### Section 95

#### Schools and rooms for election meetings

(1) Subject to the provisions of this section, a candidate at a parliamentary election is entitled for the purpose of holding public meetings in furtherance of his candidature to the use free of charge of reasonable times between the receipt of the writ and the day preceding the date of the poll of—

- (a) a suitable room in the premises of a school to which this section applies;
- (b) any meeting room to which this section applies.

(2) This section applies—

- (a) in England and Wales, to community, foundation and voluntary schools of which the premises are situated in the constituency or an adjoining constituency, and
- (b) in Scotland, to any school of which the premises are so situated, not being an independent school within the meaning of the Education (Scotland) Act 1980.

but a candidate is not entitled under this section to the use of a room in school premises outside the constituency if there is a suitable room in other premises in the constituency which are reasonably accessible from the same parts of the constituency as those outside and are premises of a school to which this section applies.

(3) This section applies to meeting rooms situated in the constituency, the expense of maintaining which is payable wholly or mainly out of public funds or out of any rate, or by a body whose expenses are so payable.

(4) Where a room is used for a meeting in pursuance of the rights conferred by this section, the person by whom or on whose behalf the meeting is convened—

- (a) shall defray any expenses incurred in preparing, warming, lighting and cleaning the room and providing attendance for the meeting and restoring the room to its usual condition after the meeting; and
- (b) shall defray any damage done to the room or the premises in which it is situated, or to the furniture, fittings or apparatus in the room or premises.

(5) A candidate is not entitled to exercise the rights conferred by this section except on reasonable notice; and this section does not authorise any interference with the hours during which a room in school premises is used for educational purposes, or any interference with the use of a meeting room either for the purposes of the person maintaining it or under a prior agreement for its letting for any purpose.

(6) The provisions of Schedule 5 to this Act have effect with respect to the rights conferred by this section and the arrangements to be made for their exercise.

(7) For the purposes of this section (except those of paragraph (b) of subsection (4) above), the premises of a school shall not be taken to include any private dwelling. ., and in this section—

- (a) the expression “meeting room” means any room which it is the practice to let for public meetings; and
- (b) the expression “room” includes a hall, gallery or gymnasium.

# SITUATION OF POLLING STATIONS

No. of polling station	Situation of polling station	Description of persons entitled to vote
60	Lochawe Village Hall, Lochawe PA33 1AQ	AA55
61	Dalmally Community Centre, Dalmally PA33 1AX	AA56
62	Bridge of Orchy Church, Church of Scotland, Bridge of Orchy PA36 4AD	AA57
63	Taynuilt Village Hall, Taynuilt PA35 1JE	AA58
64	Kilchrenan Village Hall, Kilchrenan PA35 1HG	AA59
65	Dalavich Community Centre Hall, Dalavich PA35 1HL	AA60
66	Portsonachan Village Hall, Portsonachan PA33 1BQ	AA61
67	Cullipool Village Hall, Luing, Isle of Luing PA34 4UB	AA62
68	Kilmelford Village Hall, Kilmelford PA34 4XD	AA63
69	St John's Cathedral Hall, William Street, Oban PA34 5NT	AA64
70	St John's Cathedral Hall, William Street, Oban PA34 5NT	AA64
71	St John's Cathedral Hall, William Street, Oban PA34 5NT	AA64
72	Seil Island Hall, Easdale PA34 4RF	AA65
73	Kilmore Hall, Kilmore, by Oban PA34 4XT	AA66
74	Dunbeg Primary School, Dunbeg, by Oban PA37 1QF	AA67
75	Kilninver School, Kilninver, by Oban PA34 4UT	AA68
76	Lismore Public Hall, Isle of Lismore PA34 5UG	AA69
77	Appin Hall, Appin, by Oban PA38 4BN	AA70
78	Connel Village Hall, Main Street, Connel PA37 1PA	AA71
79	Victory Hall, Benderloch, by Oban PA37 1RZ	AA72
80	Victory Hall, Benderloch, by Oban PA37 1RZ	AA73
81	Victory Hall, Benderloch, by Oban PA37 1RZ	AA73
82	Ardchattan Primary School, Ardchattan, by Oban PA37 1RH	AA74

dated: 28 April 2016

Sally Loudon, Returning Office



**ARGYLL AND BUTE COUNCIL BY-ELECTION  
2 JUNE 2016  
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 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.

