

FIFE COUNCIL

COMMUNITY COUNCIL ELECTION

RULES

Effective from 11th March, 2021

COMMUNITY COUNCIL ELECTIONS

Returning Officer

1. The Returning Officer for Community Council Elections in Fife is the Chief Executive of the Fife Council. The Returning Officer will request the updates to the Electoral Register on behalf of any Community Council for which a poll is required.

Frequency of Elections

2. The ordinary elections for Community Councils take place every four years.

Day of Election

3. In every year in which ordinary elections for Community Councils are held, the day of the election is the second Thursday in October or an alternative day as the Returning Officer determines.
4. Where a Community Council considers that a significant portion of the electorate within the Community Council area will be disadvantaged by the date chosen for the elections either by way of affecting those electors' ability to stand as candidates or to vote in the election, then the Community Council may request in writing that the election for that Community Council be postponed for a period of up to 6 months no later than the sixty seventh day before the day of the election. Any postponement will be granted at the discretion of the Returning Officer.

Timetable

5. The proceedings at the election will be conducted in accordance with the following timetable.

<u>Proceeding</u>	<u>Time</u>
Publication of Notice inviting electors in the areas of Community Councils to apply in writing for the establishment of a Community Council.	Not later than the sixtieth day before the day of the election.
Publication of Notice of Election	Not later than the forty-first day before the day of the election.

Proceeding

Time

Deadline to Register to Vote to be able to stand as candidate

Candidates must be included in update of the register published on or before the twenty-eighth day before the day of election to be able to stand in that election.

The deadline for registering to vote to stand as a candidate will depend on the date of election but will be approximately two months in advance of the date of the election.

The Returning Officer will advise Community Councils of the relevant date in advance of each election.

Delivery of nomination papers

Not later than 4.00 p.m. on the twenty-eighth day before the day of election.

Publication of statements as to persons nominated

Not later than 4.00 p.m. on the twenty-third day before the day of election.

Delivery of notices of withdrawals of candidature.

Not later than 4.00 p.m. on the twentieth day before the day of election.

Deadline to Register to Vote to be able to vote in election

An elector must be included in the update of the register to be used to create the register for the election to be able to vote in that election.

The deadline for registering to vote will depend on the date of election but will be approximately one month in advance of the date of the election.

The Returning Officer will advise Community Councils of the relevant date in advance of each election.

Notice of poll

Not later than the sixth day before the day of election.

Day of Election

Postal ballot papers to be returned to the Returning Officer no later than 4 p.m. on the date set by the Returning Officer.

Notice of Election

6. (1) The Returning Officer will publish a notice of the election stating -
- (a) the place and times at which nomination papers are to be delivered, and
 - (b) the date of the poll in the event of a contest.

The notice shall state that forms of nomination papers may be obtained at that place and those times.

Nomination of Candidates

7. (1) Each candidate will be nominated by a separate nomination paper, (see Appendix 1) delivered at the place fixed for the purpose by the Returning Officer or by a signed, scanned copy to a nominated email address to the Returning Officer.
- (2) The nomination paper will state the -
- (a) candidate's full names (the surname to be placed first in the list of names),
 - (b) candidate's home address in full,
 - (c) name which the candidate wishes to appear on the ballot paper if different from the full name, and
 - (d) whether a candidate wishes their address or the statement 'resident in the Community Council area' to appear on the Statement of Persons Nominated and, if necessary, the ballot paper.
- (3) Each candidate must sign their nomination paper before submitting it to the Returning Officer.

Decisions as to Validity of Nomination Papers

8. (1) Where a nomination paper and the candidate's consent to it are delivered in accordance with these rules, the candidate shall be deemed to stand nominated unless -
- (a) the Returning Officer decides that the nomination paper is invalid; or
 - (b) proof is given to the Returning Officer's satisfaction of the candidate's death; or
 - (c) the candidate withdraws.

