

WEST LOTHIAN COUNCIL

LIVINGSTON SOUTH BY-ELECTION – 5 NOVEMBER 2020

Briefing – Wednesday 23 September 2020 at 5.30pm (via Microsoft Teams)

List of contents and checklist for nomination packs

DESCRIPTION	TO BE RETURNED
1. Letter to prospective candidates	
2. Data Protection Acknowledgement	✓
3. Nomination Paper, including consent to nomination	✓
4. Home Address Form	✓
5. Certificate of Authorisation (party candidates only)	✓
6. Request for Emblem (party candidates only)	✓
7. Notice of Appointment of Election Agent	✓
8. Request for Registers of Electors	✓
9. Election Timetable	
10. Guide to completing nomination forms	
11. Nominations Appointments Process and Procedure	
12. Candidates' Election Expenses	
13. Additional Resources List	
14. Feedback Form	✓

If you require any further assistance please do not hesitate to contact the election office by email at elections@westlothian.gov.uk or by telephone on 01506 282035.

***Items in bold are attached as separate Word/Excel documents in order that they can be completed and returned to the Election Office.**

West Lothian Civic Centre
Howden South Road
Livingston
West Lothian
EH54 6FF

Contact: Election Office
Tel: 01506 282035
e-mail: elections@westlothian.gov.uk

To: Prospective Candidates

Dear Sir/Madam

**West Lothian Council By-Election
Ward 4 Livingston South
Date: 5 November 2020**

I enclose nomination papers, including relevant supporting documentation for the by-election in respect of Ward 4 – Livingston South, of West Lothian Council to be held on **5 November 2020**.

For the convenience of candidates and election agents, arrangements have been made for staff to accept nomination papers at:

Election Office, Conference Room 3, West Lothian Civic Centre, Howden South Road, Livingston.

Candidates and election agents are asked to be aware that different rules will apply about access to the Election Office and contact with staff in line with Scottish Government guidance on COVID-19. A procedure note is enclosed in the nomination pack which explains those rules. Please read this note in advance of making an appointment to submit nomination papers. Your cooperation in doing as much as possible through email and telephone would be appreciated. Not everything can be managed in that way but we all should aim to avoid face-to-face meetings as far as possible.

To assist in ensuring that an appropriate member of staff is on hand to receive nominations it would be helpful if candidates (and/or election agents) would contact a member of the Election Team on 01506 282035 to arrange a mutually convenient date and time for checking of the nomination papers and thereafter to lodge formally your nomination paper. Ideally that would happen after forms have been checked and adjusted via email. The nomination period starts on Tuesday 29 September 2020 and nomination papers can be lodged up to 4pm on each working day until the deadline which is noted below.

Nominations must be lodged not later than 4pm on Monday 5 October 2020.

Candidates are advised to read the Electoral Commission's Guidance to Candidates and Agents. A link to this guide is provided as part of the additional resources list provided in the pack.

COVID-19

As I am sure you appreciate, this by-election is being planned and delivered in the context of the coronavirus pandemic and the related restrictions which are in place across the country to attempt to control and suppress the virus. The pandemic has required an enhanced approach to risk assessment for each part of the electoral process and, indeed, for the date of the poll itself. My risk assessments continue to be undertaken in line with the advice and guidance from, and in consultation with, key partners including the Electoral Commission (EC), the Electoral Management Board for Scotland (EMB) and Public Health Scotland. My election team has also

been engaged in a national working group with representatives from the EC, EMB and other local authorities which have upcoming by-elections, in order to review operational arrangements, share information and develop consistent approaches across the country.

With the dual aims of ensuring the poll is delivered in a safe and secure manner, it will be necessary to make some changes to the usual operational arrangements for an election and work is ongoing with a wide range of council services, community planning partners and contractors to appropriately plan and test these. This is by no means an exhaustive list, but arrangements for this contest will include:

- Revised polling place set-ups to ensure appropriate distancing, hand hygiene and voter flow.
- Enhanced cleaning arrangements at all polling places and the count centre.
- Deployment of extra staff with responsibility to manage voter throughput and monitor revised arrangements.
- Raising awareness of the arrangements for voter safety and the options for voting, both prior to and on polling day through a range of communication channels.
- Changes to the count centre set-up to ensure that all parts of the process can be observed whilst maintaining distancing.

In confirming the by election date to the EMB and the Ministers I informed them that I would continue to monitor the COVID-related risks and would continually review whether it was safe and appropriate to deliver the poll on 5 November. There is no plan to make any change to polling date at the moment but that power is available should there be significant changes in circumstances and increase in risk. I will continue to ensure you receive information about the specific arrangements for polling and the count.

Yours sincerely



Graham Hope
Returning Officer

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LOCAL GOVERNMENT BY-ELECTION

WEST LoTHIAN COUNCIL WARD 4 – LIVINGSTON SOUTH

5 NOVEMBER 2020

DATA PROTECTION ACT 1998

TRANSFER OF PERSONAL DATA OUTWITH THE EUROPEAN ECONOMIC AREA

I agree to make the following personal information available for posting on the West Lothian Council website (www.westlothian.gov.uk) in connection with the Local Government By-Election to be held on 5 November 2020.

NAME	
PARTY NAME	
COUNCIL WARD	
AGENT NAME	
AGENT ADDRESS	
AGENT OFFICE ADDRESS	

I understand this information will be available to countries outwith the European Economic Area and as a result may not be protected by Data Protection legislation.

	CANDIDATE	ELECTION AGENT
PRINT NAME:		
SIGNATURE:		
DATE:		

Note: This form must be signed by the candidate and the election agent.

Deliver to the **Returning Officer no later than 4pm on Monday 5 October 2020**

You must print off the forms in this pack before submitting them

The following forms must be delivered by hand:

- 1: Nomination form, including consent to nomination
- 2: Home address form (part 1 and part 2)

The following papers can be delivered by hand or by post:

- 3: Certificate of authorisation (party candidates only)
- 4: Request for a party emblem (party candidates only)
- 5: Notification of election agent

The notice of election published by the Returning Officer will specify the times and exact location to which nomination papers must be delivered.

