



## COMMUNITY COUNCIL INTERIM ELECTIONS

### SCHEME OF ELECTORAL ARRANGEMENTS

#### 1. RETURNING OFFICER

- 1.1 The Returning Officer for Community Council elections will be the Service Leader, Legal & Democratic Services as stipulated in the Council's Standing Orders.
- 1.2 The Returning Officer will be responsible for the resolution of any dispute arising from the election process, and their decision is final.
- 1.3 The Returning Officer will have power to appoint such staff as they consider necessary and appropriate to assist them in the conduct of their duties.
- 1.4 The Returning Officer reserves the right to make such amendments to the Scheme of Electoral Arrangements to ensure the efficiency, integrity and transparency of the poll.

#### 2. TIMETABLE

The Returning Officer will make arrangements to conduct the poll within six weeks of being notified of the dissolution of a Community Council under Section 7(f) of the Scheme of Establishment of Community Councils or on receipt of a request from 20 electors to the Community Council to make arrangements for the establishment of a Community Council under the terms of Section 52 (7) of the Local Government (Scotland) Act.

In computing any period of time for the purposes of the timetable:-

- (a) a Saturday or Sunday;
- (b) a day which is a bank holiday in Scotland under the banking and Financial Dealings Act 1971(a); or
- (c) a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll.

The proceedings at the election will be conducted in accordance with the following timetable\* of events:-

Date		Task
No later than the first Monday in September	-35	Publication of Notice of Election
Not later than 4pm on any weekday after the date of publication of the Notice of Election		Submission of nominations to Returning Officer
Not later than 4pm on the twentieth day before the date of any contested poll	-20	Final date for the submission of nominations to Returning Officer  Final date for the submission of candidates personal statements
Not later than 4pm on the fifteenth day before the date of any contested poll	-15	Final date for the withdrawal of nominations
Not later than the eleventh day before any contested poll	-11	Issue letters to candidates in uncontested areas confirming their election
Not later than the eleventh day before any contested poll	-11	Publication of Notice of Poll for contested areas  Publication of Notice of Uncontested Elections
Polling	0	Polling Hours, where applicable will include the following periods of time:-  9.30 am to 12.30 pm 5.00 pm to 8.00 pm
Within five days of the close of poll	+5	Counting of Votes Cast and Declaration of Results

\* Timetable is based on a contested poll being held.

### 3. ELECTORAL REGISTRATION ARRANGEMENTS

- 3.1 An Electoral Register will be prepared for the Community Council area based on the current Electoral Register for local government elections.
- 3.1 Only those persons whose names appear on the Community Council Electoral Register on the date of its closure prior to an election will be eligible to vote in that election.

### 4. NOTICE OF ELECTION

- 4.1 The Returning Officer will publish a Notice of Election on the Council's website and will display the notice in public offices in the area.
- 4.2 The Notice of Election will indicate the times and locations from which a nomination paper can be obtained.

4.3 The Notice of Election will indicate the arrangements for the registration of electors for the interim election.

## 5. ELIGIBILITY

A person shall be eligible to stand for election to a Community Council if they have attained the age of 16 years, reside within the community council area and are named on the Electoral Register for the area for which they are nominated.

Any individual who is elected to serve on Angus Council, or a person appointed to a committee of Angus Council in terms of Section 57 of the Local Government (Scotland) Act 1973 or a person who is elected to serve on the Scottish, UK or European parliament shall be ineligible to stand for election or co-option to a Community Council.

## 6. NOMINATIONS

6.1 Each candidate will submit a separate nomination paper and this must be lodged with the Returning Officer, not later than 4.00pm on the final date for submission of nominations, as specified in paragraph 2 above. Electronic submissions will not be accepted.

6.2 The nomination paper will include:-

- (a) the name and address of the candidate; and
- (b) the candidate's consent to nomination.

And be signed by the candidate.

6.3 The nomination paper will require to be signed by a proposer and seconder, both of whom must appear on the current register of electors for the Community Council area for which the candidate is nominated.