- (2) The Returning Officer is entitled to hold a nomination paper invalid on one of the following grounds -
 - (a) the particulars of the candidate are not as required by the scheme for the establishment of Community Councils in Fife or these rules; and
 - (b) the paper is not signed as required.
- (3) As soon as practicable after each nomination paper has been delivered, the Returning Officer will examine it and decided whether the candidate has been validly nominated.
- (4) Where the Returning Officer decides that a nomination paper is invalid, he or she will endorse and sign on the paper that it is invalid and provide reasons for his or her decision.
- (5) The Returning Officer will send notice of the decision that a nomination paper is valid or invalid to each candidate at his or her home address as given in his or her nomination paper.
- (6) The Returning Officer's decision regarding the validity of a nomination paper will be final.

Publication of Statement of Persons Nominated

9. (1) The Returning Officer will prepare and publish a statement showing the persons who have been, and stand, nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.
- (2) The statement will show the names and addresses of the persons nominated as given in their nomination papers.
- (3) The statement will show the persons standing nominated, arranged alphabetically in the order of their surnames and if there are two or more of them with the same surname, in alphabetical order of forename(s) and other names.
- (4) In the case of a person nominated by more than one nomination paper, the Returning Officer will take the particulars required from one of the papers as the candidate (or the Returning Officer in default of the candidate) selects.

Inspection of Nomination Papers

10. Between the hours of 9 a.m. and 5 p.m. on any working day, after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect nomination papers.

Withdrawal of Candidates

11. Not later than 4.00 p.m. on the twentieth day before the poll a candidate may withdraw his or her candidature by notice of withdrawal -

- (a) signed by him or her and attested by one witness, and
- (b) delivered to the Returning Officer at the place for delivery of nomination papers.

Nomination in More Than One Area

12. A candidate who is validly nominated for more than one Community Council must withdraw in all those areas except one, and if he or she does not withdraw, he or she shall be deemed to have withdrawn from all those areas.

Uncontested Elections

13. (1) If the number of persons remaining validly nominated for the area of the Community Council after any withdrawals does not exceed the number of councillors to be elected, such person or persons shall be declared to be elected.
- (2) The Returning Officer will, as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature -
- (a) declare to be elected the persons remaining validly nominated; and
 - (b) give public notice of the name of each such person.

Contested Elections - Method of Election

14. If the number of persons remaining validly nominated for the area of the Community Council after any withdrawals exceeds the number of councillors to be elected, a poll will be taken

Poll to be Taken by Postal Ballot

15. (1) The votes at the poll will be by postal ballot and the result will be ascertained by counting the votes given to each candidate. Each elector will have as many votes as there are vacancies but will only be able to vote once for any particular candidate. The candidates receiving most votes, up to the number to be elected, will be elected to the community council. Every local government elector in the community council area will receive a ballot paper and a person entitled to vote at an election may only do so by post.
- (2) There will be no provision for the issue of poll cards or proxy, postal proxy or emergency proxy votes.

The Ballot Papers

16. (1) The persons remaining validly nominated for the area of the Community Council after any withdrawals under these rules, will have their names inserted on the ballot paper.

- (2) Every ballot paper (see Appendix 2) will include the names and other particulars of the candidates as shown in the statement of persons nominated and each ballot paper will be individually numbered.
- (3) The order of the names in the ballot paper will be the same as in the statement of persons nominated.
- (4) The format of the ballot papers will be as illustrated in Appendix 2 to these rules or to like effect.

The Official Mark

17. (1) Every ballot paper will have an official mark.
- (2) The official mark will be secret and the same mark at elections for the same area will not be used for at least 5 years.

