



# **The Highland Council Election**

## **Notes for the Guidance of Candidates**

### **Thursday 5 May 2022**

**These notes should be read in full before completing and submitting your nomination papers**

**DONNA MANSON**

Returning Officer for The Highland Council – 21 electoral wards



[www.highland.gov.uk/slg22election](http://www.highland.gov.uk/slg22election)

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## NOTES FOR THE GUIDANCE OF PROSPECTIVE CANDIDATES

These notes are produced for the guidance and convenience of prospective candidates wishing to stand in the local government elections for the Highland Council area on Thursday 5 May 2022.

While every care has been taken in the preparation of these notes, they do not have any binding force and candidates are advised, where necessary, to consult the relevant statutory authorities. For the Register of Electors or qualifications for absent and proxy voting, information may be obtained from the Electoral Registration Officer (ERO).

**The Returning Officer and their staff cannot give advice as to the conduct of the election campaign by candidates or agents, particularly in relation to the legality or otherwise of their actions.**

Candidates should refer to the comprehensive guidance for candidates and agents which has been prepared by the Electoral Commission before submitting their nomination papers. A copy of this is available to download from the [Electoral Commission's](#) website.

### Coronavirus

Safety measures will be put in place to comply with the [Scottish Government coronavirus guidelines](#) to ensure they are being followed to ensure that we can undertake a safe and secure poll for this election.

The Returning Officer will be hosting virtual briefing for Candidates and Agents on the following dates:

- **Tuesday 8 March 2022** at 10.00am (Pre-nomination briefing will focus on the election timetable, completion and submission of nomination papers).
- **Tuesday 5 April 2022** at 10.00am (Post briefing will focus on the poll and the count and will provide information on the measures that have been put in place to ensure that our venues are safe places for all stakeholders).

You must notify the elections office by [email](#) if you wish to join the briefing via Microsoft Teams and a link will be sent to your email address.

## 1. Administration & Management of Election

Donna Manson is the Returning Officer for the Highland Council election and is responsible for the administration and delivery of this election.

The number of councillors to be elected for each of the 21 wards for The Highland Council is as follows:-

| Name of Ward |  | Number of Councillors to be elected |
|--------------|--|-------------------------------------|
| Ward 1.      | North, West and Central Sutherland     | 3                                   |
| Ward 2.      | Thurso and Northwest Caithness         | 4                                   |
| Ward 3.      | Wick and East Caithness                | 4                                   |
| Ward 4.      | East Sutherland and Edderton           | 3                                   |
| Ward 5.      | Wester Ross, Strathpeffer and Lochalsh | 4                                   |
| Ward 6.      | Cromarty Firth                         | 4                                   |
| Ward 7.      | Tain and Easter Ross                   | 3                                   |
| Ward 8.      | Dingwall and Seaforth                  | 4                                   |
| Ward 9.      | Black Isle                             | 3                                   |
| Ward 10.     | Eilean a' Cheò                         | 4                                   |
| Ward 11.     | Caol and Mallaig                       | 3                                   |
| Ward 12.     | Aird and Loch Ness                     | 4                                   |
| Ward 13.     | Inverness West                         | 3                                   |
| Ward 14.     | Inverness Central                      | 3                                   |
| Ward 15.     | Inverness Ness-side                    | 3                                   |
| Ward 16.     | Inverness Millburn                     | 3                                   |
| Ward 17.     | Culloden and Ardersier                 | 3                                   |
| Ward 18.     | Nairn and Cawdor                       | 4                                   |
| Ward 19.     | Inverness South                        | 4                                   |
| Ward 20.     | Badenoch and Strathspey                | 4                                   |
| Ward 21.     | Fort William and Ardnamurchan          | 4                                   |

Bill Gillies is the Electoral Registration Officer for the Highland and Western Isles Valuation Joint Board.

Information on the election is available to members of the public via the [Council's website](#). The "Statement of Persons Nominated and Notice of Poll" which will detail the candidates standing in each ward after the close of nominations will be published thereafter on the [website](#) on Wednesday 30 March 2022.