SALLY LOUDON  
Returning Officer

April 2016

# Notification of secrecy requirements

## Rule 27, Scottish Local Government Elections Rules 2011

(1) The following persons attending at a polling station, namely—

- (a) a returning officer or a member of staff of a returning officer;
- (b) a presiding officer or clerk;
- (c) a candidate
- (d) an election agent;
- (e) a polling agent;
- (f) a person attending by virtue of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (representatives of the Electoral Commission and accredited observers),

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 the information described in paragraph (2).

(2) The information referred to in paragraph (1) is any information as to—

- (a) 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;
- (b) 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
- (c) the official mark being used in accordance with rule 16(1).

(3) 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.

(4) No person shall—

- (a) interfere with or attempt to interfere with a voter when the voter is recording the voter's 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 or candidates 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 a ballot paper given to a voter at that station; or
- (d) directly or indirectly induce a voter to display a ballot paper after the voter has marked it so as to make known to any person the name of the candidate or candidates for whom the voter has or has not voted.

(5) 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 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;
- (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 any ballot paper sent to any person;
- (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 ballot papers the name of the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.

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

(7) No person may publish before the close of the poll—

- (a) any statement relating to the way in which voters have voted in the poll where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted; or
- (b) any forecast or estimate as to the result of the election which is (or might reasonably be taken to be) based on information so given.

(8) If a person acts in contravention of this rule that person shall be liable on summary conviction to a fine not exceeding the amount specified as level 5 on the standard scale or to imprisonment for a term not exceeding three months.

(9) In this rule—

- (a) a voter with disabilities is a voter who has made a declaration under rule 35 that the voter is so incapacitated by blindness or other disability or by inability to read, as to be unable to vote without assistance;
- (b) "publish" means make available to the public at large (or any section of the public), in whatever form and by whatever means; and
- (c) the reference to the result of the election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election are concerned.

(10) The returning officer shall make such arrangements as are reasonably practicable to ensure that every person attending a polling station and every person attending at the counting of the votes has been given a copy of these provisions.

(11) But these arrangements shall not apply to—

- (a) a person attending the polling station for the purpose of voting;
- (b) a person under the age of 18 years of age accompanying a voter;
- (c) a person assisting a voter with disabilities to vote; or
- (d) a constable on duty at a polling station or at the count.



# Code of conduct for campaigners: postal voting, proxy voting and polling stations

Campaigners are an essential element of a healthy democracy, and their right to put their arguments to voters should be supported and protected. It is equally important, however, to ensure that the activities of campaigners do not bring into question the integrity of the electoral process.

This Code provides a guide for campaigners, electoral administrators and police forces to what is, and is not, considered acceptable behaviour at polling stations and in the community during the lead-up to polling day.

As a guiding principle, if there is any doubt about a particular activity, campaigners should ask themselves “What would a reasonable observer think?”

More detailed guidance about electoral offences can be found in the full guidance published jointly by the Electoral Commission and the UK’s Associations of Chief Police Officers, which is available on our website at:

<http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/integrity-guidance/electoral-events>

This Code has been agreed by the political parties represented on the House of Commons Parliamentary Parties Panel and the panels for the Scottish Parliament and the National Assembly for Wales, and is endorsed by the members of the Electoral Commission’s UK Electoral Advisory Board of senior Returning and Electoral Registration Officers and Electoral Integrity Roundtable.

The Code has been sent to all registered political parties in Great Britain, and Returning Officers will draw it to the attention of all candidates and parties contesting elections.