Candidates' Statements

18. (1) Each candidate, if they so wish, will be given the opportunity to provide a short statement in support of their candidature of no more than 50 words. Should a poll be needed then the candidates' personal statements will be circulated to all eligible electors with their ballot papers.
- (2) All material contained in a candidate's statement will be the sole responsibility of the candidate and neither the Returning Officer nor Fife Council will be responsible for the content.
- (3) No pictures, photographs, diagrams or logos may be incorporated into a candidate's statement.
- (4) If a candidate's statement exceeds 50 words, the statement will be published with only the first 50 words included.
- (5) The Returning Officer will not circulate any statements which contain material which would be unlawful for the Council to publish. In particular, the Returning Officer will not circulate material which is obscene, defamatory, likely to incite racial hatred or which appears to be designed to support a political party.
- (6) The Returning Officer reserves the right to refrain from publishing any statements which are contrary to these rules.

Issue of Ballot Papers

19. The Returning Officer will, as soon as practicable after the deadline for the delivery of notices of withdrawals of candidature (see Rule 5 above), send each elector at the address in respect of which he or she is registered or the address at which he or she is registered as an absent voter, a ballot paper together with instructions for completing it with an envelope for its return and a copy of any candidates' statements submitted.

Envelope

20. The envelope which the Returning Officer is required by rule 19 above to send to a voter for the return of the ballot paper is referred to as a "covering envelope".

Refusal to issue ballot paper

21. Where a Returning Officer is satisfied that two or more entries in the absent voters list or in the register relate to the same elector, he or she will not issue more than one ballot paper in respect of the same elector in respect of any one election.

Delivery of ballot papers

22. (1) For the purposes of delivering ballot papers, the Returning Officer may use -
- (a) a universal postal service provider; or
 - (b) a commercial delivery firm.
- (2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to voters will be counted and delivered by the Returning Officer with a receipt to be endorsed by that provider or firm.
- (3) Delivery of all envelopes addressed to voters and all covering envelopes will be pre-paid by the Returning Officer.

Prohibition of Disclosure of Vote

23. No person who has voted at the election will, in any legal proceeding to question the election, be required to disclose who they voted for.

Spoilt Ballot Papers and Covering Envelopes

24. (1) If a voter has inadvertently dealt with his or her ballot paper in such manner that it cannot be used as a ballot paper (referred to as "a spoilt ballot paper") he or she may return it (either by hand or by post) to the Returning Officer along with the covering envelope before 4 p.m. on the day before the day of poll for a replacement. Any spoilt ballot papers returned on the day before poll must be returned by hand.
- (2) If a voter has inadvertently dealt with his or her covering envelope in such manner that it cannot be used as a covering envelope (referred to as "a spoilt covering envelope") he or she may return it (either by hand or post) to the Returning Officer before 4 p.m. on the day before the day of poll for a replacement. Any spoilt covering envelopes returned on the day before poll must be returned by hand.

- (3) On receipt of the documents referred to in rules 24 (1) or (2) above, the Returning Officer will issue another ballot paper or covering envelope, as the case may be.

Lost ballot papers

25. (1) Where an elector has not received his or her ballot paper by the fourth working day before the day of the poll, he or she may apply (whether or not in person) to the Returning Officer for a replacement ballot paper.
- (2) Such an application must include evidence of the elector's identity.
- (3) Where the application is received by the Returning Officer before 5.00 p.m. on the day before the day of the poll, the Returning Officer will issue another ballot paper if he/she -
 - (a) is satisfied as to the elector's identity; and
 - (b) has no reason to doubt that the elector did not receive the original ballot paper.
- (4) The Returning Officer will enter in the list of lost ballot papers -
 - (a) the name and number of the elector as stated in the register; and
 - (b) the number of the lost ballot paper and of its replacement.

Handing replacements for Spoilt or Lost Ballot Papers and covering envelopes

26. Where an elector applies in person for a replacement ballot paper or covering envelope in terms of rules 24 and 25, the Returning Officer may hand a replacement ballot paper and covering envelope to him or her instead of delivering it in accordance with rule 22 above.

Death of a Candidate

27. In the event that a candidate dies, the poll will proceed at the discretion of the Returning Officer. This will not apply if, on the death of a candidate, the total number of candidates does not exceed the maximum permitted members within the Community Council area.

