

Scottish Borders Council

Guide to Community Council Elections

June 2014

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STEP BY STEP ELECTION PROCESS

Prior to nomination period opening:

1. Set the date when nomination forms will be made available. If there is a specific date/week when the new CC needs to be in place by it is usually easier to work backwards from this date.
2. Nomination forms should be available for 14 – 28 days. 21 days seems to be about right but this should be extended to 28 days if over a holiday period. When time is tight the minimum period of 14 days can be used but no less.
Reference:
Template - Nomination Form, appendix one
3. Set a closing time as well as a date.
4. Identify locations e.g. shops/library that can hold a stock of blank nomination forms. Will nomination forms be available direct from the Returning Officer? Nomination forms can be uploaded to the SBC website
http://www.scotborders.gov.uk/info/772/politicians_elections_and_democracy/365/community_councils/3, the quick link for publication is www.scotborders.gov.uk/communitycouncils
5. Identify where completed nomination forms should be returned to e.g. a ballot box left in a local shop, Returning Officer, SBC (if appropriate). It is possible to have several return points as long as completed forms are collected and returned to a central point for validating once the nomination period has closed.
6. Issue press release to raise awareness of the election.
7. Produce election notices for display on local notice boards.
Reference:
Template - Election notice, appendix two
8. Distribute blank nomination forms and ballot box(es) as required.

On closure of nomination period:

9. Check validity of all submitted nominations forms, i.e.
 - Candidates on Electoral Register for community council area
 - No-one has proposed and/or seconded more than one candidate
10. If the number of valid nominations received is at least half of the number of seats available contact candidates to advise them that they have seven days should they wish to withdraw their nomination. (Go to 12)
Reference:
Template - Letter following nomination period, appendix three
11. If the number of valid nominations received is less than half of the number of seats available contact candidates to advise that the community council cannot be re-established and three months must pass until the next election can be held. Should a second election fail to attract enough valid nominations a period of six months must pass before an election to re-establish the community council be held. Issue press release regarding unsuccessful election.
Reference:
Template – Letter re non-formation of community council, appendix four

Following seven day withdrawal period

12. If the number of valid nominations remaining is equal to or not less than half the number of seats available Returning Officer to make arrangements for the first meeting of then new community council. Contact candidates to advise them that the new community council has been established and set/send agenda for first meeting of new community council. Notice of Uncontested Election should be displayed in local area. Issue press release with details of new community council.

Reference:

Template – Letter re declaration of new community council, appendix five

Template- Agenda, appendix six

Template – Notice of uncontested election, appendix seven

or

13. If the number of valid nominations remaining exceeds the number of seats available make arrangements for a ballot to be held. Polling station should be situated within community council area and open for a minimum of four hours between 8am and 8pm. Press release issued to raise awareness of ballot.

Reference:

Template – Letter re contested election, appendix eight

Template – Ballot paper, appendix nine

14. The count may be carried out immediately after the ballot closes or at a later date set by the Returning Officer. Contact candidates with ballot result although it may not be appropriate to issue the number of ballots for each candidate unless candidates have been present at the count. Notice of contested election should be displayed in local area.

Reference:

Template – letter re ballot results, appendix ten

Template – Notice of contested election, appendix eleven

Keep CC (if appropriate) informed of process and encourage awareness raising through word of mouth.

EXAMPLE TIME LINE FOR A COMMUNITY COUNCIL ELECTION:

Nominations open	26 May (nomination papers available 21 days)
Nominations close	16 June
New CC declared	23 June

Assuming a ballot is not required the new community council can be up and running as soon as 30 June (five weeks from the opening of nominations).

FLOWCHART: COMMUNITY COUNCIL ELECTION PROCEDURE

Prior to the expiry of the term of office the Community Council must appoint a Returning Officer (to be agreed with Scottish Borders Council). The Returning Officer must not be either a Community Council member or candidate, nor a close relative of a candidate.

A blank nomination form and list of community council seats are appended to the Scheme.

