

SCOTTISH PARLIAMENTARY ELECTION

THURSDAY 6 MAY 2021

Notes for the Guidance of Candidates in the Orkney Islands Constituency

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

John W Mundell
Constituency Returning Officer for the Orkney Islands Constituency

Election Office
Council Offices
School Place
Kirkwall
Orkney
KW15 1NY

March 2021

NOTES FOR THE GUIDANCE OF PROSPECTIVE CANDIDATES

These notes are produced for the guidance and convenience of prospective candidates in the election of a Constituency Member of the Scottish Parliament (MSP) for the Orkney Islands Constituency at the Scottish Parliamentary Election on Thursday 6 May 2021.

The guidance takes account of additional measures that the Constituency Returning Officer has put in place to ensure that public health guidelines are being followed and for the safety of everyone taking part.

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 Constituency 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 – Modifications to usual procedures

This document in general reflects the usual approach to the delivery of the Scottish Parliament election in the Orkney Islands Constituency. In the current circumstances taking account of the public health situation around the control and suppression of the Coronavirus there will be a number of modifications to our standard practice.

These are highlighted in red in this document. Due to the fluid nature of the controls that are being applied to suppress the virus our practices may change at short notice. The Constituency Returning Officer will ensure that Candidates and Agents are kept aware of any changes as early as possible.

Coronavirus

The way in which this election will be delivered will look and feel different from previous elections. Planning commenced early in the New Year to review our working practices and to ensure that our venues can be used safely. The guidance provided by Scottish Government, Public Health Scotland, the Electoral Commission, and the Election Management Board will all be considered as we plan each aspect of delivering this election.

There will be some safety measures in place which will be common to all of the key electoral processes and to which we have all become accustomed over this last year, such as:

- Hand sanitiser provided on entrance and exit, with everyone attending encouraged to clean their hands regularly;
- One way systems and floor markings to encourage physical distancing; screens and barriers may be also be used to keep people at a safe distance;
- Signage to promote physical distancing, good hygiene and the wearing of face coverings;



There will be a variety of changes to our processes and procedures to ensure that we can undertake a safe and secure poll on 6 May 2021 and the Constituency Returning Officer will keep you updated on these changes and how they will impact you.

This guidance note should be read in conjunction with the relevant legislation and supplements the *Electoral Commission Guidance for Candidates and Agents* which all Candidates and their Election Agents should read. The Commission's Guidance forms part of the Nomination Pack and is on the Commission's website at

<http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent>

Websites

Useful websites include:

The Electoral Commission www.electoralcommission.org.uk

Orkney Islands Council <https://www.orkney.gov.uk/Council/C/elections.htm>

The Electoral Management Board for Scotland (EMB) www.emb.scot

1. Organisation of Elections

The Constituency Returning Officer (CRO) is responsible for the conduct of the poll and the counting of votes afterwards. A team organises and administers the Election on behalf of the Returning Officer. The Constituency Returning Officer is **John Weir Mundell**.

Constituency Returning Officer	John Weir Mundell
Depute Constituency Returning Officers	Karen Greaves & Gareth Waterson
Election Manager	Fiona Ratter
Election Assistant	Audrey Waterson

2. General Enquiries

Day to day enquiries are dealt with through the:-

Elections Office
Council Offices
School Place
Orkney
KW15 1NY
Telephone: 01856 886350

E mail address: electionoffice@orkney.gov.uk

If you are visiting the Elections Office, please call at Customer Services, Council Offices, School Place, Kirkwall.

4. Electoral registration enquiries

Enquiries relating to electoral registration and absent vote applications are dealt with by the Electoral Registration Office, 8 Broad Street, Kirkwall, Orkney, KW15 1NX, adjacent to the Cathedral.