6.4 All candidates **must** submit a personal statement of not more than 150 words in support of their candidacy. This must be lodged with the Returning Officer, no later than 4.00pm on the final date for submission of candidates' personal statements, as specified in paragraph 2 above.

6.5 The Returning Officer will be entitled to hold a nomination paper invalid if it does not comply with the requirements of paragraphs 6.1, 6.2, 6.3 and 6.4 above.

6.6 At close of nominations, the Returning Officer will advise all candidates of the nominations lodged within their area.

6.7 The Returning Officer reserves the right to call for further nominations after the date for the close of nominations should insufficient nominations be received to establish the Community Council.

6.8 A candidate may withdraw his/her candidature by a notice of withdrawal signed by him/her and delivered to the Returning Officer at the place for the submission of nomination papers, not later than 4.00pm on the final date for the withdrawal of nominations, as specified in paragraph 2 above.

## **7. CANDIDATES' PERSONAL STATEMENTS**

All candidates are required to submit a personal statement of not more than 150 words with their nomination paper, in support of their candidacy. Copies of all personal statements will be on the Angus Council website as soon after the close of nominations as is permissible.

All material contained in the personal statements will be the sole responsibility of the individual candidate and neither the Returning Officer nor Angus Council will be responsible for the content. It will be the responsibility of the candidate to ensure that their personal statement does not contain any material which is political, obscene, defamatory or otherwise actionable.

The Returning Officer reserves the right to refrain from publishing any personal statement which is in breach of these rules.

## **8. PUBLICITY**

Information regarding the election process will be available on the Angus Council website [www.angus.gov.uk/ccelections](http://www.angus.gov.uk/ccelections), including the publication of all statutory notices (see Sections 4, 15 & 20).

## **9. CAMPAIGNING**

- 9.1 Candidates may commence campaigning at any time after the Publication of the Notice of Election, they do not need to wait until they are validly nominated; although they will not officially become a candidate until submission of a valid nomination paper.
- 9.2 Individual candidates may wish to engage with members of the public at public meetings to promote their views and respond to questions. The arrangements for; and any expenses incurred in respect of such meetings will be the responsibility of the organiser(s).
- 9.3 Candidates may print their own campaign material or use social media for campaigning purposes but candidates must be clear that the views published are their own and not those of the Community Council they wish to represent or Angus Council.
- 9.4 The Returning Officer will make posters for distribution within the Community Council area to help highlight the forthcoming election.

The Returning Officer is not responsible for promoting any candidate for election or the Community Council which they wish to represent.

## **10. UNCONTESTED ELECTIONS**

If, after the expiry of the time for the withdrawal of nominations, the number of candidates remaining validly nominated is equal or exceeds HALF, but is less than or equal to the total maximum permitted membership as specified for the area, the candidates will be declared elected, and the Returning Officer will give intimation of the result in accordance with the procedure described in paragraph 20.

Community Council's will not be considered properly constituted until after the Inaugural Meeting (see paragraph 21 below) has been held.

## **11. UNSUCCESSFUL ELECTIONS**

Where the total number of valid nominations for election to any Community Council received by the Returning Officer is less than HALF of the total maximum permitted membership, as specified for the area, no Community Council will be established at that time.

However, this does not prevent a request from 20 electors to the Council to make arrangements for the establishment of a Community Council under the terms of Section 52 (7) of the Local Government (Scotland) Act 1973 to the Returning Officer at any time.

## **12. CONTESTED ELECTIONS**

If, after the expiry time for the withdrawal of nominations, the number of candidates remaining validly nominated exceeds the total maximum permitted membership as specified for the area, the arrangements for a poll shall be implemented.