When validating nominations it is essential that the community council boundary map is checked alongside the Electoral Roll.

The following steps replicate the election procedure laid out in the Community Council Scheme 2014.

Procedures for holding a ballot are available in the Community Council Scheme.

Nomination form must be agreed by Scottish Borders Council.
Nomination period open for at least 14 days but not more than 28 days.

All nominees must be 16 yrs of age or over and be on the Electoral Roll for the community council area or provide proof of eligibility as advised by the Returning Officer.
The criteria also stands for Proposers and Seconders.

Following the nomination period allow a 7 day period for the withdrawal of nominations.

If the number of valid nominations, excluding any withdrawals, is greater than the number of seats to be filled the Returning Officer must hold a ballot.

If the number of valid nominations is equal to but not less than half and less than the number of seats to be filled the Returning Officer gives notice of all duly elected and arranges and Chairs the first meeting of the new Community Council.

If the number of valid nominations is less than one half of the number of seats to be filled a community council cannot be formed for a minimum of 3 months.

RELEVANT EXTRACT FROM COMMUNITY COUNCIL SCHEME

8.0 Nomination of Candidates

- 8.1 A person seeking election to a Community Council must be aged 16 years or over and appear on the Electoral Roll for that Community Council area at the date of being proposed for membership of the Community Council or be able to provide proof of eligibility as advised by the Returning Officer. Each candidate shall be nominated by a Proposer (who may be the candidate) and a Secunder, both being persons whose names appear at that time in the said Electoral Roll for the respective Community Council's area, or sub-division of that area, where applicable.
- 8.2 No person shall be entitled to nominate more than one candidate.
- 8.3 When instructed to do so by the Scottish Borders Council in the case of initial elections, and by the Community Councils themselves following their establishment, the Returning Officer shall give public notice of an invitation to submit nominations for membership of Community Councils, in such form as the Scottish Borders Council may prescribe, as illustrated in Schedule 2 hereto, within such period as is specified in the notice, being not less than 14 and not more than 28 days of the date of the public notice, allowing 7 days thereafter for withdrawals.
- 8.4 Where the number of valid nominations, after any withdrawals, exceeds the number of Community Council members specified in Schedule 1, a contested election shall be held in accordance with the procedure hereinafter prescribed.
- 8.5 Where the number of valid nominations, after any withdrawals, is equal to, or more than half, the number of Community Council members specified in Schedule 1, the Returning Officer shall give public notice that the candidates validly nominated have been elected to the Community Council.
- 8.6 Where the number of valid nominations, after any withdrawals, is less than half the number of Community Council members specified in Schedule 1, no Community Council will be established and the Returning Officer shall give public notice that no Community Council shall be formed at that time. In such event, no further application for the establishment of a Community Council for that area shall be considered until the expiry of a period of at least three months after the date of the public notice of the invitation to submit nominations. In the event of such an application being received after that period, the Returning Officer shall issue a further invitation to submit nominations and the electoral process shall be repeated. If, after this second invitation, the number of valid nominations is still less than half the number of Community Council members specified in Schedule 1, no further applications for the establishment of a Community Council for that area shall be considered until the expiry of a period of at least six months after the date of public notice of that second invitation.
- 8.7 The Returning Officer shall publish, whether through a free sheet circulating throughout the Community Council area or in some other manner, not less than seven days prior to the election, details of the election procedure to be employed, including the names and addresses of candidates and the place, dates and times fixed for the conduct of the poll and the count.

9.0 Returning Officer

- 9.1 The Returning Officer for the first election to a Community Council shall be the Service Director of Strategy and Policy of the Scottish Borders Council, or his appointed nominee

and, for all elections after the establishment of a Community Council, shall be the person appointed by the Community Council concerned, subject to approval by the Service Director of Strategy and Policy. The Returning Officer for a Community Council election shall not be an elected member of that Community Council or a candidate in that election to that Community Council.

10.0 Voting Arrangements

10.1 Persons included in the section(s) of the Electoral Roll for the area applicable to a Community Council and who would be entitled to vote in a Local Government election at the date of the Community Council election shall be entitled to vote in Community Council elections for that area.

