

UK PARLIAMENTARY ELECTION

Thursday, 12 December 2019

Notes for the Guidance

of Candidates and Election Agents in

Dundee East and Dundee West Burgh Constituencies

(including Forms)

FORMS MUST BE RETURNED BY THE DUE DATE. TWO COPIES OF EACH FORM ARE PROVIDED. ONE IS A SPARE IN CASE OF ERROR.

THE RETURNING OFFICER HAS NO DISCRETION IN ACCEPTING A FORM AFTER THE LAST DAY FOR ITS LODGING AND ACCORDINGLY IT IS EXTREMELY IMPORTANT TO OBSERVE THE DATES LISTED.

FORMS SHOULD BE RETURNED TO THE ELECTORAL REGISTRATION AND LICENSING OFFICE AT 20 CITY SQUARE AND NOT AT THE RETURNING OFFICER'S OFFICE.

1. Organisation of Election

The Chief Executive of Dundee City Council is the Returning officer for the conduct of the poll and the counting of votes cast within Dundee East and West constituencies. The persons involved in the organisation of the election will be as follows:-

Returning Officer

Mr David R Martin
Chief Executive
Dundee City Council
5 City Square
Dundee
DD1 3BA (Telephone 434201)

e-mail: david.martin@dundeecity.gov.uk

Depute Returning Officer

Gregory Colgan
Executive Director of Corporate Services
Dundee City Council
Dundee House
50 North Lindsay Street
Dundee
DD1 1QE (Telephone 434431)
e-mail: gregory.colgan@dundeecity.gov.uk

Depute Returning Officer

Day to day enquiries will be dealt with by:-

Lisa Archibald
Senior Electoral Services and Licensing Officer
5 City Square
Dundee
DD1 3BA
(Telephone 434403)
e-mail: lisa.archibald@dundeecity.gov.uk

Roger Mennie
Head of Democratic and Legal Services
Dundee City Council
5 City Square
DUNDEE
DD1 3BA (Telephone 434202)
e mail: roger.mennie@dundeecity.gov.uk

2. Election Office

The Electoral Registration Office at 20 City Square will act as the elections office throughout the election campaign and accordingly if documents are being handed in they should be handed in there and not at the Returning Officer's Office.

3. Election Timetable

A timetable is attached.

4. Nomination of Candidates

The enclosed nomination paper (Form 1a) must be completed and lodged with the Returning Officer at the Electoral Registration and Licensing Office, 20 City Square, Dundee between the hours of 10.00 am and 4.00 pm on any weekday between **Monday, 11 November and Thursday, 14 November 2019.**

Attention is drawn to the rules for filling up nomination papers and other provisions relating to nominations as contained in the Parliamentary Elections Rules. In particular the nomination paper must:-

- (a) state the full name, and, if desired, description of the candidate, the surname to be placed first in the list of names;

- (b) be subscribed by two electors as proposer and seconder and by eight other electors as assenting to the nomination;
- (c) show the electoral number as shown in the electoral register, of each person signing the form as a proposer or seconder or assentor.
- (d) be accompanied by the home address form (**Form 1b**) which states the candidate's full name, and home address in full. The home address form may contain a statement made and signed by the candidate that he requires the home address not to be made public and if it does so, must state the constituency within which that address is situated, (or if that address is outside the United Kingdom, the Country within which it is situated).

A person may not sign more than one nomination paper at the same election.

Where a candidate commonly uses a name which is different from any other name he has, the commonly used name may also appear on the nomination paper but, if it does so, the commonly used name, (instead of all other names) will appear on the Ballot Paper.

The description (if any) must consist of either

- (a) A description which is authorised as mentioned in Rule 6A(1) or (1B) below. The certificate must be received by the close of nominations ie **no later than 4.00 pm on Thursday, 14 November 2019.** (PLEASE NOTE THAT A FORM IS **NOT** PROVIDED FOR THIS PURPOSE).

or

- (b) The word "independent" or where the candidate is the Speaker of the House of Commons seeking re-election, the words "the Speaker seeking re-election."