## Scope of this code

This code covers all those actively involved in campaigning in elections or referendums in Great Britain. All references to campaigners in this code include:

- Candidates standing at an election, their agents and their staff and supporters
- Political party officers, members and supporters campaigning at an election
- Other people and organisations campaigning for or against a candidate, a group of candidates or a party at an election
- People and organisations campaigning for or against a particular outcome at a referendum

# Compliance with this code

Any concerns that this code has been breached should be raised first with the candidate, political party or campaigner in question.

Any further concerns should be drawn to the attention of the Electoral Commission. The Commission will raise them with the relevant party or campaigner if appropriate, and will agree appropriate actions to remedy or prevent a reoccurrence of any breach.

## 1 Postal and proxy vote applications

- 1.1 Campaigners should ensure that any bespoke postal or proxy voting application forms conform fully to the requirements of electoral law, including all the necessary questions and the options open to electors.**

Campaigners can download a template form from our website at:

[https://www.aboutmyvote.co.uk/register\\_to\\_vote/postal\\_vote\\_application/blank\\_postal.aspx](https://www.aboutmyvote.co.uk/register_to_vote/postal_vote_application/blank_postal.aspx)

- 1.2 Campaigners should always explain to electors the implications of applying to vote by post or appointing a proxy.**

It is important that electors understand that they will not be able to vote in person on polling day if they or their proxy apply for and are granted a postal vote, and will not be able to vote in person if their appointed proxy has already voted on their behalf. To avoid duplication and unnecessary administrative pressures for Electoral Registration Officers, campaigners should try to ensure that electors who are included in current postal or proxy voter lists, or have already applied for a postal or proxy vote for a particular poll, do not submit an additional application.

### Postal vote applications

- 1.3 Campaigners should not encourage electors to have their postal ballot pack redirected to anywhere other than the address where they are registered to vote.**

Electors should take care to protect their ballot paper and postal ballot pack, and they will be best able to do so at their home address unless there are compelling reasons why receiving the postal ballot pack at the address where they are registered to vote would be impractical. Electors must state on the application form the reason why they need their postal ballot pack sent to another address.

- 1.4 Campaigners should ensure that the local Electoral Registration Officer's address is provided as the preferred address for the return of absent vote application forms.**

To minimise the risk of suspicions that completed applications could be altered or destroyed, campaigners should always provide the relevant Electoral Registration Officer's address as the preferred return address, even if an alternative address is also given.

**1.5 Campaigners should send on unaltered any completed application forms given to them to the relevant Electoral Registration Officer's address within two working days of receipt.**

To minimise the risk of absent vote applications being refused because completed forms arrive with the Electoral Registration Officer after the statutory deadline before a poll, campaigners must ensure that there is no unnecessary delay in forwarding on application forms which have been received directly.

## Proxy vote applications

**1.6 Electors should be encouraged to explore other options for people to act as a proxy – including relatives or neighbours, for example – before a campaigner agrees to be appointed as a proxy.**

To minimise the risk of suspicions that campaigners may be seeking to place undue pressure on electors, electors should not be encouraged to appoint a campaigner as their proxy.

## 2 Postal voting ballot papers

**2.1 Campaigners should never touch or handle anyone else's ballot paper.**

If you are asked for assistance in completing a ballot paper, you should always refer the voter to the Returning Officer's staff at the elections office who may be able to arrange a home visit if necessary. Assistance will also be available for electors at polling stations.

**2.2 Campaigners should never observe voters completing their ballot paper. If you are with a voter when they complete their ballot paper, remember they should always complete it in secret.**

Equally, you should ensure that the voter seals both envelopes personally and immediately after completing their ballot paper and postal voting statement. If you are asked to give advice, it is acceptable and often helpful to explain the voting process, but do not offer to help anyone to complete their ballot paper.

**2.3 Campaigners should not ask or encourage voters to give them any completed ballot paper or ballot paper envelope.**

Wherever practical, the voter should be encouraged to post or deliver the completed ballot paper themselves. While campaigners may be approached for help by a voter who is unable to post their ballot paper or make arrangements for it to be returned in time, other options for delivering the postal ballot pack – including relatives or

neighbours, for example – should be explored before a campaigner agrees to deliver a postal ballot pack.