10.2 Voting in a Community Council election shall take place by way of a secret procedure. The method of election shall be determined by the Returning Officer in consultation with the Community Council where applicable as:-

- (a) by ballot box, at a designated polling place or places using a simplified version of the prescribed procedure for Local Authority elections; or
- (b) by post in accordance with Scottish Borders Council guidelines.

An alternative of postal voting in connection with method a) above, shall be available at the discretion of the Returning Officer. There will be no provision for the issuing of poll cards or voting by proxy for either method of election.

10.3 The ballot papers to be used in Community Council elections shall be laid out in a style approved by the Scottish Borders Council.

10.4 Each eligible elector shall have available to him a number of votes equal to the aggregate number of seats being contested at that election, subject to the proviso that where a Community Council area is divided into sub-divisions, each eligible elector shall, unless the Constitution to be adopted by the Community Council determines otherwise, be entitled to vote only for candidates standing for seats within the sub-division in which the eligible elector resides, the number of votes available to each eligible elector in that event being equal to the number of seats being contested within that sub-division; and no elector shall cast more than one vote for any one candidate.

10.5 The hours of polling for ballot elections shall be determined for each Community Council area by the Returning Officer, taking account of local circumstances for the first election to a Community Council, and during such period or periods between 8 a.m. and 8 p.m. as the Community Council may determine thereafter, subject to a minimum of four hours in total, unless where voting is by post, in which case the period shall be determined by the Returning Officer. The number of vacant seats available shall be filled by the corresponding number of candidates receiving the highest number of votes. In the event of more than one candidate receiving the same number of votes for the last available seat or seats on the Community Council, the successful candidate(s) will be decided by lot.

10.6 A returned ballot paper shall contain only such information as is requested to identify the candidates chosen by the elector. Any ballot paper which at the counting of the votes is found to:-

- (a) contain any mark or other writing implying that the number of votes being cast is more than the designated number available to the elector; or
- (b) contain any mark or other writing implying that more than one vote for any one candidate is being cast; or
- (c) identify the elector,

shall be deemed to be a spoilt paper, and shall be disregarded in the count.

- 10.7 The Returning Officer shall appoint and instruct persons to supervise the ballot or open the postal votes as appropriate and to conduct the count.
- 10.8 The Returning Officer, immediately after the counting of votes, shall complete a return to the Scottish Borders Council and the Community Council concerned, containing the names and addresses of members elected, details of the number of votes cast for each candidate, the number of ballot papers issued and returned, the number of spoilt ballot papers and any other information as to the conduct of the election which may be required by Scottish Borders Council.
- 10.9 The Returning Officer shall, as soon as possible after the election, give public notice of the names and addresses of members elected.

Schedule 2**SCOTTISH BORDERS COUNCIL
COMMUNITY COUNCIL ELECTIONS 20XX**-----**COMMUNITY COUNCIL (note 1)****NOMINATION FORM**Please read notes overleaf and then complete Sections 1 and 2 in typescript or **BLOCK CAPITALS****SECTION 1 - CANDIDATE**

SURNAME (AS IN ELECTORAL REGISTER)	OTHER NAMES (AS IN ELECTORAL REGISTER)	MR/MRS/ MS/ MISS	ELECTORAL NUMBER (NOTE 2)		ADDRESS (AS IN ELECTORAL REGISTER)
			Letter or Number	Electoral Number	

SECTION 2 - PROPOSER AND SECONDER

	SURNAME (AS IN ELECTORAL REGISTER)	OTHER NAMES	MR/MRS/ MS/MISS	ELECTORAL NUMBER (NOTE 2)		ADDRESS (AS IN ELECTORAL REGISTER)
				Letter or Number	Electoral Number	
Proposer						
Secunder						

WE hereby nominate as a candidate for election the person named in Section 1 above, who, to the best of our knowledge and belief is eligible for such election, as a member of

..... Community Council
(**Note 1**)in the Sub-Division.
(**Note 3**)**PLEASE NOTE THAT YOU MAY ONLY PROPOSE OR SECOND ONE PERSON**Signature of ProposerSignature of Secunder

ACCEPTANCE OF NOMINATION

I, the nominee for election, named in Section 1 above, consent to be nominated as a candidate for the abovementioned Community Council and, if elected, will accept office as a member of the said Community Council and agree to comply with the Code of Conduct for Community Councillors.