Rules 6A(1) and 6A(1B) state:-

6A(1) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with a registered political party unless the party is a qualifying party in relation to the constituency and the description is authorised by a certificate -

- (a) issued by or on behalf of the registered nominating officer of the party, and
- (b) received by the returning officer at some time during the period for delivery of nomination papers set out in the Table in rule 1.

(1A) In paragraph (1) above an authorised description may be either -

- (a) the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000, or
- (b) a description of the party registered under section 28A of that Act.

(1B) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to the constituency and the description is a registered description authorised by a certificate -

- (a) issued by or on behalf of the registered nominating officer of each of the parties, and
- (b) received by the returning officer at some time during the period for delivery of nomination papers set out in the Table in rule 1.

NOTE: NO DESCRIPTIONS OTHER THAN THE ABOVEMENTIONED ARE PERMITTED

A candidate whose nomination is supported by a certificate of authorisation issued by, or on behalf of, a party's registered nominating officer can request, in writing, to have that party's emblem, or one of them printed next to their name and other particulars on the ballot paper. This request must be made by the candidate personally within the time allowed for the delivery of nomination papers, ie **NO LATER THAN 4.00 PM ON THURSDAY, 14 NOVEMBER 2019**. For the convenience of candidates a form is enclosed for this purpose (**Form 3**).

It is respectfully pointed out to candidates that nominations have to be checked for accuracy and conformity with statutory requirements when they are lodged. Occasionally the nomination papers cannot be accepted and candidates require to amend them to meet statutory requirements, particularly relating to proposers and assentors. It is in the interest of candidates to ensure that there is adequate time for such amendment.

A candidate is not validly nominated unless:-

- (a) his/her written consent, attested by one witness, is delivered at the place and within the time for delivery of nomination papers (a form is provided for this purpose (**Form 1c**)). If a candidate is absent from the United Kingdom this consent may be given by telegram or other means of communication. A candidate's consent must state their date of birth, that they are aware of the provisions of the House of Commons Disqualification Act, 1975 and that to the best of his or her knowledge and belief he or she is not disqualified for membership of the House of Commons, and
- (b) the sum of £500 is deposited with the Returning Officer in legal tender or by bankers' draft (cheques will only be accepted if they are certified for payment by a bank) or by debit card at the place and during the time for the delivery of nomination papers. (Each candidate's deposit will be returned not later than the next day after that on which the election is declared except where a candidate is found not to have polled more than one-twentieth of the total number of votes polled by all the candidates for election in the constituency concerned in which case the candidate's deposit will be forfeited to HM Treasury).

The attention of candidates is also drawn to the reverse of the nomination paper which gives details of the "House of Commons Disqualification Act, 1975".

The Forms required to be lodged by no later than **Thursday, 14 November, 2019 at 4.00 pm** can be summarised as follows:-

Nomination Paper - (Form 1a)

Home Address Form - (Form 1b)

Consent to Nomination - (Form 1c)

Certificate of Authorisation from Registered Nominating Officer (Form 2). (**Note:** A Form is not provided for this purpose)

Request for Inclusion of Party Emblem on Ballot Papers (Form 3)

Appointment of Election Agent - (Form 4)

A deposit of £500 as described above will also require to be submitted along with the above forms.

5. Requirement of Secrecy

An extract from Representation of the People Act, 1983 (as amended) is attached.

6. Withdrawal of Nominations

A candidate wishing to withdraw his nomination should do so by lodging a Notice of Withdrawal signed by him and attested by one witness with the Returning Officer at 20 City Square within the time for the delivery of nomination papers as specified in paragraph 4 above. For the convenience of candidates a form is provided for this purpose. (**Form 6**).

7. Appointment of Election Agent

~~Each nominated candidate shall name an election agent by declaring his name and address in writing to the Returning Officer at 20 City Square by no later than 4.00 pm on Thursday, 14 November 2019.~~ For the convenience of candidates, a form is provided for this purpose (**Form 4**). A candidate may name himself as election agent in terms of Section 67(2) of the Representation of the People Act 1983. In the event of a candidate failing to notify the Returning Officer of the name and address of an election agent by the above mentioned date, the candidate shall be deemed to have named himself as election agent and his name will be published accordingly.