- 2.4 If asked by a voter to take a completed postal ballot pack on their behalf, campaigners should immediately post it or take it directly to the office of the Returning Officer or to a polling station.**

To ensure completed postal ballot papers are received by the Returning Officer before the close of poll, and to minimise the risk of suspicions that they could be altered or destroyed, campaigners should ensure that there is no delay in forwarding on postal ballot packs which have been given directly to them. Campaigners should not allow large numbers of completed postal ballots to accumulate before forwarding them to the Returning Officer or handing them in at an appropriate polling station.

## 3 Campaigning outside polling places

- 3.1 Campaigners should be allowed to put their messages to voters on polling day, including in public spaces outside polling places.**

Polling station staff and police officers should not seek to discourage or remove campaigners who are otherwise peacefully communicating with voters, as long as they are not within or impeding access to the grounds of the polling place. Campaigners should be careful, however, to ensure that their approach is proportionate and should recognise that groups of supporters may be perceived as intimidating by voters.

- 3.2 Campaigners should keep access to polling places and the pavements around polling places clear to allow voters to enter.**

The Presiding Officer is responsible for maintaining order in the polling place, and campaigners who appear to be impeding access by voters to a polling place may be asked to move by polling station staff or police officers.

## 4 Complaints and allegations about electoral fraud

- 4.1 Campaigners should be prepared to give the police a statement and substantiate any allegations of electoral fraud they make.**

The police will investigate allegations where someone is prepared to provide evidence or a statement in support of the complaint, but unsubstantiated claims about electoral fraud have the potential to damage confidence in the integrity of the electoral process. Campaigners should ensure they are confident that evidence can be provided to the police before considering whether it is appropriate to publicise any specific allegation.

**4.2 Campaigners who are concerned or think that electoral fraud may have taken place should raise the matter with their election agent or local party, or with the relevant Electoral Registration Officer or Returning Officer for the area.**

They may be able to explain whether or not an election-related crime has been committed, and refer it to the police if appropriate or provide details of the police contact for the relevant area so that campaigners can report their allegation. Concerns about breaches of the political finance rules should be raised directly with the Electoral Commission.

**4.3 Any campaigner who has actual evidence of an electoral offence having been committed should report it directly and without delay to the police.**

If appropriate, the police will investigate the matter. Every police force has designated a Single Point of Contact (known as a SPOC) to lead on election matters and who will deal directly with the matter or give advice to local police officers. The Electoral Commission can help provide contact details for local police force SPOCs.

**Agreed and effective from March 2013**



### Scottish Local Government Elections 2016

#### Appendix 1 - Role of Counting Agents in an Electronic Vote Counting

##### **Purpose**

The purpose of this guidance is to provide you with a brief outline of the processes to be undertaken in delivering an electronic count and to stress the importance of your role in observing the various stages of the count.

This note supplements the detailed information made available to candidates and agents and accessible online at: <http://www.logica.co.uk/we-are-logica/media-centre/articles/2012/electronic-vote-counting>. Your Election Agent can give you further details about local count arrangements.

Candidates, Election Agents and Counting Agents are requested to familiarise themselves with the STV voting system in advance of the count. While information on the count processes will be given by identified members of staff during the course of the count, as required, the Returning Officer senior count staff will have many competing demands and are unlikely to be available for discussion on the voting or e-count systems, particularly at critical points in the process.

##### **Importance of the Counting Agent Role**

You and other Counting Agents are the eyes and ears of your Candidate and Election Agent at the count. Returning Officers are required to allow Candidates to appoint Counting Agents to observe all stages of the count on their behalf. The number of counting Agents that can be appointed will be subject to availability of space in the Count Centre. All Candidates will be permitted the same number of Counting Agents. Your Election Agent will probably ask you to carry out one or more specific tasks related to these stages.

Your involvement at an e-count is vital in being able to assure your Candidate that processes have been completed accurately and that any problems or mistakes that you identify are dealt with 'on the spot'. This is important as, in STV elections, some results can be very close and, while it is possible for a Returning Officer to re-run the count calculation or undertake a full recount, this is only likely to be agreed in exceptional circumstances. Where the Returning Officer agrees to a request for a recount that will only be able to take place after the other counts are completed. This is because it is necessary to clear data from the e-count system for any Ward being recounted.