Opening of ballot boxes

28. (1) The Returning Officer will provide one or more ballot boxes for the receipt of ballot papers.
- (2) Every ballot box referred to in rule 28 (1) above will be marked "ballot papers" and with the name of the community council area for which the election is held.

- (3) Covering envelopes received by the Returning Officer until the close of the poll, normally up until 4.00 p.m. on the day of poll unless otherwise agreed by the Returning Officer, will be placed in the ballot box or boxes.
- (4) The Returning Officer will make provision for the safe custody of all ballot boxes.
- (5) Every ballot box will be opened at the counting of the votes under rule 33 of these rules.

Timing of the Count

29. The Returning Officer will make arrangements for counting the votes in the presence of the candidates and their counting agents as soon as practicable after the close of the poll. This will normally be 10 a.m. on the first working day after the close of poll, unless otherwise agreed by the Returning Officer.

Appointment of counting agents

30. (1) Each candidate may appoint such number of counting agents as the Returning Officer considers appropriate to attend at the counting of the votes.
- (2) Notice in writing of the appointment of counting agents, stating the names and addresses of the persons appointed, shall be given by the candidate to the Returning Officer not later than 1 week before the day of the poll.

Attendance at counting of votes

31. (1) The Returning Officer will give the counting agents notice in writing of the time and place at which counting of the votes will begin.
- (2) No person other than -
 - (a) the Returning Officer and his or her staff,
 - (b) the candidates and their partners, and
 - (c) the counting agents,may be present at the counting of the votes, unless permitted by the Returning Officer to attend.
- (3) A person not entitled to attend at the counting of the votes will not be permitted to do so by the Returning Officer unless he or she is satisfied that the efficient counting of the votes will not be impeded.
- (4) The Returning Officer will give the counting agents all reasonable facilities for overseeing the proceedings and all information as he or she can give them consistent with the orderly conduct of the proceedings and the discharge of his or her duties.

Notification of requirement of secrecy

32. Every person attending the proceedings in connection with the opening of ballot papers must maintain and aid in maintaining the secrecy of the voting and must not, except for some purpose authorised by law -
- (a) communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or
 - (b) communicate to any person at any time any information obtained at those proceedings as to the number on the back of the ballot paper sent to any person.

Opening of covering envelopes

33. (1) When a ballot box has been opened, the Returning Officer will count and note the number of covering envelopes and then open each covering envelope separately.
- (2) Where a covering envelope does not contain a ballot paper, the Returning Officer shall mark the covering envelope "rejected", attach it to the contents (if any) of the covering envelope and place it in a separate receptacle (referred to as "the receptacle for rejected votes").
- (3) Where the covering envelope does contain a ballot paper, the Returning Officer will place it in a different receptacle.

The Count

34. (1) The Returning Officer will count the ballot papers duly returned for each contest and record the total number of –
- ballot papers returned,
 - votes cast for each candidate, and
 - rejected ballot papers.
- (2) The Returning Officer will so far as practicable proceed continuously with counting the votes, allowing time for refreshment.

Rejected ballot papers

35. (1) Any ballot paper -
- (a) which does not bear the official mark, or
 - (b) on which votes are given for more than the number of candidates to be elected, or
 - (c) on which anything is written or marked by which the voter can be identified except the printed number on the back, or

- (d) which is unmarked or null and void for uncertainty,
will, subject to rule (2) below, be null and void and not counted.
- (2) A ballot paper on which the vote is marked -
 - (a) elsewhere than in the proper place, or
 - (b) otherwise than by means of a cross, or
 - (c) by more than one mark,will not be deemed to be null and void if an intention that the vote is for one or other of the candidates clearly appears and the way the paper is marked does not itself identify the voter and it is not shown that he or she can be identified by it.
- (3) The Returning Officer will endorse the word "rejected" on any ballot paper which is not to be counted and will add to the endorsement the words "rejection objected to" if any objection is made by a candidate or counting agent to his or her decision.
- (4) The Returning Officer will produce a statement showing the number of ballot papers rejected, under the following categories -
 - (a) want of official mark;
 - (b) voting for more than the number of candidates to be elected;
 - (c) writing or mark by which voter could be identified;
 - (d) unmarked or null and void for uncertainty.