I confirm that I have not served a prison sentence (including suspended sentence) of three months or more in the five years before the election.

Signature of Candidate

.....Date.....

NOTES

1. Please insert the name of the Community Council
2. Please insert in the first column the distinctive number and letter if any, from the Register of Electors (e.g.) 21A. The number will be found next to "Polling District").
Please insert in the second column the elector number which can be found next to the elector's name in the Register of Electors.
These numbers will be provided by the Returning Officer, on receipt of the nomination form, if left blank.
3. Where, in terms of the new Scheme for the Establishment of Community Councils, a Community Council area consists of a number of sub-divisions the name of the sub-division should be given.

QUALIFICATIONS FOR ELECTION

A person seeking election to a Community Council must be aged 16 or over and appear on the Electoral Register for the Community Council area at the date of being proposed for membership of the Community Council, or provide proof of eligibility as advised by the Returning Officers. . Each Candidate shall be nominated by a Proposer (who may be the candidate) and a Seconder, both being persons whose names appear in the said Electoral Register for the respective Community Council area, or sub-division of that area, where applicable..

COMPLETED NOMINATION FORMS SHOULD BE LODGED WITH

.....

.....

By no later than.....

NOTICE OF ELECTION

**Your Community Council needs
YOU**

XX COMMUNITY COUNCIL

Nominations are invited from members of the community whose names appear on the current Electoral Register for XX Community Council area.

The Community Council consists of a maximum of XX Members. In the event of there being more nominations than places on the Community Council, an Election will be held.

Nomination Forms can be obtained from:

or

**THE FINAL DATE FOR THE RETURN OF COMPLETED
NOMINATION FORMS IS XX.**

FORMS (ORIGINALS) SHOULD BE RETURNED TO:

LETTER TO CANDIDATES FOLLOWING CLOSURE OF NOMINATION PERIOD

Dear

RE: XX COMMUNITY COUNCIL ELECTION

Thank you for your interest in standing for the new XX Community Council. I am pleased to let you know that your valid nomination form was one of XX. There are XX places available.

All candidates have until XX to withdraw their nomination form should they no longer wish to stand as a community councillor.

If I have not heard from you by the XX I will assume that you are happy for your nomination to stand. I will contact you again after this date with the details of either the ballot for the XX available places or the first meeting of the new community council.

If you have any queries in the meantime please do not hesitate to contact me.

Yours sincerely

LETTER TO CANDIDATES RE NON-FORMATION OF COMMUNITY COUNCIL

Dear

XX COMMUNITY COUNCIL ELECTION

Thank you for your interest in standing for the new XX Community Council. I am pleased to let you know that your valid nomination form was one of XX received. Unfortunately a minimum of XX new community councillors are required in order for a new community council to be established.

A period of three months must now pass before the election be called during which time there will be no community council for the XX area.

If you have any queries please do not hesitate to contact me.

Yours sincerely

LETTER TO CANDIDATES RE DECLARATION OF NEW CC AND DATE OF MEETING

Dear

RE: XXX COMMUNITY COUNCIL ELECTION

As Returning Officer for XXX Community Council election I am delighted to be contacting you to welcome you as a community councillor to the new XXX Community Council.

XX valid nominations remain enabling me to declare the new community council.

The inaugural meeting of the new community council will take place on XX at Xpm in. The main agenda items will be the election of office bearers. I have enclosed a copy of the agenda.