Ensure that where signatures are required, you submit the **original signed version** of each completed paper. Documents without original signatures cannot be accepted.

General Data Protection Regulation (GDPR)

Data protection legislation applies to the processing of all personal data. Please contact the [Information Commissioner's Office](#) for further information about how the legislation affects you.

The lawful basis to collect the information in these forms is that it is necessary for the performance of a task carried out in the public interest and exercise of official authority as set out in the Representation of the People Act 1983 and associated regulations.

The information will be processed by the Returning Officer. For further information on data protection and data processing, you should refer to the Returning Officer's privacy notice on their website.

This checklist is designed to assist candidates standing in a council election in Scotland in preparing to submit their nomination, and should be read alongside the Electoral Commission's [Guidance for candidates and agents](#).

Task	Tick
Nomination form	
If not pre-printed, add the name of the electoral ward and day and date of the election you are standing in	
Add your full name – surname in the first box and all other names in the second	
Optional - Use the commonly used name(s) boxes if you are commonly known by a name other than your full name and want it to be used instead of your full name	
Description – Party candidates can use a party name or description registered with the Electoral Commission and supported by a certificate of authorisation from that party; others can use 'Independent' or leave this blank	
You must be a British citizen, qualifying Commonwealth citizen or a qualifying foreign national and not require leave to remain in the United Kingdom, or have indefinite leave to remain, or (in the case of foreign nationals) have pre-settled status. You must also be 18 years old or older on the date you sign this form.	
You must declare that you meet at least one of the listed qualifications (a, b, c or d) and should cross through any that do not apply. Those left should match the qualification(s) given on your home address form.	
You must not sign the form if you are disqualified to stand. Make sure that you read the Electoral Commission guidance on standing for election as well as the legislation listed. If you are not sure if you are able to stand you should contact the Electoral Commission or take your own legal advice.	
Sign and date the document in the presence of another person	
Get the other person to complete and sign the witness section	
Method of submitting the nomination form (which must include all pages of legislation) to the RO: by hand (it cannot be submitted by post, fax, e-mail or other electronic means), by any person	
Candidate's home address form (all candidates)	
Add your full name	
Add your home address in full	
Add your qualifying address, or qualifying addresses, to each of the relevant qualifications	
Add the full name and home address in full of the person who will witness your consent to nomination	
Please also complete part 2 of the form, this part must be submitted as part of your nomination papers. Part 2 includes a statement to be completed if you wish for your home address to be made public.	
Certificate of authorisation (party candidates only)	
Ensure the certificate contains the candidate's full name	

Check the certificate allows the registered party name or description given on the nomination form to be used (or allows the candidate to choose to use the party name or any registered description)	
Ensure it is issued by the party Nominating Officer (or someone that they have authorised to issue it on their behalf)	
Method of submitting the certificate of authorisation to the RO: by hand (by any person) or by post (it cannot be submitted by fax, e-mail or other electronic means)	
Request for party emblem (party candidates only)	
Write the name or description of an emblem registered by the party and published on the Electoral Commission's website	
Ensure the request is made by the candidate	
Method of submitting the emblem request to the RO: by hand (by any person) or by post (it cannot be submitted by fax, e-mail or other electronic means)	
Notification of appointment of an election agent	
Give the name, address and office address of the appointed election agent	
Give your name and signature (or the signature of a person authorised to act on your behalf)	
Ensure the appointed agent signs the form showing their acceptance (you do not need to sign the form again if you are appointing yourself as the election agent)	
Method of submitting the notification of election agent to the RO: by hand or by post (it cannot be submitted by fax, e-mail or other electronic means)	

Office Use only	Date received	Time received	Initials	No.

1	Council election	Nomination form
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*ELECTION OF COUNCILLORS / A COUNCILLOR for the	
electoral ward:	
of	Council
Day and date of election	

I, the undersigned, am hereby nominated as a candidate at the said election.

Candidate's Details	
Candidate's surname	
Other names in full	
Commonly used surname (if any) <i>(see Note 3 below)</i>	
Commonly used forenames (if any) <i>(see Note 3 below)</i>	
Description (if any) <i>(see Note 6 below)</i>	

I, the nominee for election, consent to being nominated as a candidate for the

electoral ward:	
of	Council

I declare that I am qualified to be elected, that I have attained the age of 18 years and am a qualifying Commonwealth citizen, a citizen of the Irish Republic or a qualifying foreign national; that I am not subject to any legal incapacity; and that in terms of Section 29 of the Local Government (Scotland) Act 1973:

*a. I am registered as a local government elector for the local government area named above as in the register of electors

and my electoral number *(see Note 5 below)* is:

and / or	*b. I have during the whole of the 12 months preceding the day of nomination occupied as owner or tenant land or premises in the area named above:
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and / or	*c. I have during the 12 months preceding the day of my nomination had - my principal or only place of work in the area named above;
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and / or	*d. I have during the whole of the 12 months preceding my nomination resided in the area named above.
*Delete qualifications that are not applicable	
I declare that	
<p>a. I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any of the disqualifications in Section 31 of the Local Government (Scotland) Act 1973, a copy of which is printed overleaf;</p> <p>b. I am not disqualified for election by reason of holding a politically restricted post in terms of Section 1(1) of the Local Government and Housing Act 1989, under a local authority within the meaning of Part 1 of that Act; and</p> <p>c. I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any sanction imposed by the Standards Commission for Scotland in terms of Section 19(1)(d) of the Ethical Standards in Public Life etc. (Scotland) Act 2000</p>	
Candidate's signature	
Date	
Witness: I confirm the above-mentioned candidate signed the declaration in my presence.	
Signature of witness:	
Witness (name in full):	
Date	

This form must be delivered to the Returning Officer by no later than 4pm on the last day for delivery of nomination papers.

A candidate who is qualified by more than one qualification should complete all of those that apply.