8. Appointment of Polling Agents

A candidate may appoint Polling Agents to attend at Polling Stations for the purpose of detecting the offence of personation, ie voting illegally as another person, by giving notice in writing to the Returning Officer at 20 City Square by no later than **Thursday, 5 December 2019**. For the convenience of candidates a form is provided for this purpose (**Form 7**). (see also paragraph 13).

9. Postal Votes

(a) Applications

The closing date for new applications and changes to existing arrangements is **Tuesday, 26 November 2019**. Candidates/Agents should adhere to the Electoral Commission's Code of Conduct for Campaigners (copy attached).

(b) Issue

Postal ballot papers will be issued remotely by the postal vote provider IDOX. The only persons entitled to be present are the Returning Officer and his staff.

(c) Opening

Those postal ballot papers completed and returned to the Returning Officer will be opened and personal identifier information checked but not counted or separated in relation to candidates every weekday commencing at 09.00 am from **Thursday, 5 December 2019** until **Thursday, 12 December 2019** in the Main Council Chamber, 19 City Square. Each candidate may appoint an agent to be present on these occasions, and in this event should give notice to the Returning Officer at 20 City Square by no later than **Monday, 2 December 2019**. For the convenience of candidates a form is provided for this purpose. (**Form 8**).

(d) Final Opening and Matching

The Count is being held overnight. To facilitate this and to reduce the amount of down time, the final postal vote opening will take place at the same time as the verification of ordinary ballot papers. A number of Polling Station sweeps will be carried out during the day in order that as many postal packs as possible can be processed prior to the close of poll.

It is hoped that all postal packs will be processed by the time all ordinary papers have been verified. If however some packs are still outstanding, it is intended to provide candidates/agents with a provisional verification figure (which will be the sum of the ordinary ballot papers and postal packs processed) and proceed to the second Count (separation by candidate). Candidates and agents will also be advised of the number of packs still to be processed.

The outstanding postal ballot papers will be included in the Count as soon as they have been processed.

10. Appointment of Counting Agents

Each candidate may appoint Counting Agents to attend at the counting of the votes. The number of such agents will be limited so that the number allowed to each candidate will not be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates. The Returning Officer will advise each candidate of the number of Counting agents he may appoint as soon as practicable following the closing date for lodging of nominations. Notice of appointment of Counting agents, stating their names and addresses, should be given in writing to the Returning Officer at 20 City Square by no later than **Thursday, 5 December 2019**. For the convenience of candidates a form is provided for this purpose. (Form 7).

11. Counting of Votes Cast

The counting of votes cast will be undertaken in the Dundee International Sports Complex, Mains Loan commencing at approximately 10.15 pm on the evening of the election.

Admission to the Count will be restricted to those members of the Returning Officer's staff engaged in the enumeration, together with the candidates, their partners and their election and Counting agents. It should be noted that friends or relatives other than the partners of candidates are not entitled to be present at the counting of votes. In addition to admission cards issued by the Returning Officer proof of identity may be required before admission is granted.

The Count will be conducted along similar lines to previous electoral events. Instructions which have been issued to staff are attached, together with a layout plan of the hall.

The Verification and Count procedure will be as follows:-

- 1 Boxes will be opened and the contents verified face upwards.
- 2 Candidates and Agents will be asked to agree the provisional verification figure as outlined at Section 9(d) above.
- 3 The Ballot Papers will then be sorted using the sorting frames.
- 4 Sorted Ballot Papers will then be taken to the outer tables for counting. The tables at which votes are being counted are pre-determined and Candidates and Agents will be advised of the details shortly after the close of nominations.
- 5 Outstanding postal votes will be included.
- 6 Candidates and Election Agents will be called forward to agree spoilt papers on an ongoing basis throughout the Count. Following the final adjudication session the candidates and agents will be given the provisional result. If agreed the Returning Officer will announce the result. If the result is not agreed the Returning Officer may order a recount.

12. Copies of Registers of Electors

A copy of the appropriate Register of Electors may be obtained free of charge, by each nominated candidate from the Electoral Registration Officer at 20 City Square, Dundee. This will be provided in electronic form unless a hard copy is requested. A form is included with this pack.