You will understand, therefore, that to ensure confidence in the result that you should identify issues to Count Supervisors as you see them and get them dealt with immediately. Where a Returning Officer has had no indication of problems during the count process, it is unlikely that a request for any form of recount would be agreed.

Once the Returning Officer or designated staff have considered any issue you raise, their decision on the matter is a final one.

## **Count Stages**

The attached flowchart gives a broad outline of the workflow for the e-count and the following notes help you to identify your role at each of these stages. Returning Officers will have signage around the Count Centre to help you identify what work is taking place in any particular area. There will also be display screen(s) and other information in the count centre to let you know what counts are active and what stages these are at.

## **Ballot Box Reception and Opening**

This stage is a relatively simple process of removing ballot papers from the ballot boxes and putting them into Ballot Paper Trays, marked up with the ballot box detail ready for including in the e-count process

**Your count assurance role here is to observe the process and be confident that every paper in a ballot box is transferred to the relative Ballot Paper Tray.**

The outline process is:

- Ballot Boxes will have been brought to the Count Centre after the close of the poll and stored securely overnight
- a Ballot Paper Account, which has been prepared by the Presiding Officer in each Polling Station, will have been given some simple arithmetic checks and it is the total of ballot papers in the box provided by the Presiding Officer that is used in the Verification Stage (see below).
- as each box is opened the papers are transferred to a Ballot Paper Tray.
- any folded papers are opened up and all papers will be tidied up so that they mostly lie in the same way. This is to assist the efficiency of the scanning process. This tidying process will be done with the ballot papers 'face-up'.
- once all of the ballot papers from a box have been put in its Ballot Paper Tray this and the Ballot Paper Account are transferred to the 'Awaiting Registration' area.

Issues to look out for include:

- have you been able to find out which box is being opened?
- has a ballot paper been caught in any of the corners of the ballot box?
- have count staff dropped any papers from the tables?
- are count staff working in a transparent way by not obscuring your view of the table?

## **Registration**

This is the first stage of the e-count process. The Registration Officer will record that a Ballot Paper Tray has been included in the count and input the total number of ballot papers expected in the tray from information provided by the Presiding Officer from the polling station or by the Postal Vote Opening Manager.

**Your count assurance role here is to observe the process and be confident that each ballot box is registered accurately**

The outline process is:

- a member of the count staff will bring a Ballot Paper Tray to a Registration Desk
- by scanning a barcode, the Registration Officer logs receipt of those ballot papers and enters the expected total of papers (from the Ballot Paper Account) against that ballot box in the e-counting system
- the Ballot Paper Tray is then taken to the 'Awaiting Scanning' area

There are few issues to consider at this stage; questions about incorrect data input are the most likely:

- incorrect input of the number of ballot papers expected will be identified and dealt with at the Verification Stage
- once the barcode from a particular ballot box has been scanned it is not possible to enter the Ballot Paper numbers for that box against another one and no data input is possible without first scanning the ballot box barcode.

### **Scanning**

**Your count assurance role here is to observe the process and be confident that all of the contents of the Ballot Paper Tray have been scanned**

At this stage, the Scanning Operator will scan the ballot papers through a standard commercial scanner.

The outline process is:

- a member of the count staff will bring a Ballot Paper Tray to a Scanning Desk
- by scanning the barcode, the Scanning Operator identifies the box to be scanned and where the scanned information is to be stored in the e-counting database
- the contents of each Ballot Paper Tray will be scanned in a number of smaller batches of approximately 100 papers. This will not be an exact count but will be an estimated amount which will provide a manageable batch for scanning purposes.(e.g. if a paper jam occurs it will only be necessary to check/re-scan that batch and not the whole of the contents of the Ballot Paper Tray
- when all the papers in a Ballot Paper Tray have been scanned, the Tray is moved to the 'Scanned Papers' area

Issues to look out for include:

- have you been able to find out which box is being scanned?
- are staff explaining unusual processes such as dealing with jammed papers or papers that cannot be scanned for some reason (e.g. barcode missing or badly damaged)

and allowing you to be confident that any data entered manually (eg barcode number) has been done accurately?