Telephone Number: 01856 876222

E Mail address: ero@orkney.gov.uk

1	Your nomination: the essentials
a	<p>Your formal nomination papers must be accurate, because we use the information from these documents for the Ballot Paper. If you make a mistake, or if any information is wrong, your nomination may not be valid.</p> <ul style="list-style-type: none">• The CRO has planned how best to conduct the nominations process according to the rules, ensuring that physical distancing is maintained between CRO staff and candidates/agents and that essential hygiene measures are followed.• Candidates and agents will be expected to wear face coverings during nominations and indeed other electoral proceedings. It is Scottish Government advice that “In indoor places and where physical distancing is difficult and where there is a risk of contact within 2m with people who are not members of your household, you are expected to wear a face covering.• An informal check of nomination papers is available prior to formal submission. This will be done electronically. You should scan and email your papers to electionoffice@orkney.gov.uk as an electronic alternative to face to face checks.• Candidates and agents are strongly advised to make appointments to lodge nominations papers (although the rules do not require this).• It is requested that only one person – for example the candidate OR the agent - attends the submission of nominations. We will ensure physical distancing and essential hygiene measures are in place. Please note the signage on display and sanitise your hands on entry and exit.• While in practice most people submitting nomination papers will want to wait until the CRO’s team (usually a DCRO) has accepted the nomination, you are free simply to hand over your paperwork and leave.

	<ul style="list-style-type: none"> • Candidates / agents attending the submission of nominations should provide their contact details (and those of persons acting for them), including emails and telephone numbers, for the purposes of future contact tracing if required. • The venue used – reception at Customer Services - will be cleaned and sanitised daily. We have liaised with colleagues in Environmental Health on the appropriate local practices.
<p>b</p>	<p>Informal help</p> <p>You are responsible for making sure your information is correct on the nomination papers. We can help by checking it informally before you lodge your formal nomination.</p> <p>These informal checks help you take part in the electoral process by trying to spot errors.</p> <p>We will work through the papers with you when we check your papers informally. At the end of the informal check, if we find a problem, we will offer them back to you. Occasionally, nomination papers cannot be accepted and new or amended papers are required in order to meet statutory requirements. It is in your interest to make sure that you submit nomination papers in good time in case new or amended papers are required. If we do not find a problem, we will offer to accept them formally. You can then decide to formally deliver the nomination papers.</p> <p>The CRO and his staff also have the power to correct minor errors in a nomination paper, for example obvious errors of spelling in the details of a Candidate or registered party.</p> <p>To arrange an informal check, please contact the Elections Office – due to measures taken to control Coronavirus, informal checks will be undertaken electronically – the Returning Officer’s staff will check the details before formal submission of the completed nomination. It is strongly advised that this is not left until the deadline day!</p>
<p>c</p>	<p>Deadlines for the return of your nomination</p> <p>You can only deliver your completed nomination papers on working days between 10am and 1 pm and 2pm and 4pm from Tuesday 16 March 2016 to Wednesday 31 March 2021.</p> <p>You must keep to these dates. By law, the CRO cannot accept any papers received after the Closing Date (4pm on Wednesday 31 March 2021).</p>

	<p>Please make an appointment to deliver your papers. This will allow us to provide the best service possible.</p> <p>Contact electionoffice@orkney.gov.uk or Tel: 01856 886350 to arrange an appointment.</p> <p>Your papers must be delivered by hand to the Election Team at the Council Offices, School Place, Kirkwall, Orkney, KW15 1NY.</p>
d	<p>Delivering your Nomination Papers</p> <p>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 CRO in time.</p>
e	<p>Nomination Pack</p> <p>You can find blank copies of all the papers you need in the Nomination Pack, on the Council website at https://www.orkney.gov.uk/Council/C/elections.htm and on the Electoral Commission website at http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/scottish-parliamentary-elections</p> <p>We will provide paper copies of the forms if you need them.</p>
f	<p>Completing your Nomination Papers</p> <p>It is important that you pay particular attention to the rules for filling in nomination papers and related matters, found in Schedule 2 of the Scottish Parliament (Elections etc.) Order 2015. If you have any questions, you can refer to the Electoral Commission Guidance:</p> <p>http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/scottish-parliamentary-elections</p>
2	<p>Guidance for completing the forms</p>
a	<p>Guidance for completing The Nomination Paper</p> <p>The Candidate's surname and all other names must be filled out in full. All Candidates must provide their home address in full.</p> <p>You can choose to have your commonly used forenames and a commonly used surname on the Ballot Paper and Statement of Persons Nominated, if these are different from</p>

your full name. We have the power to reject a commonly used name if it is obscene or offensive or if we consider that is likely to mislead or confuse electors.