13. Polling Agents - Functions

Polling Agents are entitled to enter Polling Stations and observe what is taking place. They may also have the statutory questions outlined in Rule 35 asked of a voter by the Presiding Officer.

While there is no limit to the number of Polling Agents whom a candidate may appoint, only one Agent may be admitted at the same time to a Polling Station on behalf of the same candidate. Polling Agents will not be allowed to stand in doorways or passages leading to Polling Stations so as to obstruct in any way voters entering or leaving the Polling Station. It would be a contravention of Section 66(1) of the Representation of the People Act 1983 for a Polling Agent to inform any person before the poll is closed of the names of any electors who have or have not voted.

14. Canvassers

Canvassers for candidates may be present outside the polling place but may not obstruct entrances of or be inside the building where polling is taking place. Voters who have entered the precincts of the polling place must not be interrupted on their way to vote. Canvassers will usually be excluded from the precincts of the building eg in a school they should be outside the playground although, where voters are permitted to use the playground for parking their cars or where access to the playground is obtained by way of more than one entrance, canvassers may be allowed, at the discretion of the Presiding Officer, to take up station outside the school door. Under no circumstances will canvassers be permitted to take station within the doors of the building in which polling is taking place. The Returning Officer has identified a number of Polling Places where Agents etc will be permitted within the playground and details of these are attached.

15. Cars

Cars will not normally be allowed within the curtilages of the polling places but where they are admitted for reasons of safety or distance from the street, advertising material should not be displayed. If it is necessary for a car bringing eg a disabled or elderly person to the poll, to bring that person to the door of the polling place and the car has affixed to it advertising material the car will not be allowed to wait any longer than it is necessary for the voter to cast his vote. The Presiding Officer in overall charge of the polling place will have discretion where local conditions give rise to doubt.

16. Billposting

No election bills shall be displayed inside the boundary of any polling place or affixed to the perimeter wall or railing etc, surrounding the premises. There will be no objection to display boards being leant against the outside boundary walls or railing of the polling place so as to face outwards to the street but such boards must not be allowed to obstruct the pavements and the Returning Officer will not be liable for any loss or injury that may arise from the presence of these display boards.

Bills, posters and advertisements in connection with the election must not be displayed on any property without the prior approval of the owner of that property. To affix bills, posters or advertisements to property without the approval of the owner is a contravention of the Town and Country Planning (control of Advertisements) (Scotland) Regulations 1984 which renders any person who so displays advertising material liable on summary conviction to a fine not exceeding £200. The City Council have indicated that their policy is to refuse permission to any political party for the display on their properties of any election material and that this ban applies particularly to the display of election material on lamp standards and road signs.

17. Return of Election Expenses

Election Agents must within 35 days of the day on which the result of the election has been declared (**Friday, 17 January 2020**) make a return of election expenses on the appropriate form together with all bills and receipts to the Returning Officer at 20 City Square.

Guidance on expenses is in the Electoral Commission's Guidance for Candidates and Agents which can be found at www.electoralcommission.org.uk/i-am-a/candidate-or-agent/uk-parliamentary-general.

It should be noted that the expenses figure for a candidate in the short campaign is £8,700 plus 6p per elector. The electorate figure is the electorate as at 1st May which is as follows:

Dundee East 64,596 Dundee West 61,227

18. Situation of Polling Stations

A copy of the Statutory Notice is enclosed.

19. List of Polling Places

A list of polling places for the constituency is enclosed.

- 20.** The Returning Officer and his staff cannot give advice as to the conduct of the election campaign by candidates or agents, particularly in relation to the legality of actions by ~~candidates or agents or matters relating to election expenses.~~
- 21.** While these notes have been prepared for the convenience of candidates and agents they cannot be read as being at variance with the relative statutory provisions relating to parliamentary elections, in particular the Representation of the People Acts 1983, 1985 and 2000, the Political Parties Elections and Referendums Act 2000, the Electoral Administration Act 2006, Political Parties and Elections Act 2009 and the Representation of the People (Scotland) Regulations, 2001 (as amended), which should be referred to for their terms.

David R Martin
Returning Officer
November 2019