Members of the new community council are:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- etc

Yours sincerely

AGENDA

**XX COMMUNITY COUNCIL**

A MEETING of the XX COMMUNITY COUNCIL will be held at XX

BUSINESS		
1.	Welcome and Introduction. Welcome and introductions by XX (Returning Officer).	
2.	Apologies for Absence.	
3.	Order of Business.	
4.	Declaration of Interests.	
5.	Membership of Community Council. Note new membership of Community Council.	
6.	Appointment of Chairman. Nominations to be invited by XX	
7.	Appointment of Vice - Chairman. Nominations to be invited by the Chairman.	
8.	Appointment of Secretary. Nominations to be invited by the Chairman.	
9.	Appointment of Treasurer. Nominations to be invited by the Chairman.	
10.	Any Other Items which the Chairman Decides are Urgent.	
11.	Date of Next Meeting.	

Membership of Community Council :-

Please direct any enquiries to *Clare Malster*, Tel: 01835 826626.

E-mail: cmalster@scotborders.gov.uk

LETTER TO CANDIDATE RE CONTESTED COMMUNITY COUNCIL ELECTION

Dear

RE: XX COUNCIL ELECTION - BALLOT

I am writing to let you know that there are XX candidates for the XX places available on the new XX Community Council resulting in the requirement for a ballot to be held.

The ballot will be held on DATE between am/pm – am/pm. Voting forms and the ballot box will be available in the XX during this time. All those in the XX Community Council area, who are entitled to vote in a Local Government Election on that day, shall be entitled to cast a vote in the ballot.

XX oversee the ballot.

There will be no alternative of postal voting or voting by proxy. Poll cards will not be issued; local residents should present themselves between am/pm – am/pm at the XX in order to vote. Each voter will be entitled to XX votes. The XX seats will be filled by the XX candidates with the highest number of votes.

The votes will be counted immediately following the ballot and the new community council will then be declared.

The candidates standing for XX Community Council are as follows:

I will issue a press release to the local media but will not undertake any canvassing on behalf of candidates. Should you wish to undertake canvassing please do so.

If you have any queries whether general or specific to the process please do not hesitate to contact me.

Yours sincerely

TEMPLATE COMMUNITY COUNCIL ELECTION BALLOT PAPER

No:

**Community Council Election for the
XXXX Area**

Date of Election – XXXX

XXX COMMUNITY COUNCIL

VOTE FOR NOT MORE THAN XX CANDIDATES
CASTING NOT MORE THAN ONE VOTE FOR EACH CANDIDATE

1	SURNAME (Full name and address)	
2	SURNAME (Full name and address)	
3	SURNAME (Full name and address)	
4	SURNAME (Full name and address)	
5	SURNAME (Full name and address)	
6	SURNAME (Full name and address)	
7	SURNAME (Full name and address)	
8	SURNAME (Full name and address)	
9	SURNAME (Full name and address)	
10	SURNAME (Full name and address)	
11	SURNAME (Full name and address)	
12	SURNAME (Full name and address)	
13	SURNAME (Full name and address)	

TEMPLATE LETTER TO CANDIDATES RE BALLOT RESULT

Dear

RE: XX COMMUNITY COUNCIL ELECTION

I am writing to inform you of the results of yesterdays contested election for XX Community Council.

The ballot attracted XX voters (XX%).

The following candidates were duly elected:

The first meeting of the new Community Council will take place on XX at XXpm in the XX. Please find a copy of the agenda enclosed. XX will chair the meeting until the new Chairperson is elected.

If you have any queries please do not hesitate to contact me.

Yours sincerely

NOTICE OF CONTESTED ELECTION

ELECTION OF COUNCILLORS FOR THE XXX COMMUNITY COUNCIL AREA

Following the Poll the following candidates are validly elected for the Community Council for the XXX area. The said Candidates are hereby declared to be elected Councillors of the said Community Council.

Name of Candidate Validly Elected	Electoral Register No.	Address as in Register of Electors*
Returning Officer : Date :		

*Electoral Numbers: distinctive numbers from the Register of Electors for both Polling District and Elector, e.g. 2203/333.