There is no need to add a title (e.g. Mr, Dr, Cllr, etc.). If you do add a title, it will **not** appear on either the Statement of Persons Nominated or the Ballot Paper.

The Candidate may, if desired, use a description or may leave this line blank to indicate that they do not want to use a description. If a description is to be used then it must either be "Independent" or the name of the Candidate's registered Political Party.

To stand on behalf of a registered political party, the party must be registered on the Electoral Commission's register of political parties at <http://search.electoralcommission.org.uk/> and be listed as allowed to field candidates in Scotland.

The description and party name must **exactly** match that given on the Electoral Commission's register of political parties.

If you write the description in capital letters it will be shown in small letters on the Ballot Paper itself, unless it is in capital letters on the Electoral Commission's register, which you can find at

<https://pefonline.electoralcommission.org.uk/search/searchintro.aspx>

The form must be signed and dated by the Candidate and witnessed. The Witness must sign and date the form and provide their full name and address.

b Guidance for completing **The Consent to Nomination Form**

(Document 8 in the Nomination Pack)

As a Candidate, you must formally give your consent to being nominated.

In signing this form the candidate also declares that they are not disqualified from being an MSP.

Again, you can find more guidance on the Electoral Commission website at

<http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/scottish-parliamentary-elections>

The form must be signed and dated by the Candidate and witnessed. The Witness must sign and date the form and provide their full name and address.

c	<p>Guidance for completing the Certificate of Authorisation in the Nomination Pack and the Request for a Party Emblem</p> <p>Your party's registered Nominating Officer may ask for one of the party's registered descriptions and emblems to be printed on the Ballot Paper. If you want to use their description and emblem, you will need a Certificate Of Authorisation from the Nominating Officer.</p> <p>The Certificate of Authorisation must be delivered as part of your nomination papers and by 4pm on Wednesday 31 March 2021.</p> <p>You should include the name of the registered party and the name or description you want to use. This must not be more than 6 words in length and must:</p> <ul style="list-style-type: none"> • be authorised by a certificate issued by or on behalf of the registered Nominating Officer of the Party; • be nominated by the Party's Nominating Officer; and • be accompanied by a valid consent to nomination for each Candidate. <p>A Candidate of a Political Party who is subject to a Certificate of Authorisation and who wishes to have a Party emblem printed on the Ballot Paper must also complete – Request for a Party Emblem</p>
d	<p>Guidance for completing the Withdrawal of Nomination</p> <p>If you decide to withdraw your nomination, you must deliver a Notice of Withdrawal to us before the Closing Date (4pm Wednesday 31 March 2021). It must be signed by both you and a witness.</p>
3	<p>Paying your Deposit</p>
a	<p>You must pay a deposit of £500 to stand for election.</p> <p>We must get your deposit by the Closing Date (4pm Wednesday 31 March). If you use an electronic, or BACS payment, it is your responsibility to make sure that your deposit is actually in our bank account by the Closing Date.</p>
b	<p>How to pay your deposit</p> <p>You can pay by legal tender (cash), banker's cheque (where the drawer is a UK bank), credit or debit card, or an electronic or BACS payment. Certified cheques and banker's cheques should be made payable to Orkney Islands Council.</p> <p>Electronic or BACS Payments OUR PREFERENCE</p>

If you wish to pay your deposit by electronic, online or BACS payment please use these bank account details

Sort code	83-24-07		
Number	00233886	Bank name	Royal Bank of Scotland
A/C Name	Orkney Islands Council General Account	Branch address	1 Victoria Street, Kirkwall, Orkney, KW15 1DP

Make sure your “payment reference” is clear and shows **your name or party** (maximum 18 characters). If your reference is not clear then the payment might not be accepted, which would cause problems with your nomination.