Notes

1. The attention of candidates and local government electors is drawn to the rules for completing nomination papers and other provisions relating to the nominations contained in the local government election rules contained in Schedule 1 to the Scottish Local Government Elections Order 2011.
2. Where a candidate is commonly known by some title they may be described by their title as if it were their surname.
3. If a candidate's nomination form gives a commonly used surname or forename in addition to or instead of another name the nomination form may state the commonly used forename or surname in addition to or instead of the other name.
4. But in terms of rule 14(7) and (8) the ballot paper will not show the other name if the Returning Officer thinks:
 - (a) that the use of the commonly used name may be likely to mislead or confuse electors; or
 - (b) that the commonly used name is obscene or offensive.
5. A person's electoral number consists of the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is registered together with the number in the register to be used at the election, except that before publication of the register the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is entitled to be registered together with the number (if any) in the electors lists for that register shall be used instead.
6. Description (if any) and commonly used surname / forename (if any) must be read in terms of rule 4 of the election rules. See the Electoral Commission's [Guidance for candidates and agents](#) for full details.

Local Government (Scotland) Act 1973: Disqualifications

31 – Disqualifications for nomination, election and holding office as member of local authority

(1) Subject to subsections (2) and (3) below, a person shall be disqualified for being nominated as a candidate for elections as, or for being elected, or for being a member of a local authority if –

- (a) *[This has been removed and no longer applies]*
- (b) he is a person whose estate has been sequestrated by a court in Scotland or who has been adjudged bankrupt elsewhere than in Scotland; or
- (ba) he is subject to a bankruptcy restrictions order;
- (c) he has, within five years before the day of nomination, or election or since his election, as the case may be, been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
- (d) he is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983.

(1A) A person is disqualified for being a member of a joint board if he or a partner of his holds any paid office or employment (other than the office of convener or depute convener of the board) or other place of profit in the gift or disposal of the board.

(2) Where a person is disqualified under subsection (1) by reason of his estate having been sequestrated, the disqualification shall cease if and when –

- (a) the sequestration of his estate is recalled or reduced; or
- (b) he is discharged under or by virtue of the Bankruptcy (Scotland) Act 2016.

(3) Where a person is disqualified under subsection (1) above by reason of having been adjudged bankrupt, then –

- (a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment;
- (b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge; and
- (c) if he is discharged without such a certificate, his disqualification shall cease on the expiration of five years from the date of his discharge.

(3A) A person who is for the time being an officer or employee of the Strathclyde Passenger Transport Authority or an employee of a subsidiary of that Authority shall be disqualified for being appointed or for being a member of the Strathclyde Passenger Transport Authority.

(3B) In subsection (1)(ba) above, “bankruptcy restrictions order” means –

- (a) a bankruptcy restrictions order made under section 155 of the Bankruptcy (Scotland) Act 2016;
- (b) *[This has been removed and no longer applies]*
- (c) a bankruptcy restrictions order made under paragraph 1 of Schedule 4A to the Insolvency Act 1986; or
- (d) a bankruptcy restrictions undertaking entered into under paragraph 7 of that Schedule.

[The following section refers to candidates who are elected. Holders of posts mentioned in this section, except those in subsection (6), are not disqualified from standing for election, but must resign in compliance with this section]

31A – Disqualification of officers, employees etc. from remaining members of local authority

(1) A person elected a member of a local authority who is the holder of any paid office or employment or other place of profit in the gift or disposal of the authority is disqualified from remaining a member of the authority after the relevant day unless the person complies with subsection (2) below.

(2) A person complies with this subsection by resigning, not later than the relevant day, from that office, employment or, as the case may be, other place of profit.

(3) A resignation effected in pursuance of subsection (2) above terminates the holding of the office, employment or other place of profit with immediate effect notwithstanding any contrary provision in the terms and conditions under which the office, employment or place of profit is held.

(4) In this section the “relevant day” is the day first occurring after that on which the person elected a member of the local authority was, under the local elections rules, declared to be so elected (no account being taken of a day which is a Saturday or Sunday or Christmas Eve, Easter Monday, or a bank holiday in Scotland under the Banking and Financial Dealings Act 1971 or a day appointed for public thanksgiving or mourning in Scotland).

(5) In subsection (4) above, the “local elections rules” means an order made under section 3(1) of the Local Governance (Scotland) Act 2004.

(6) This section does not affect section 1 (disqualification and political restriction of certain local government officers and staff) of the Local Government and Housing Act 1989.

Local Government and Housing Act 1989: Political restrictions of officers and staff

1 – Disqualification and political restriction of certain officers and staff

(1) A person shall be disqualified from becoming (whether by election or otherwise) or remaining a member of a local authority if he holds a politically restricted post under that local authority or any other local authority in Great Britain.

Ethical Standards in Public Life etc. (Scotland) Act 2000: Enforcement

19 – Action on finding of contravention

- (1) Where the members of the Commission conducting a hearing find that a councillor has contravened the councillors' code or a member of a devolved public body the members' code, they shall impose one of the following sanctions—
 - (a) censuring, but otherwise taking no action against, the councillor or member;
 - (b) suspending, for a period not exceeding one year, the councillor's or member's entitlement to attend one or more but not all of the following—
 - (i) all meetings of the council or body;
 - (ii) all meetings of one or more committees or sub-committees of the council or body;
 - (iii) all meetings of any other body on which the councillor or member is a representative or nominee of the council or body;
 - (c) suspending, for a period not exceeding one year, the councillor's or member's entitlement to attend meetings of the council or body and of any committee or sub-committee thereof and of any other body on which the councillor or member is a representative or nominee of the council or body;
 - (d) in the case of a councillor, disqualifying the councillor for a period not exceeding five years, from being, or from being nominated for election as, or from being elected, a councillor;
 - (e) in the case of a member of a devolved public body, removing the member from membership of the body and disqualifying the member, for a period not exceeding five years, from membership of the body.
- (2) A period of suspension imposed under subsection (1)(b) or (c) above which would continue until or after the day of the next following ordinary election of councillors shall end at the beginning of that day.
- (3) Disqualification imposed under subsection (1)(d) above—
 - (a) has the effect of vacating the councillor's office; and
 - (b) extends to the councillor's membership of committees and sub-committees of the council of which the councillor was a member and any joint committee, joint board or other body on which the councillor is a representative or nominee of the council.
- (4) Where the members of the Commission disqualify, under subsection (1)(d) above, a councillor who is also a member of a devolved public body otherwise than as a representative or nominee of the council, they may also, in respect of that membership, remove and disqualify that person under subsection (1)(e) above.
- (5) The members of the Commission, on removing and disqualifying a member of a devolved public body under subsection (1)(e) above, may—
 - (a) where the member is a councillor, disqualify that person under subsection (1)(d) above; or
 - (b) direct that the removal from membership and disqualification apply also in respect of any other devolved public body of which the member is a member.
- (6) The members of the Commission may, on imposing a suspension under subsection (1)(b) or (c) above on a member of a devolved public body, direct that any remuneration or allowance deriving from membership of the body that would be payable to the member be not paid or be reduced as they direct.
- (7) The powers to remove and disqualify a person from membership of a devolved public body under subsections (4) and (5)(b) above are exercisable as respects that body only after the members' code applicable to that body first has effect.