Decisions on ballot papers

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

Equality of Votes

37. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found 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.

Re-count

38. (1) A candidate may, if present when the counting or any re-count of the votes is completed, request the Returning Officer to have the votes re-counted or again re-counted but the Returning Officer may refuse to do so if in his or her opinion the request is unreasonable.

- (2) No step will be taken on the completion of the counting or any re-count of votes until the candidates present at its completion have been given a reasonable opportunity to exercise the right conferred by rule 38 (1) above.

Declaration of Result

39. (1) In a contested election, when the result of the poll has been ascertained, the Returning Officer will -
- (a) declare elected the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected; and
 - (b) give public notice of the name of each candidate elected and of the total number of votes given for each candidate (whether elected or not) together with the number of rejected ballot papers under each category shown in the statement of rejected ballot papers (see rule 35 (4) above).

Sealing up of Election Materials

40. (1) On the completion of the counting at a contested election the Returning Officer will seal up in separate packets:
- the nomination papers
 - the counted valid ballot papers
 - the rejected ballot papers
 - other election stationery.
- (2) The Returning Officer will not open the sealed packets relating to the election except where necessary in respect of any allegations made in relation to rule 44 (below).

Power of the Returning Officer to Correct Errors

41. The Returning Officer may take such steps as he or she thinks appropriate to remedy any act or omission which arises in connection with any function of the Returning Officer or relevant person has in relation to the election, and is not in accordance with the rules or any other requirements applicable to the election. Any action or steps taken will not invalidate the poll.

Delivery of Documents

42. The Returning Officer will forward to the proper officer of the council the following documents -
- (a) the packets of ballot papers in his or her possession, and
 - (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the community council for which the election was held.

Retention of Documents

43. The sealed packets will be retained by the proper officer of the council for a period of 12 months from the day of poll for the election or until another election is held in the Community Council area, whichever is the shorter.

Corrupt, Illegal or Improper Practices

44. If, in the opinion of the Returning Officer, a candidate who has been elected or anyone on his or her behalf has acted in a corrupt, illegal or improper manner in relation to any election under this scheme then the Returning Officer may declare the candidate's election void.



Appendix 1

Received by:
Initials:
Date:
Time

FIFE COUNCIL

ELECTION OF MEMBERS FOR THE

COMMUNITY COUNCIL

NOMINATION PAPER

1.	CANDIDATE'S SURNAME	OTHER NAMES	HOME ADDRESS

* I am registered as a local government elector and my electoral register number is.....

I am not a member of Fife Council.

I wish that **my full address*** / **the statement 'Resides in the Community Council area'*** appears on the Statement of Persons Nominated and ballot papers. (*Delete as appropriate)

Signature of Candidate:

.....
.....

Date:

.....

This form must be returned to: The Returning Officer,
Fife Council,
(insert address and contact point)

by no later than 4.00 p.m. on (insert date on which nomination papers to be returned)

Sample of Ballot Paper

Form of Front of Ballot Papers

VOTE FOR NO MORE THAN 5 CANDIDATES

YOU CAN ONLY VOTE ONCE FOR ANY CANDIDATE

1	BROWN JOHN EDWARD Brown, 2 The Cottages, Dunfermline, Fife.	
2	BROWN THOMAS WILLIAM Brown, 15 The Cottages, Dunfermline, Fife.	
3	JONES William David Jones, The Grange, Dunfermline, Fife.	
4	MERTON Hon. George Travis, (Commonly called Viscount Merton), Barlington, Fife.	
5	SMITH Mary Smith, School House, Dunfermline, Fife.	
6	MACDONALD Elizabeth Macdonald, 3 Ivy Lane, Dunfermline, Fife.	