Your deposit is only accepted when the money arrives in the Council’s bank account. It is not enough for you to show us a receipt. **It is your responsibility to make sure that we have your deposit in our account by the Closing Date (4pm Wednesday 31 March 2021).**

We recommend you contact the Election Team by e-mail **BEFORE** making the payment to tell us:

- Date money to arrive in the council’s account;
- Amount of money;
- Payment Reference;
- Name of Party /Candidate; and
- Contact point in the party if there is a query.

If you do not tell us in advance, your payment may be difficult for us to trace and this may cause a delay in processing your nomination.

4 Returning Your Deposit

As long as you get the necessary number of votes, we will return your deposit. The necessary number of votes is **one-twentieth** (5%) of the total number of votes polled by all the Candidates standing in the constituency.

If you do not get the necessary number of votes, your deposit will not be returned but will, instead, be paid to the Scottish Government.

We will refund the money by the next working day after the day on which the result of the election is declared. So if the result is declared on Friday 7 May, then the refunds will be made on Monday 10 May.

6	People that you can appoint to help you in the election
a	<p>An Election Agent</p> <p>If you choose to appoint an Election Agent you must appoint your Election Agent by the Closing Date (4pm Wednesday 31 March 2021). You can be your own Election Agent or it can be someone else.</p> <p>You should use the Notification of Election Agent form to give their name, address and office.</p> <p>If you do not tell us who you want your Election Agent to be, the law says we must assume that you are doing this job yourself and we will publish your name on our formal notice listing the Election Agents for the constituency.</p>
b	<p>Polling Agents</p> <p>You can appoint Polling Agents to visit polling stations on Polling Day. Their role is to help detect and prevent the offence of “personation” (where someone votes illegally by pretending to be another person).</p> <p>You must appoint any Polling Agents by informing us in writing by Wednesday 28 April 2021. The Election Team will contact your Election Agent about this as soon as possible after the close of nominations.</p> <p>Polling Agents must abide by the Requirement for Secrecy, which is in the Nomination Pack. This is a very serious matter and breaches may be investigated by Police Scotland and could lead to fines or imprisonment.</p>
c	<p>Postal Vote Openings</p> <p>A list of postal vote openings sessions will be included in our letter following close of nominations.</p>
d	<p>Counting Agents</p> <p>You can appoint Counting Agents to attend the counting of the votes. Again, this must be done in writing and you need to use the form given in the letter following close of nominations. Their role is to make sure that the Count is being conducted properly, scrutinising the processes as the “eyes and ears” of the voter.</p>

	<p>Soon after the Closing Date (4pm Wednesday 31 March 2021), the Election Team will let you know how many Counting Agents you will be allowed to appoint. We may need to reduce the number of Agents if the venue cannot safely hold that many people.</p> <p>You must tell us the names and addresses of your Counting Agents in writing no later than 28 April 2021 using the document in the Nomination Pack.</p> <p>If we have to limit the number of Counting Agents we will prioritise those named first on your Nomination Form.</p>
7	Useful Information for your Campaign
	<p>The Register of Electors and the Absent Voters List</p> <p>Once your Nomination has been accepted as valid, you can request a free copy of the Register of Electors and the Absent Voters List from the Electoral Registration Office, 8 Broad Street, Kirkwall, Orkney, KW15 1NX.</p> <p>By law, you can only use the register and/or list for electoral purposes.</p> <p>To request the registers fill in the form provided in the Nomination Pack – Request for Register of Electors and Absent Voters. We will sign it to confirm that you are a valid Candidate and then send it to the Electoral Registration Officer (ERO).</p>
8	Conducting your campaign
a	<p>Conduct and Behaviour</p> <p>We cannot give you any legal or other advice about how you or your team conduct your election campaign or about how you behave during the campaign.</p> <p>We only run the election, we do not “police” or regulate it. If you have any specific concerns about the behaviour of any Candidates or how they are campaigning then you should contact either Police Scotland or the Electoral Commission, as appropriate.</p>
9	Some general information about this election
a	<p>The Election Timetable</p> <p>An election timetable showing all the important dates is provided in the Nomination Pack and is also on the Electoral Commission website.</p> <p>http://www.electoralcommission.org.uk/i-am-a/candidate-or-agent/scottish-parliamentary-elections</p>