## 2. Election Team

The postal address for the Election Team is the Election Office, The Highland Council Headquarters, Glenurquhart Road, Inverness, IV3 5NX and contact details are detailed below.

T: 01349 886657

E: [election@highland.gov.uk](mailto:election@highland.gov.uk)

### **3. Nomination of Candidates**

#### **3.1 General Provisions**

**3.1.1** The nomination form and home address form must be submitted by hand and cannot be submitted by post, email, or other electronic means. For party candidates, certificates of authorisation and emblem request forms may be submitted by hand or by post, but cannot be submitted by email, or other electronic means.

**3.1.2** Please ensure where signatures are required on any form that you submit the original signed version of each completed form and not a copy. Documents without original signatures cannot be accepted.

**3.1.3** There are no restrictions on who may deliver your nomination papers. However, we recommend that you, your election agent or someone you trust does this, so you can be sure they are delivered to The Returning Officer, Election Office, Committee Room 1, The Highland Council, Council Headquarters, Glenurquhart Road, Inverness, IV3 5NX or to the appropriate Depute Returning Officer in the Highland area detailed in the [Notice of Election](#) by 4pm on Wednesday 30 March 2022.

Please refer to [Section 3.4](#) for information on the informal check of nomination papers prior to formal submission.

**3.1.4** It is a criminal offence to knowingly make a false statement on nomination papers. This includes a commonly used name given by a candidate on the nomination form which they do not actually commonly use.

The penalty for a false statement is either a fine, currently set at a maximum of £10,000 (or unlimited if convicted on indictment) and/or imprisonment.

#### **3.2 Qualifications/Disqualifications**

To be able to stand as a candidate at a council election in Scotland you must be:

- at least 18 years old on the day of your nomination, and
- either a British citizen, an Irish Citizen, an eligible Commonwealth citizen, or a qualifying foreign national, and
- meet at least one of the following four qualifications:
  - a. You are registered as a local government elector for the local authority area in which you wish to stand on the day of your nomination.
  - b. You have occupied as owner or tenant any land or other premises in the local authority area during the whole of the 12 months before the day of your nomination.
  - c. Your main or only place of work during the 12 months prior to the day of your nomination has been in the local authority area.
  - d. You have lived in the local authority area during the whole of the 12 months before the day of your nomination.

Apart from meeting the qualifications for standing for election, you must also not be disqualified from standing on the day of your nomination and on polling day. Please refer to [Part 1 of the Electoral Commission's Guidance](#) for Candidates and Agents if you require more detailed guidance on this.

The full range of disqualifications is complex and if you are in any doubt about whether you are disqualified, you must do everything you can to check that you are not disqualified before submitting your nomination papers. You must be sure that you are not disqualified as you will need to give your consent to nomination on the nomination form to confirm that you are not disqualified. It is a criminal offence to make a false statement on your nomination form as to your qualification for being elected, so if you are in any doubt you should contact your employer, consult the legislation or, if necessary, take your own independent legal advice.

Questions of eligibility or disqualification are a matter for you (the candidate) only as the Returning Officer will not be able to confirm whether or not you are disqualified.

**You cannot stand in more than one ward in this Election.** While you may submit nomination papers for more than one ward, you cannot stand for election in more than one ward within the same local authority after the deadline for withdrawals.

If you qualify for part “\*a” on the nomination form and need to obtain your electoral register number, then please contact the Electoral Registration Office on 0800 393783.

If the Returning Officer accepts your nomination papers and you are validly nominated in more than one ward within the Highland Council, you must withdraw from all wards but one by 4pm on Wednesday, 30 March 2022. If you do not, then you will be deemed to have withdrawn from all of the wards.