- (8) The Commission shall, after consulting such association of local authorities and any such other bodies or persons as it thinks fit, issue guidance to councils on the extent to which a councillor should engage in activities (other than those mentioned in subsection (1)(c) above) which are, or may be perceived to be, the activities of a councillor during a period of suspension.

Home address form	Office use only			
Local government elections in Scotland	Date received	Time received	Initials	No
ELECTION OF COUNCILLORS / A COUNCILLOR for the				
electoral ward of the				
LOCAL GOVERNMENT AREA of:				
Date of election:				

You must complete Part 1 and Part 2. Only sign Part 2 if you wish for your home address to be made public.

Part 1:	
Full name of candidate	
Home address (in full)	
Qualifying address: Add your qualifying address, or qualifying addresses (in full) to each of the relevant qualifications below (you can complete more than one qualification).	
Qualifications that apply	Address
(a) I am registered as a local government elector for the area of local government named above	
(b) I have during the whole of the preceding 12 months occupied as owner or tenant land or other premises in the local government area named above	
(c) my principal or only place of work during the preceding 12 months has been in the local government area named above	
(d) I have during the whole of the preceding 12 months resided in the local government area named above	
Witness details	
Full name of the person who will witness the candidate's consent to nomination form	
Full home address of the person who will witness the candidate's consent to nomination form	

Part 2:

Note: This part (part 2) of the home address form must be submitted as part of your nomination papers

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, but 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), as explained below, will appear on the notice of poll and the ballot paper, but your home address will not.

The relevant area my home address is situated in:

(insert name of relevant area)¹

OR

My home address is situated outside the UK. My home address is situated in:

(insert name of country)

OR; you can request that your home address is made public; your address will then appear on the notice of poll and the ballot paper.

Statement: I require my home address to be made public, I understand that the address will appear on the notice of poll and the ballot paper (put an X in the box to the right and sign in the box below)

Signature of candidate (only required where the statement above requiring home address to be made public has been completed)

Candidate's signature:

Date:

Deliver the home address form with the nomination paper to the Returning Officer by no later than **4pm** on the last day to deliver nominations

¹ the name of the "relevant area" in which your home address is situated (if your home address is in the UK)

- **For home addresses in Scotland:**
 - the local government area in which the address is situated
- **For home addresses in Northern Ireland:**
 - the local government district in which the address is situated
- **For home addresses in England:**
 - if the address is within a district for which there is a district council, that district;
 - if the address is within a county in which there are no districts with councils, that county;
 - if the address is within a London borough, that London borough;
 - if the address is within the City of London (including the Inner and Middle Temples), the City of London; and
 - if the address is within the Isles of Scilly, the Isles of Scilly
- **For home addresses in Wales:**
 - if the address is within a county, that county;
 - if the address is within a county borough, that county borough

Note: The relevant area should be given in the format described above and is not the ward or parish, nor should the local authority name be given in full

	Date received	Time received	Initials	No.
Office Use only				

3

Council election

Certificate of authorisation

To accompany the nomination of a candidate standing **on behalf of a registered political party**. Candidates standing on behalf of two or more parties require a certificate from each party and each must allow the registered joint description to be used.

This certificate must be authorised by the registered Nominating Officer of the party or by a person authorised to sign on their behalf.

The Nominating Officer can authorise the candidate to use either the name of the party or a particular description registered with the Electoral Commission, or to use 'any registered description or the party name as registered with the Electoral Commission'. Party names and registered descriptions are listed on the Electoral Commission website (<http://search.electoralcommission.org.uk>).

Details of candidate to be authorised and the allowed description/party name			
Council:		Date of election:	
Ward:			
I hereby certify that			
The candidate (name in full):			
Is authorised to stand for:	Name of political party registered with the Electoral Commission		
The candidate may include the following registered description/party name in their nomination form:			
Note: An incorrect or fraudulently completed form may lead to the rejection of the nomination form as invalid			
Signature of party's registered Nominating Officer (or person authorised by the registered Nominating Officer):			
Name of person signing this form:			
Date:			

This form must be delivered for a candidate standing on behalf of a political party to the Returning Officer by no later than 4pm on the last day for delivery of nomination papers.

Office Use only	Date received	Time received	Initials	No.

4

Council election

Request for a party emblem

This form is for a **candidate of a political party** who has been given a certificate of authorisation and who wishes to have a party emblem printed on the ballot paper next to their name.

The registered emblems of a political party can be found on the Commission's website at <http://search.electoralcommission.org.uk>.

This form must be signed by the candidate.

Candidate's request for use of an emblem	
Council:	Date of election:
Ward:	
Candidate's name in full:	
I request that the ballot paper shall contain, against my name, the following registered emblem (please identify which emblem if the party has registered more than one):	
Emblem to be used (please use name or description as on the Electoral Commission website):	
Candidate's signature:	
Date:	

This form must be delivered for a candidate standing on behalf of a political party to the Returning Officer by no later than 4pm on the last day for delivery of nomination papers.

Candidates standing on behalf of more than one political party and using a joint description may choose one emblem from one of the parties that they are standing for. Please indicate the name of the party and the emblem name in the 'Emblem to be used' box above.