## **13. VOTING ARRANGEMENTS**

For contested elections of Community Council members:-

- (a) The poll will be conducted by secret ballot.
- (b) There shall be no provision for the issue of poll cards or voting by post or by proxy unless otherwise stated by the Returning Officer.
- (c) Only those persons whose names appear on the Community Council Electoral Register on the date of its closure prior to an election will be eligible to vote.
- (d) Where, the poll will be conducted in polling stations designated by the Returning Officer and the hours of poll will be as specified in paragraph 2. Where applicable, full details of the electoral arrangements will be contained in the Notice of Poll.
- (e) Ballot papers will contain the names and addresses of the candidates as shown on their nomination papers and will be arranged alphabetically in order of their surnames, and, if there are two or more candidates with the same surname, of their other names.
- (f) Each elector will be entitled to cast a number of votes up to the number of prescribed vacancies for election, but will not give more than one vote to any one candidate and will not give an order of preference among candidates (although the recording of preferences would not in itself spoil an otherwise valid ballot paper).
- (g) The result will be determined by counting the votes given to each candidate and the candidates with the highest number of votes, equal to the number of prescribed vacancies, will be declared to have been elected.

## **14. POSTAL VOTING**

Where the poll is to be conducted by postal vote, the Returning Officer will make arrangements to issue postal ballot packs to all eligible electors containing a ballot paper, postal voting statement, instructions for voting by post, return envelope and a copy of all candidates' personal statements for the information of voters.

For a vote to be valid, the ballot paper must be returned with a valid postal voting statement duly signed by the elector confirming that they are the elector to which a ballot paper has been sent.

## **15. NOTICE OF POLL**

- 15.1 The Returning Officer will publish the Notice of Poll on the Council's website and will display the notice in public offices in the area.
- 15.2 The Notice of Poll will indicate the arrangements for the poll including where appropriate, the times and locations where voting will take place.

## **16. COUNTING OF VOTES**

- 16.1 The Returning Officer will make arrangements for the counting of votes and will notify the candidates of the time and place at which the Count will commence.
- 16.2 No person other than:-
  - (a) the Returning Officer and their staff;
  - (b) the candidates; or
  - (c) any person representing a candidate who is not present,may attend the counting of votes, unless expressly permitted by the Returning Officer.
- 16.3 A candidate or their representative may, if present when the counting of the votes is completed, request the Returning Officer to have the votes re-counted, but the Returning Officer may refuse to do so if in their opinion the request is unreasonable.

## **17. REQUIREMENT OF SECRECY**

All persons involved in the election are required to maintain and aid in maintaining the secrecy of voting.

## **18. REJECTED BALLOT PAPERS**

- 18.1 Any ballot paper:-
  - (a) on which votes are given for more candidates than the prescribed number of vacancies;
  - (b) on which anything is written or marked by which the voter can be identified;
  - (c) which is want of an official mark; or
  - (d) which is unmarked or null and void for uncertaintywill not be counted.
- 18.2 A ballot paper on which the vote(s) is/are marked:-
  - (a) elsewhere than in the proper place;
  - (b) otherwise than by means of a cross;

(c) by more than one mark, or where the voter has indicated an order of preference, **will not for such reason alone** be deemed to be null and void.

18.3 The decision of the Returning Officer on any question arising in respect of a ballot paper will be final.

## **19. EQUALITY OF VOTES**

Where, after the counting of votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the Returning Officer will decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

## **20. DECLARATION OF RESULTS**

20.1 In a contested election, when the result of the poll has been determined, the Returning Officer will declare the candidates receiving the highest number of votes, equal to the number of available vacancies, to be elected. In an uncontested election, following the expiry of time for the withdrawal of nominations, the Returning Officer will declare the candidates remaining validly nominated to be elected.

20.2 As soon as practicable thereafter, the Returning Officer will give intimation of the results by displaying a notice to that effect in appropriate public offices and on the Council website.

## **21. INAUGURAL MEETINGS**

21.1 The Returning Officer will be responsible for making arrangements for the Inaugural Meeting of each newly established Community Council.

21.2 The Inaugural Meeting will be held on a date prescribed by the Returning Officer and published on the Angus Council website. These meetings will be held within one month of the date of the election of candidates.

21.3 A representative appointed by the Returning Officer will act as Chair of the Inaugural Meeting until such time as office bearers have been appointed.

21.4 No formal business of the newly established Community Council may take place until the Inaugural Meeting has been held and office bearers have been appointed.

Lisa Dallas  
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