### 3.3 Nomination Papers

#### 3.3.1 Nomination Form [Form 1]

If you wish to stand as a candidate, you must submit the following **completed forms by hand** to the Returning Officer or to the appropriate Depute Returning Officer detailed in the Notice of Election by **4pm on Wednesday 30 March 2022**:

|               |                   |
|---------------|-------------------|
| <b>Form 1</b> | Nomination Form   |
| <b>Form 2</b> | Home Address Form |

The Checklist (Form CL) enclosed in the nomination pack is designed to assist you in preparing you to submit your nomination, and should be read alongside Part 2 of the Electoral Commission's [Guidance for candidates and agents](#)

#### 3.3.2 Home Address Form [Form 2]

Candidates are not required to provide their home address on the nomination paper. This information is instead provided on the home address form (Form 2). This must be hand delivered with the nomination form.

On the home address form the candidate must state:

- their full name
- their home address in full
- their qualifying address, or, where they have declared on their nomination paper that they meet more than one qualification, their qualifying addresses

- which of the qualifications their qualifying address or addresses relate to
- the full name and the home address in full of the witness (this is the same person who witnessed the nomination paper)

**A candidate may choose on this form for their home address to be made public on the notice of poll and the ballot paper.**

The home address form must contain, in addition to the full name and address, a statement signed by the candidate that they require the home address to be made public.

If you DO NOT wish for your home address to be made public you **MUST** indicate in which relevant area your home address is situated, and you do not need to sign this form. The name of the relevant area in which your home address is situated (or country, if outside the UK).

### 3.3.3 Commonly Used Names

If a Candidate is known by or uses a name which is different or partly different to their actual name, the candidate may request this be used instead of their actual name.

Please refer to [Part 2 of the Electoral Commission guidance](#) for candidates and agents for more information on the use of commonly used names.

### 3.3.4 Description of a Candidate/Use of Party Emblems [Forms 3 and 4]

A Candidate may only use one of the following descriptions:

- the word “Independent” or leave blank
- the registered party name of one registered political party
- the registered party names of two registered political parties

Candidates **may not** use any of a party’s registered descriptions unless authorised by the Party’s Nominating Officer.

If you are standing on behalf of a registered political party and wish to use the registered party name and emblem, you must also submit the following forms **by hand or by post** to the Returning Officer by **4pm on Wednesday 30 March 2022**:

**Form 3** Certificate of Authorisation

**Form 4** Request for a Party Emblem

A party name may only be used if the request is supported by a Certificate of Authorisation signed by or on behalf of the party’s Nominating Officer (or a person to act on their behalf) before the close of nominations.

A candidate standing on behalf of a political party whose nomination is supported by a valid Certificate of Authorisation (**Form 3**) may request, in writing, to have that party’s emblem, or one of them, printed next to their name on the ballot paper. **Form 4** is provided for this purpose. It would be helpful for candidates from registered political parties, who wish to take advantage of this provision, to supply a copy of the chosen emblem when the request is made.



If you are standing on behalf of two parties, you must use the registered names of both parties as your description. You may include the word “and” between them.

Both the certificate of authorisation and the request to use a party emblem must be received by the Returning Officer by close of nominations i.e. not later than **4pm on Wednesday 30 March 2022**.

### 3.4 Informal Check of Nomination Papers

Nomination papers must be checked for accuracy and conformity with statutory requirements when they are lodged. Occasionally the nomination papers cannot be accepted, and candidates are required to amend them to meet statutory requirements. It is therefore in the interest of candidates when lodging nomination papers to ensure that there is adequate time for any such amendment, as in no circumstances may the Returning Officer accept a nomination paper after **4pm on Wednesday 30 March 2022**.

Nomination papers may be submitted by email [election@highland.gov.uk](mailto:election@highland.gov.uk) for an informal check to be carried out before the formal submission of nomination papers. Any errors found will be communicated to the candidate and/or their election agent by email to allow these to be corrected before formal submission. However, it should be noted that the correct completion of the nomination forms remains your responsibility or that of your election agent.

Candidates and agents are urged to make an appointment for the formal submission of nomination papers by contacting the election office by [email](mailto:election@highland.gov.uk) or telephoning 01463 644440 between the hours of 10.00am and 4.00pm.