	Date received	Time received	Initials	No.
Office Use only				

5	Council election	Notification of election agent
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Council:		Date of election:	
Ward:			

Candidate's notification of their election agent

I, (Candidate's name in full):	
Hereby declare that the name and address of my election agent is	
Agent's name:	
Agent's address (in full):	
The office address of my election agent to which all claims, notices, legal process and other documents may be sent is:	
Agent's office address in full:	
Candidate's signature (or of a person authorised to act on behalf of candidate):	
Date:	

Confirmation of acceptance by election agent

I **[agent named above]** confirm my acceptance as the election agent for the above named candidate. I understand that I must carry out my duties according to law. I understand that there are penalties if I fail to fulfil my duties according to law.

Agent's signature:	
Date:	

Agent's other details in case of query (Optional – will not be published)

Home telephone:		Work telephone:	
Mobile telephone:			
Email address:			

This form must be delivered to the Returning Officer by no later than 4pm on the last day for delivery of nomination papers.

REGISTER OF ELECTORS

WEST LOTHIAN COUNCIL LIVINGSTON SOUTH BY-ELECTION 5 NOVEMBER 2020

Request for Free Supply of Full Register of Electors and/or Absent Voters Lists

Separate requests are required to be made to Electoral Registration Officer for each of the above documents. This form has been produced to try to simplify the request process by ensuring the statutory requirements are met and that the registers and lists issued are in the format the applicant requires, subject to the Electoral Registration Officer's ability to meet that request. The legislation requires only that the data is provided in a format held by the Registration Officer.

PART 1 - REQUEST FOR FREE COPY OF THE ELECTORAL REGISTER

The Representation of the People (Scotland) (Amendment) Regulations 2001 (as amended) provide for the supply of the Full Register of Electors at Local Government Elections.

The entitlement is conferred on candidates and agents.

This means that the appropriate boxes below must be completed to indicate the capacity of the person making the application. **The form also requires to be signed in Part 3 by that person.**

Candidates and agents should note the following restrictions on the use of registers provided to them.

THEY MAY NOT SUPPLY A COPY OF THE FULL REGISTER TO ANY PERSON, DISCLOSE ANY INFORMATION CONTAINED IN IT THAT IS NOT INCLUDED IN THE OPEN (EDITED) REGISTER OR MAKE USE OF ANY SUCH INFORMATION OTHER THAN FOR ELECTORAL PURPOSES.

I,

Name:

a candidate at the election

OR

an Election Agent

for a Candidate Standing Nominated

(please enter an "X" in the appropriate box)

standing for

Livingston South multi-member ward of
West Lothian Council (ward 4)

wish to request a copy of the register of electors and any notice of alteration to it. I understand that this will be provided in the form of a consolidated register subject to the fact that further alterations may take place after the supply of the register.

In either case above, please enter the name of the relevant political party, or "Independent", in this box

**CONFIRMATION
BY RETURNING
OFFICER**

To speed up the processing of a request a candidate or agent may seek the signature of a member of the Returning Officer's staff. In the absence of such a signature the candidature will require to be confirmed by the ERO prior to the issue of the register.

Returning Officer's Signature

Unless you indicate, by the entry of an "X" in the box opposite, that you wish your copy of the register to be issued in **PAPER FORMAT** it will be issued in electronic format (by secure transfer portal Objective Connect).

If you wish your copy in electronic format please indicate, by entering an "X" in the box.

Objective Please provide e-mail address (BLOCK LETTERS)

Connect

The data will be supplied in CSV format.

PART 2 - REQUEST FOR FREE COPY OF ABSENT VOTERS LISTS

These are supplied free of charge by the ERO on written request under Regulation 61(1) of The Representation of the People (Scotland) Regulations 2001 (as amended). In this case, the qualifying applicants are as described in Part 1 above. If you wish to request the issue of Absent Voting Lists please enter an "X" in the box opposite. It will, whenever possible, be issued in the same format (either electronic or paper) as the register.

PART 3 - CANDIDATES OR AGENTS DETAILS

Candidate's or Agent's Name

Candidate's or Agent's Signature Date

Address

Contact Telephone No

Contact E-Mail Address if different from above

NOTE - WITHDRAWAL OF CANDIDATES

Should a candidate to whom a register and or absent voters lists have been issued subsequently not stand or withdraw from an election, any register or lists supplied in paper format should be returned to the ERO. Any copy provided electronically should be destroyed. In such circumstances any usage of the register, for any purpose, may be in contravention of the legislation.

PART 4 - DELIVERY INSTRUCTIONS

Copies of the register and absent voters lists will be issued as soon as possible after the receipt of your request. Paper copies may take longer to supply.

1 If you have requested electronic supply via Objective Connect it will be issued to you as soon as possible.

2 If you have requested a paper copy and you want to collect it from the ERO's office please enter an "X" in the box. We will advise you by telephone or e-mail when it is available.

3 If you have requested a paper copy and want to have it posted/delivered to the Candidate's or Agent's address shown above please enter an "X" in the box.

Please send this form to:
THE ELECTORAL REGISTRATION OFFICER
17A SOUTH GYLE CRESCENT
EDINBURGH, EH12 9FL

or as an e-mail attachment to: enquiries@lothian-vjb.gov.uk

If you need additional information please telephone (0131) 344 2500

TIMETABLE FOR LIVINGSTON SOUTH BY ELECTION
POLLING ON THURSDAY 5 NOVEMBER 2020

DATE	EVENT OR DEADLINE
28 September	Publication of Notice of Election
29 September	First day for nominations (10am till 4pm, until and including 5 October)
05 October	Last day for nominations, withdrawals, agent appointments (4pm)
	Final decisions on nominations, publication of Notice of Poll and Situation of Polling Stations and Notice of Agents Appointed
	Poll cards to Royal Mail for delivery
06 October	First day for inspection of nomination papers and home address forms (after 4pm)
09 October	First issue of postal vote packs
20 October	Deadline for registration applications (to ERO, midnight)
21 October	Deadline for new postal votes (including postal proxies) and changes to existing postal votes and proxies (to ERO, 5pm)
26 October	First day for postal vote openings (daily up to and including polling day).
27 October	Second and final issue of postal vote packs
28 October	Deadline for new proxy votes (other than postal proxies and emergency proxies) (to ERO, 5pm). New rules on COVID-19 emergency proxies
29 October	Last day for appointment of polling and counting agents (midnight)
05 November	Polling Day (7am till 10pm)
	Deadline for emergency proxies to ERO, including new COVID-related applications (5pm)
	Deadline for replacement lost or spoiled postal vote packs (5pm)
	Deadline for corrections of clerical errors by ERO (9pm)
	Ballot boxes to count venue and preliminary sorting of envelopes and ballot paper accounts, no ballot boxes opened
06 November	E-count and result declared (St Margaret's Academy, 9.30am)
11 December	Last day for delivery of election expenses returns
05 January	Last day for delivery by returned candidate of Declaration of Acceptance of Office