c	<p>The Constituency Returning Officer</p> <p>The Constituency Returning Officer (CRO) for the Orkney Islands Constituency is John Weir Mundell. He is also the Interim Chief Executive of Orkney Islands Council, but that is separate from his role as CRO.</p> <p>The CRO is personally responsible for all aspects of administering the Election. For some day to day elements of this work the CRO has appointed Depute Returning Officers (DROs) to exercise some or all of his powers.</p>
d	<p>Postal Votes</p> <p>We will be issuing Postal Ballot Papers in batches with the first issue taking place around 14 April 2021.</p> <p>Starting on 21 April there will be daily opening sessions for the Postal Vote packs that voters have completed and returned to us. At these openings we only validate the voter's identity. The Ballot Papers themselves are kept face down at these sessions - we do not count any Ballot Papers until 9 am on Friday 7 May 2021.</p> <p>We will issue a note of the Postal Vote opening sessions in our letter following close of nominations.</p>
e	<p>Counting of Votes</p> <p>We will provide more detailed information about the Count following the close of Nominations (4pm Wednesday 31 March 2021). This will include information about the Count Centre facilities and procedures.</p> <p>This year the Count for the Orkney Islands Constituency will be held at the Pickaquoy Centre in the Arena. The Counts will start at 9:30am on 7 May. There are a range of security measures in place for the transport of ballot boxes and the storage of papers and we can provide full details of these if that would be useful.</p> <p>The following people are entitled to attend the count:</p> <ul style="list-style-type: none"> • Constituency Returning Officer's staff; • Candidates and one other person chosen by each of them; • the Candidate's Election Agent; • appointed Counting Agents; • representatives of the Electoral Commission; and • any accredited Election Observers • media

We will provide security passes for each of these individuals. Ideally these passes can be collected in advance but they can also be issued at the reception on the morning of the Count. They will only be issued to those on the Count attendance list.

There are usually representatives of the media in attendance, including TV, radio and newspaper journalists.

VERIFICATION AND COUNT UNDER CORONAVIRUS CONDITIONS

- The CRO is following Scottish Government guidance wherever appropriate in order to deliver a safe event for the verification and count of votes.
- **Further information will be supplied closer to the event.**
- The layout will allow observation and scrutiny of the processes wherever possible but will also be such as to allow physical distancing.
- There will be additional hygiene measures in the venue.
- Those attending will be expected to wear a face-covering.
- We are trying to minimise the number of those attending – we will provide further information about how many counting agents you will be able to appoint. We will endeavour to ensure sufficient opportunities to scrutinise the process, but we need to ensure that we maintain a safe and Covid secure operation.
- We will be collecting names and addresses to ensure there can be contact tracing should that be needed.
- Some elements of the count process will be modified to ensure there can be physical distancing.

f Registration, Postal or Proxy Voting Arrangements

Arrangements for registration, postal or proxy voting are dealt with by the Electoral Registration Officer, (Electoral Registration Officer's office at 8 Broad Street, Kirkwall, Orkney, KW15 1NX. Email: ero@orkney.gov.uk or telephone 01856 876222.