See our informal checking process below

**This process has been developed to assist you with the submission of your nomination paper in a safe and secure.**

|   |  |
|---|--|
| Publication of Notice of Election on Monday 14 March 2022<br><a href="#">Information for Candidates and Agents</a>  | Nominations can be lodged between 10am and 4pm from 15 March 2022 until 30 March 2022                              |
| For informal checking please scan all papers of your pack and send to <a href="mailto:election@highland.gov.uk">election@highland.gov.uk</a>  | The Election Team will book an online Microsoft Teams session to conduct the informal checking of papers with you. |
| To become nominated you need to submit completed nomination papers <b>by hand</b> to:<br>The Highland Council, Council Headquarters, Glenurquhart Road, Inverness, IV3 5NX<br>or<br>the appropriate Depute Returning Officer detailed in the Notice of Election<br><br>Please email <a href="mailto:election@highland.gov.uk">election@highland.gov.uk</a> or contact 01463 644440 (weekdays between 10am and 4pm) to arrange an appointment.<br><br>Nomination papers must be delivered before <b>4pm on Wednesday 30 March 2022</b> . |  |



### 3.5 Withdrawal of Nominations [Form 6]

If you wish to withdraw your nomination, you may do so by lodging a Notice of Withdrawal signed by you and attested by one witness. The Notice of Withdrawal (Form 6) must be lodged with the Returning Officer at the address shown in [Notice of Election](#) or the appropriate Depute Returning Officer within the time for delivery of nomination papers.

### 4. Appointment of Election Agent [Form 5]

Each nominated candidate must appoint an election agent. You may act as your own election agent if you wish.

Notice of appointment of an election agent must be delivered to the Returning Officer or to the appropriate Depute Returning Officer detailed in the Notice of Election by the close of nominations i.e. not later than **4pm on Wednesday 30 March 2022**. Please complete **Form 5** for this purpose.

If you fail to notify the Returning Officer of the name and address of an election agent by the above-mentioned date, you shall be deemed to be acting as your own election agent.

### 5. Appointment of Polling Agents (Form 7)

You may appoint polling agents to attend at polling stations for the purpose of detecting personation or to observe the procedures being followed in the polling station. Such appointments should be made by giving notice in writing to the Returning Officer at the Election address specified in Section 2 of this document not later than **Wednesday 27 April 2022**. **Form 7** is provided for this purpose. Please ensure that a polling agent's full name and home address (including postcode) is provided to the Returning Officer.

Whilst there is no limit to the number of polling agents you may appoint, by law only one polling agent may be admitted at the same time to a polling station on behalf of the same candidate. If you wish your spouse/partner to visit polling stations with you on polling day, it will be necessary for them to be appointed as a polling agent.

Badges will be organised for each one of the appointed polling agents. The badges will be posted out or alternatively we will send a copy by email so candidates and election agents can print them out themselves.

The Returning Officer will make Candidates and Agents aware of any COVID measures in place it will be your responsibility to ensure that anyone appointed by you adheres to these measures at all times.

## 6. Appointment of Counting Agents (Form 8)

You may appoint 2 counting agents to attend the electronic counting of the votes. Besides the Candidate, Election agent and the 2 Counting agents the candidate may also appoint 1 guest, so the maximum number is 5 per Candidate. Note that this number may change subject to any changes of COVID measures in place at the time. To provide candidates and their entourage with the greatest opportunity of transparency and scrutiny, we will issue timings for ballot box opening and estimated scanning times. Access to the Count is restricted to only these appointed.

The Returning Officer will make Candidates and Agents aware of any COVID measures in place it will be your responsibility to ensure that anyone appointed by you adheres to these measures at all times.

Badges will be posted out to you or alternatively will be available upon arrival at the Count Centre.

Notice of the appointment of counting agents, stating their names and full addresses, should be given in writing to the Returning Officer at the Election address specified in Section 2 of this document not later than **Wednesday 27 April 2022**. **Form 7** is provided for this purpose.

## 7. Opening of Postal Votes (Form 9)

The daily opening of the postal votes will take place in The Highland Council, Council Offices, Glenurquhart Road, Inverness, IV3 5NX and will commence on Tuesday 19 April 2022 with the opening of covering envelopes only.