LIVINGSTON SOUTH BY ELECTION – GUIDE TO NOMINATION FORMS

You must print off the forms in this pack before submitting them

The following forms must be delivered by hand:

Home address form must accompany the nomination paper so they must come together.
The rest of the forms can come later and can come by post but ideally all together.

- 1: Nomination form, including consent to nomination
- 2: Home address form (part 1 and part 2)

The following papers can be delivered by hand or by post:

These can come later than and separately from the nomination paper and the home address form, but ideally they should all come together

- 3: Certificate of authorisation (party candidates only)
- 4: Request for a party emblem (party candidates only)
- 5: Notification of election agent

The notice of election published by the Returning Officer will specify the times and exact location to which nomination papers must be delivered.

From and including Tuesday 29 September till Monday 5 October, 10 am till 4 pm.

Ensure that where signatures are required, you submit the **original signed version** of each completed paper. Documents without original signatures cannot be accepted.

General Data Protection Regulation (GDPR)

Data protection legislation applies to the processing of all personal data. Please contact the [Information Commissioner's Office](#) for further information about how the legislation affects you.

The lawful basis to collect the information in these forms is that it is necessary for the performance of a task carried out in the public interest and exercise of official authority as set out in the Representation of the People Act 1983 and associated regulations.

The information will be processed by the Returning Officer. For further information on data protection and data processing, you should refer to the Returning Officer's privacy notice on their website.

This checklist is designed to assist candidates standing in a council election in Scotland in preparing to submit their nomination, and should be read alongside the Electoral Commission's [Guidance for candidates and agents](#).

Task	Tick
Nomination form	
If not pre-printed, add the name of the electoral ward and day and date of the election you are standing in. The ward number is optional, it is not required	
Add your full name – surname in the first box and all other names in the second. No abbreviations, initials, nicknames or commonly-used names here	
Optional - Use the commonly used name(s) boxes if you are commonly known by a name other than your full name and want it to be used instead of your full name. Full name is needed on all other forms	
Description – Party candidates can use a party name or description registered with the Electoral Commission and supported by a certificate of authorisation from that party; others can use 'Independent' or leave this blank. It should match the Certificate of Authorisation and be in the EC Register	
You must be a British citizen, qualifying Commonwealth citizen or a qualifying foreign national and not require leave to remain in the United Kingdom, or have indefinite leave to remain, or (in the case of foreign nationals) have pre-settled status. You must also be 18 years old or older on the date you sign this form. The RO cannot advise on eligibility to stand	
You must declare that you meet at least one of the listed qualifications (a, b, c or d) and should cross through any that do not apply. Those left should match the qualification(s) given on your home address form. All the qualifications that are met should be filled in. Those not met should be scored out	
You must not sign the form if you are disqualified to stand. Make sure that you read the Electoral Commission guidance on standing for election as well as the legislation listed. If you are not sure if you are able to stand you should contact the Electoral Commission or take your own legal advice. The RO cannot advise on eligibility to stand	
Sign and date the document in the presence of another person. Candidate must sign on or after 5 September 2020	
Get the other person to complete and sign the witness section. Anyone can sign	
Method of submitting the nomination form (which must include all pages of legislation) to the RO: by hand to the RO at the Election Office specified (it cannot be submitted by post, fax, e-mail or other electronic means), by any person	
Candidate's home address form (all candidates)	
Add your full name. It should match the nomination paper. No abbreviations, initials, nicknames or commonly-used names here	
Add your home address in full including a postcode	
Add your qualifying address, or qualifying addresses, to each of the relevant qualifications including postcodes	

Add the full name and home address in full of the person who will witness your consent to nomination. It should match the nomination paper	
Please also complete part 2 of the form, this part must be submitted as part of your nomination papers. Part 2 includes a statement to be completed if you wish for your home address to be made public. If it is not completed the home address will not show on the ballot paper.	
Certificate of authorisation (party candidates only)	
Ensure the certificate contains the candidate's full name. It should match the nomination paper and the home address form. No abbreviations, initials, nicknames or commonly-used names here	
Check the certificate allows the registered party name or description given on the nomination form to be used (or allows the candidate to choose to use the party name or any registered description). It should match the nomination paper	
Ensure it is issued by the party Nominating Officer (or someone that they have authorised to issue it on their behalf). A chain of authority is permitted, the last link to be signed	
Method of submitting the certificate of authorisation to the RO: by hand (by any person) or by post (it cannot be submitted by fax, e-mail or other electronic means), and "wet" signature required	
Request for party emblem (party candidates only)	
Write the name or description of an emblem registered by the party and published on the Electoral Commission's website	
Ensure the request is made by the candidate	
Method of submitting the emblem request to the RO: by hand (by any person) or by post (it cannot be submitted by fax, e-mail or other electronic means) and "wet" signature required	
Notification of appointment of an election agent	
Give the name, address and office address of the appointed election agent, including postcodes, Make sure the office address is lawful	
Give your name and signature (or the signature of a person authorised to act on your behalf)	
Ensure the appointed agent signs the form showing their acceptance (you do not need to sign the form again if you are appointing yourself as the election agent)	
Method of submitting the notification of election agent to the RO: by hand or by post (it cannot be submitted by fax, e-mail or other electronic means) and "wet" signature required	

	Date received	Time received	Initials	No.
Office Use only				

1	Council election	Nomination form
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*ELECTION OF COUNCILLORS/ A COUNCILLOR for the		
electoral ward:	Correct name of ward Ward number is not needed or mentioned but can be included	
of	West Lothian	Council
Day and date of election	Thursday 5 November 2020	