## **Verification**

The job of the Verification Officer is to check the number of papers processed by the Scanning Operator against the number expected based on the Ballot Paper Account.

**Your count assurance role here is:**

- **to be aware of which boxes are being verified**
- **where a variation from the Registered number is to be accepted by the Verification staff, to be told the reason for this and ensure that this is recorded and**
- **to raise an immediate challenge to the proposed verification of a ballot box where you do not accept the reasons given.**

The outline process is:

- the Verification Officer will check the number of scanned ballot papers against the number registered
- where there is no discrepancy, or it is within previously determined limits, the Ballot Box contents will be marked 'verified'. This allows the e-count system to process the data from that box and pass any ballot images it cannot process automatically to the Adjudication stage
- where there is a variance outwith the acceptable limits, the Verification Officer can:
  - accept this if there is a corresponding variance in a ballot box from the same polling place
  - direct that the ballot box contents be re-scanned
  - ask the Investigation Team to examine the reasons for the variance
  - under direction from the Investigation Team accept the variance following the above investigation provided a detailed explanation of the investigation and its outcome is recorded

Once verification of all boxes from a Ward is complete, a full report including information on how variances were considered will be produced and given to Election Agents.

Issues to look out for include:

- are staff explaining their decisions to you and giving you the chance to raise concerns?
- is it clear which Verification Desk(s) are dealing with your Ward?

## **Adjudication**

At this stage the Adjudication Officer is only able to process valid votes into the e-count system. Any doubtful votes must be passed to the Returning Officer Adjudication stage for consideration.

**Your count assurance role here is to participate actively in the Adjudication process and be confident that the decisions of the Adjudication Officers are accurate.**

The outline process is:

- Adjudication Officers will consider images of ballot papers that, for various reasons, the e-counting system cannot process automatically
- Staff will be using the Electoral Commission guidance on doubtful ballots as the basis for their decisions. Copies of this guidance are available throughout the count centre for you to refer to.
- Adjudication Officers may only deal with ballot papers on which it appears valid votes are recorded (eg where the system's threshold test settings for character recognition require a manual decision on a ballot paper which is clearly valid or where there is an unfortunate 'break in sequence' in the voter's number sequence – for instance where a paper has marked preferences 1,2,3,5,6 the vote is only acceptable for preferences 1,2,3)
- ballot papers which are likely to be rejected must be passed to the Returning Officer Adjudication stage for final adjudication
- where a Candidate, Election Agent or Counting Agent disagrees with an Adjudication Officer's proposed decision, that ballot paper will also be transferred to the Returning Officer Adjudication stage for final decision

Issues to look out for include:

- is it clear which Adjudication Desk(s) are dealing with your Ward?
- are staff dealing accurately with the images they are working with?
- are you being given time to ask that a particular image be referred to the Returning Officer Adjudication when you disagree that a vote is a valid one?
- are staff being consistent in decision making and using the Electoral Commission's 'Guidance on Dealing with Doubtful Ballot papers'? Copies of this guidance will have been available in advance to your Election Agent and will also be on display and available in the Count Centre.

## **Manual Entry**

This stage deals with any papers that have been unable to be dealt with at the Scanning stage

**Your count assurance role here is to observe and be confident that the data from any ballot paper that requires to be input manually is done so accurately**

The outline process is:

- the Returning Officer or designated senior staff will oversee this process

Issues to look out for include:

- if required, are staff explaining the process?
- are staff explaining their decisions to you and allowing you to be confident that any data entered manually has been done accurately?

### **Returning Officer Adjudication**

The final adjudications and consideration of the provisional the result are the responsibility of the Returning Officer who will deal directly with Candidates and Election Agents for the Ward over these final stages of the count.

## E-COUNTING FLOWCHART