The actual verification of postal vote personal identifiers will be undertaken electronically, and the formal adjudication process will commence on Tuesday 26 April 2022.

The **final opening of postal votes** will take place on **Thursday 5 May 2022 commencing at 8.30pm**. This session will include the opening of any postal votes handed in at polling stations before the close of poll.

Candidates may appoint **one** postal voting agent to be present at each postal vote opening session and you should give notice of any such appointment to the Returning Officer at the Election address specified in Section 2 of this document before the start of the opening session that the agent wishes to attend. **Form 8** is provided for this purpose.

The Returning Officer will discuss the additional COVID measures that will be in place at the Postal Vote opening venue at the Candidates and Agents meeting. It will be your responsibility to ensure that anyone appointed by you adheres to these measures at all times.

## 8. Notification of Requirement of Secrecy

The Returning Officer is required to ensure that all persons involved in the election are given a copy in writing of the appropriate secrecy provisions of Section 66 of the Representation of the People Act 1983 (as amended).

Secrecy Requirements can be downloaded from the [Council's website](#).

## 9. Verification and Counting of Votes Cast

The count centre for the 21 wards is

### **Inverness Leisure Centre, Bught Lane, Inverness IV3 5SS**

Counting of Unused and Spoilt Ballot Papers Counting of unused and spoilt ballot papers will take place at the count venue from the close of poll on Thursday evening, 5 May 2022 as the ballot boxes arrive at the count venue. Candidates and agents are entitled to be present to observe this process.

The e-counting of the votes will be held on the morning of Friday 6 May 2022, with ballot box opening and registration starting at 8.00am, and the scanning of the ballots at 9.00am. The estimated times for each ward can be found in our count booklet which will also be published online and available at the count centre. The Returning Officer will confirm the arrangements for the verification and counting of votes cast at the Candidates and Agents briefing on Tuesday 5 April 2022.

A drop-in session for any candidate or agent who wishes to view an e-count demonstration and ask any questions regarding the process will be available between 3pm and 4pm on Wednesday 4 May 2022, at the count venue. Please notify us of your intention to attend by e-mailing [election@highland.gov.uk](mailto:election@highland.gov.uk)

The count is not open to the public and access is restricted to election staff, candidates, their agents and the media, accredited observers, and Electoral Commission representatives.

The Highland Council's Corporate Communications Officers will be providing regular updates and broadcasting live key events which can be followed via our social media channels on **Twitter**, **Facebook** and The Highland Council's **YouTube channel**. Updates will also be provided on [The Highland Council's website](#).

We will provide security passes for each of these individuals, and they will only be issued to those on the Count attendance list and for security purposes photo ID will be required and a bag search will be conducted.

The Returning Officer will follow Scottish Government guidance to deliver a safe event for the verification and count of votes.

## 10. Copy of Registers of Electors/Absent Voters Lists

Candidates are entitled to one free copy of the full Electoral Register and Absent Voter lists for the ward in which they are standing. The Electoral Registration Officer cannot supply a copy of the register or absent voter lists to any candidate earlier than 28 days before the 5 May 2022, the earliest a person can officially become a candidate.

For a candidate to receive a copy of the full Electoral Register and Absent Voter lists forms **Form 10** should be completed, signed, and returned to the Election Office. The Election team will issue the completed forms to the relevant Electoral Registration Office for action.

It is important to note that candidates who have been supplied with a copy of the full register must not pass on a copy of the register to any other person, must not disclose any information from the register (which is not contained in the edited version of the register) or make use of such information except for electoral purposes. Any person who is found guilty of breaching these conditions may face a fine of up to £5,000.

## 11. Election Expenses

Please refer to the Electoral Commission's guidance for candidates and agents, [Part 3 - Spending and Donations](#) for detailed information on the rules on spending and donations in the run up to the election.

The Limit on Candidates' Election Expenses will be published on the [Council's website](#) on Wednesday 23 March 2022 and is based on £806 plus 7p per entry in the register of electors (ie the last date for the publication of the Notice of Election).