I, the undersigned, am hereby nominated as a candidate at the said election.	
Candidate's Details	
Candidate's surname	Full name - no abbreviations, initials, omissions or commonly-used names. No prefixes or suffixes.(e.g., Dame, Dr., Esq.) Should match the home address form and other forms submitted
Other names in full	
Commonly used surname (if any) <i>(see Note 3 below)</i>	No requirement to insert anything. If blank, full names will be used. Can be used instead of, or as well as Avoid misleading or offensive ones which will not be used on the ballot paper
Commonly used forenames (if any) <i>(see Note 3 below)</i>	Candidate's personal responsibility
Description (if any) <i>(see Note 6 below)</i>	Optional. Blank, Independent, or party name or description Party must be registered, and registered to operate in Scotland Party name and description to match Certificate of Authorisation and EC Register

I, the nominee for election, consent to being nominated as a candidate for the	
electoral ward:	Correct name of ward Ward number is not needed or mentioned but can be included
Of	West Lothian
	Council
<p>I declare that I am qualified to be elected, that I have attained the age of 18 years and am a qualifying Commonwealth citizen, a citizen of the Irish Republic or a qualifying foreign national; that I am not subject to any legal incapacity; and that in terms of Section 29 of the Local Government (Scotland) Act 1973:</p> <p>Personal responsibility RO Cannot offer advice Knowingly providing misleading information is an offence</p> <p>Only one of the following is required to be satisfied but more than one may apply All those that do apply should be completed Often all four will apply – I own a house in West Lothian (b) where I live (d) and am registered to vote (a) and I work in an office in West Lothian (c)</p>	

The home address form must match and be completed for each qualification filled in	
<p>*a. I am registered as a local government elector for the local government area named above as in the register of electors West Lothian local government area, not restricted to the ward At date of nomination, not date of election Actual address is not entered here since a home address form is now used Cross it out if it does not apply</p>	
and my electoral number (see <i>Note 5 below</i>) is:	Full information - letters and numbers
and / or	<p>*b. I have during the whole of the 12 months preceding the day of nomination occupied as owner or tenant land or premises in the area named above: West Lothian local government area, not restricted to the ward Actual address is not entered here since a home address form is now used Can be different places in that period but must be continuous, no breaks Cross it out if it does not apply</p>
and / or	<p>*c. I have during the 12 months preceding the day of my nomination had my principal or only place of work in the area named above; West Lothian local government area, not restricted to the ward Actual address is not entered here since a home address form is now used Can be different places in that period but must be continuous, no breaks Cross it out if it does not apply</p>
and / or	<p>*d. I have during the whole of the 12 months preceding my nomination resided in the area named above. West Lothian local government area, not restricted to the ward Actual address is not entered here since a home address form is now used Can be different places in that period but must be continuous, no breaks Cross it out if it does not apply</p>
<p>*Delete qualifications that are not applicable Deleting those that do not apply means all those that do apply should be completed</p>	
<p>I declare that</p> <p>a. I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any of the disqualifications in Section 31 of the Local Government (Scotland) Act 1973, a copy of which is printed overleaf;</p> <p>b. I am not disqualified for election by reason of holding a politically restricted post in terms of Section 1(1) of the Local Government and Housing Act 1989, under a local authority within the meaning of Part 1 of that Act; and</p> <p>c. I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any sanction imposed by the Standards Commission for Scotland in terms of Section 19(1)(d) of the Ethical Standards in Public Life etc. (Scotland) Act 2000</p> <p>Personal responsibility RO Cannot offer advice Knowingly providing misleading information is an offence</p>	

Candidate's signature	Must be signed, legible or not
Date	Cannot be signed before 5 September 2020 Must be witnessed (below)
Witness: I confirm the above-mentioned candidate signed the declaration in my presence.	
Signature of witness:	Must be signed, legible or not Anyone can sign
Witness (name in full):	Full name - no abbreviations, nicknames, initials or omissions Must match the home address form Actual address is not entered here since a home address form is now used
Date	Must be dated

This form must be delivered, **with the home address form, not posted**, to the Returning Officer **at the specified Election Office** by no later than **4pm on 5 October 2020**.

A candidate who is qualified by more than one qualification should complete all of those that apply.

Notes

1. The attention of candidates and local government electors is drawn to the rules for completing nomination papers and other provisions relating to the nominations contained in the local government election rules contained in Schedule 1 to the Scottish Local Government Elections Order 2011.
2. Where a candidate is commonly known by some title they may be described by their title as if it were their surname.
3. If a candidate's nomination form gives a commonly used surname or forename in addition to or instead of another name the nomination form may state the commonly used forename or surname in addition to or instead of the other name.
4. But in terms of rule 14(7) and (8) the ballot paper will not show the other name if the Returning Officer thinks:
 - (a) that the use of the commonly used name may be likely to mislead or confuse electors; or
 - (b) that the commonly used name is obscene or offensive.
5. A person's electoral number consists of the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is registered together with the number in the register to be used at the election, except that before publication of the register the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is entitled to be registered together with the number (if any) in the electors lists for that register shall be used instead.
6. Description (if any) and commonly used surname / forename (if any) must be read in terms of rule 4 of the election rules. See the Electoral Commission's [Guidance for candidates and agents](#) for full details.

Local Government (Scotland) Act 1973: Disqualifications

31 – Disqualifications for nomination, election and holding office as member of local authority

(1) Subject to subsections (2) and (3) below, a person shall be disqualified for being nominated as a candidate for elections as, or for being elected, or for being a member of a local authority if –

- (a) *[This has been removed and no longer applies]*
- (b) he is a person whose estate has been sequestrated by a court in Scotland or who has been adjudged bankrupt elsewhere than in Scotland; or
- (ba) he is subject to a bankruptcy restrictions order;
- (c) he has, within five years before the day of nomination, or election or since his election, as the case may be, been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
- (d) he is disqualified for being elected or for being a member of that authority under Part III of the Representation of the People Act 1983.

(1A) A person is disqualified for being a member of a joint board if he or a partner of his holds any paid office or employment (other than the office of convener or depute convener of the board) or other place of profit in the gift or disposal of the board.