The Voter registration, Postal and Proxy vote application deadlines for the Scottish Parliament election are as follows:-

Applications to register to vote **must** reach the Electoral Registration Officer by **midnight on Monday 19 April 2021.**

Postal or proxy voting timescales

- Any elector may apply for a postal or proxy vote at this election.
- Applications and amendments of existing postal and proxy votes **must** reach the Electoral Registration Officer by **5pm on Tuesday 6 April 2021**
- Cancellations of postal votes **must** reach the Electoral Registration Office by **5pm on Tuesday 20 April 2021**

- Applications to cancel existing proxy arrangements **must** reach the Electoral Registration Office by **5pm on Tuesday 20 April 2021**.
- Applications to vote by proxy at this election **must** reach the Electoral Registration Office by **5pm on Tuesday 27 April 2021**.
- Applications to vote by emergency proxy at this election, where the emergency occurred after **5pm on Tuesday 27 April 2021 must** reach the Electoral Registration Office by **5pm on Thursday 6 May 2021**.
- If you have any enquiries relating to registering to vote, postal or proxy voting arrangements, please contact the Electoral Registration Office.

POLLING UNDER COVID CONDITIONS

- Voters, candidates and agents will be encouraged to wear face coverings while attending polling places.
- Hand sanitizers will be provided for people entering and leaving polling places. Cleaning arrangements for each venue have been reviewed. These processes will vary and be informed by the nature of the venue and processes already adopted there for other activities.
- We will adapt our polling place venues to allow physical distancing. Many venues will already have implemented steps to deal with safe operation in the context of Covid19. These will have to be assessed to ensure that they are satisfactory in the context of the current circumstances, but will often form the basis of the measures that can be applied to support polling.
- Putting in place physical distancing arrangements may necessitate people queuing before they can vote.
- There will be additional staff on hand to manage the flow of people in the polling place and provide appropriate advice.
- Accredited observers and Electoral Commission representatives may attend the poll unannounced and should not be required to queue. The same applies to candidates and their agents. **All will still need to adhere to social distancing.**
- The internal layout of the polling place will be changed to maximise physical distancing and minimise physical interactions in and out of the venue. Where possible there will be a one-way system and we will utilise 2m distancing markers to encourage physical distancing if needed.

- Polling stations will be set up to maintain physical distancing between Presiding Officer, Polling Clerk and the voters so far as possible. We will ensure that enhanced hygiene and cleaning measures are in place generally.
- There will be a plastic barrier between the staff and voter, supplemented by the use of gloves by the poll staff, which may allow the voting procedure to be carried out in the usual manner. Voters do not need to bring poll cards in order to vote and poll staff will not take them from voters.
- There will be ventilation in the polling place.
- Polling booths will be cleaned periodically through the day. The use of face coverings should minimise the risks of transmission via the booth surface.
- A supply of pencils for use by voters when casting their votes will be provided so that each has a fresh pencil. There should not be a pencil in the booth.
- Voters will be advised to wait until there is no queue at the ballot box before putting their ballot paper into it.
- Voters should not attend the polling place if they have symptoms of Covid-19 or have been in contact with someone with Covid-19. This message will be repeated on signage at the entrance to the polling place.
- The CRO cannot legally exclude someone from entering to vote, even if they are displaying symptoms. However to preserve the safety of the polling place it would be expected that the polling staff would be aware of any voters who were obviously exhibiting symptoms. Additional cleansing of the booth may be required after the individual had voted.
- It needs to be clearly understood however that the Presiding Officer has no power in these circumstances to prevent someone from voting. It is not for poll staff to determine the nature of someone's cough, or why they are sweating for example. If the voter wishes to vote then they must be allowed to do so.
- The categories of people that can apply for an **emergency proxy** are extended to include individuals who cannot vote in person because they are following Scottish Government or medical advice by shielding or self-isolating, and only become aware of the need to shield or self-isolate less than 6 days before polling day.

POSTAL VOTE OPENING UNDER CORONAVIRUS CONDITIONS

- The venue used for opening sessions will be large enough to allow for physical distancing. The layout will ensure that physical distancing can be observed.
- We wish to minimise numbers attending where possible. Numbers should be limited to whatever is deemed safe for the room. Further advice will be provided closer to the opening sessions. Those attending will be encouraged to wear face coverings where possible.
- There will be sign in procedures to record who attended. This will allow us to obtain contact details for future tracing purposes in the event of an infection.
- We will keep a physical distance between staff, and between staff and attendees. This may involve use of plastic screens and so on.
- We will provide hand sanitisers for staff and for all attending.