Election agents must, within 35 days of the day on which the result of the election has been declared make a return of election expenses on the appropriate form, together with all bills and receipts. At the same time that the election agent transmits that return, or within 7 days afterwards, the candidate must return a declaration as to these expenses.

A copy of the Electoral Commission's candidate spending return along with the appropriate declarations which must be completed and further guidance is available to download from the [Electoral Commission website](#).

Please note that all queries regarding candidate election expenses should be directed to the Electoral Commission

T: 0333 103 1928, Email: [infoscotland@electoralcommission.org.uk](mailto:infoscotland@electoralcommission.org.uk).

## 12. Situation of Polling Stations

The situation of polling stations will be published along with the Statement of Persons Nominated and Notice of Poll on Wednesday 30 March 2022.

### 13. Summary of Dates

A summary of the key dates at this election is set out below: -

|  |  |
|--|--|
| <b>Tuesday 8 March 2022 (10am)</b>         | Virtual Candidates & Agents Pre Nomination Briefing Session  |
| <b>Monday 14 March 2022</b>                | Publication of Notice of Election  |
| <b>Tuesday 15 March 2022</b>               | Poll Cards dispatched to Royal Mail  |
| <b>Wednesday 30 March 2022 (4pm)</b>       | Deadline for delivery of Nomination Papers<br>Deadline for Withdrawals of Nomination<br>Deadline for notification of appointment of election agent |
| <b>Wednesday 30 March 2022 (after 5pm)</b> | Publication of Notice of Poll including Situation of Polling Stations, if no objections received   |
| <b>Thursday 14 April 2022</b>              | (First issue) Postal Votes dispatched to Royal Mail (those registered as of 30 March)  |
| <b>Monday 19 April 2022 (5pm)</b>          | Deadline for receiving new postal vote and postal proxy applications and for changes to an existing postal vote or proxy vote                      |
| <b>Tuesday 6 April 2022 (10am)</b>         | Virtual Candidates & Agents Post Nomination Briefing Session   |
| <b>Monday 18 April 2022</b>                | Deadline for receiving applications for registration   |
| <b>Tuesday 19 April 2022</b>               | (Second issue) Postal Votes dispatched to Royal Mail (those registered as of 8 April)  |
| <b>Tuesday 19 April 2022 (5pm)</b>         | Deadline to cancel existing postal or postal proxy votes and cancel proxy appointments.  |
| <b>Tuesday 26 April 2022 (5pm)</b>         | Deadline for receiving new applications to vote by proxy (not postal proxy or emergency proxies)   |
| <b>Tuesday 26 April 2022</b>               | (Final issue) Postal Votes dispatched to Royal Mail (those registered as of 19 April)  |
| <b>Wednesday 27 April 2022</b>             | Deadline for notification of appointment of polling and counting agents  |
| <b>Thursday 5 May 2022</b>                 | <b>POLLING DAY (7am to 10pm)</b>   |
| <b>Thursday 5 May 2022 (5pm)</b>           | Deadline for emergency proxy applications  |
| <b>Thursday 5 May 2022</b>                 | Receipting of the Ballot Boxes and Unused Ballot Papers after the close of Poll  |
| <b>Friday 6 May 2022</b>                   | E-Count commences, ballot box opening at 8 am, scanning at 9 am with the 21 wards in defined order   |
| <b>+ 35 days from result</b>               | Return of Spending Returns   |

#### **14. Arrangements in force at the Poll**

A copy of the arrangements in force on the day of poll for the local government elections in Highland will be forwarded to your election agent. Anyone campaigning for you on the day of poll **must** be given a copy of this document for information. This will include information on any COVID safety measures that will be put in place at polling places on the day of poll.

#### **15 Briefing for Candidates and Election Agents**

A briefing for candidates and election agents will be held online on **Wednesday 6 April 2022 at 10.00am** via Microsoft Teams. It is important that we obtain email addresses and contact telephone numbers for candidates and election agents. Joining instructions for the briefing will be issued to all Candidates and Election Agents after the close of nominations.

Any candidate who is unable to attend and may wish to be represented by another representative must inform the election team.

**Donna Manson**  
**Returning Officer**  
**22 February 2022**