(2) Where a person is disqualified under subsection (1) by reason of his estate having been sequestrated, the disqualification shall cease if and when –

- (a) the sequestration of his estate is recalled or reduced; or
- (b) he is discharged under or by virtue of the Bankruptcy (Scotland) Act 2016.

(3) Where a person is disqualified under subsection (1) above by reason of having been adjudged bankrupt, then –

- (a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment;
- (b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge; and
- (c) if he is discharged without such a certificate, his disqualification shall cease on the expiration of five years from the date of his discharge.

(3A) A person who is for the time being an officer or employee of the Strathclyde Passenger Transport Authority or an employee of a subsidiary of that Authority shall be disqualified for being appointed or for being a member of the Strathclyde Passenger Transport Authority.

(3B) In subsection (1)(ba) above, “bankruptcy restrictions order” means –

- (a) a bankruptcy restrictions order made under section 155 of the Bankruptcy (Scotland) Act 2016;
- (b) *[This has been removed and no longer applies]*
- (c) a bankruptcy restrictions order made under paragraph 1 of Schedule 4A to the Insolvency Act 1986; or
- (d) a bankruptcy restrictions undertaking entered into under paragraph 7 of that Schedule.

[The following section refers to candidates who are elected. Holders of posts mentioned in this section, except those in subsection (6), are not disqualified from standing for election, but must resign in compliance with this section]

31A – Disqualification of officers, employees etc. from remaining members of local authority

(1) A person elected a member of a local authority who is the holder of any paid office or employment or other place of profit in the gift or disposal of the authority is disqualified from remaining a member of the authority after the relevant day unless the person complies with subsection (2) below.

(2) A person complies with this subsection by resigning, not later than the relevant day, from that office, employment or, as the case may be, other place of profit.

(3) A resignation effected in pursuance of subsection (2) above terminates the holding of the office, employment or other place of profit with immediate effect notwithstanding any contrary provision in the terms and conditions under which the office, employment or place of profit is held.

(4) In this section the “relevant day” is the day first occurring after that on which the person elected a member of the local authority was, under the local elections rules, declared to be so elected (no account being taken of a day which is a Saturday or Sunday or Christmas Eve, Easter Monday, or a bank holiday in Scotland under the Banking and Financial Dealings Act 1971 or a day appointed for public thanksgiving or mourning in Scotland).

(5) In subsection (4) above, the “local elections rules” means an order made under section 3(1) of the Local Governance (Scotland) Act 2004.

(6) This section does not affect section 1 (disqualification and political restriction of certain local government officers and staff) of the Local Government and Housing Act 1989.

Local Government and Housing Act 1989: Political restrictions of officers and staff

1 – Disqualification and political restriction of certain officers and staff

(1) A person shall be disqualified from becoming (whether by election or otherwise) or remaining a member of a local authority if he holds a politically restricted post under that local authority or any other local authority in Great Britain.

Ethical Standards in Public Life etc. (Scotland) Act 2000: Enforcement

19 – Action on finding of contravention

- (1) Where the members of the Commission conducting a hearing find that a councillor has contravened the councillors' code or a member of a devolved public body the members' code, they shall impose one of the following sanctions—
 - (a) censuring, but otherwise taking no action against, the councillor or member;
 - (b) suspending, for a period not exceeding one year, the councillor's or member's entitlement to attend one or more but not all of the following—
 - (i) all meetings of the council or body;
 - (ii) all meetings of one or more committees or sub-committees of the council or body;
 - (iii) all meetings of any other body on which the councillor or member is a representative or nominee of the council or body;
 - (c) suspending, for a period not exceeding one year, the councillor's or member's entitlement to attend meetings of the council or body and of any committee or sub-committee thereof and of any other body on which the councillor or member is a representative or nominee of the council or body;
 - (d) in the case of a councillor, disqualifying the councillor for a period not exceeding five years, from being, or from being nominated for election as, or from being elected, a councillor;
 - (e) in the case of a member of a devolved public body, removing the member from membership of the body and disqualifying the member, for a period not exceeding five years, from membership of the body.
- (2) A period of suspension imposed under subsection (1)(b) or (c) above which would continue until or after the day of the next following ordinary election of councillors shall end at the beginning of that day.
- (3) Disqualification imposed under subsection (1)(d) above—
 - (a) has the effect of vacating the councillor's office; and
 - (b) extends to the councillor's membership of committees and sub-committees of the council of which the councillor was a member and any joint committee, joint board or other body on which the councillor is a representative or nominee of the council.
- (4) Where the members of the Commission disqualify, under subsection (1)(d) above, a councillor who is also a member of a devolved public body otherwise than as a representative or nominee of the council, they may also, in respect of that membership, remove and disqualify that person under subsection (1)(e) above.
- (5) The members of the Commission, on removing and disqualifying a member of a devolved public body under subsection (1)(e) above, may—
 - (a) where the member is a councillor, disqualify that person under subsection (1)(d) above; or
 - (b) direct that the removal from membership and disqualification apply also in respect of any other devolved public body of which the member is a member.
- (6) The members of the Commission may, on imposing a suspension under subsection (1)(b) or (c) above on a member of a devolved public body, direct that any remuneration or allowance deriving from membership of the body that would be payable to the member be not paid or be reduced as they direct.
- (7) The powers to remove and disqualify a person from membership of a devolved public body under subsections (4) and (5)(b) above are exercisable as respects that body only after the members' code applicable to that body first has effect.

(8) The Commission shall, after consulting such association of local authorities and any such other bodies or persons as it thinks fit, issue guidance to councils on the extent to which a councillor should engage in activities (other than those mentioned in subsection (1)(c) above) which are, or may be perceived to be, the activities of a councillor during a period of suspension.

Home address form		Office use only			
Local government elections in Scotland		Date received	Time received	Initials	No
ELECTION OF COUNCILLORS / A COUNCILLOR for the					
Correct name of ward Ward number is not needed or mentioned but can be included		electoral ward of the			
LOCAL GOVERNMENT AREA of:		West Lothian			
Date of election:		Thursday 5 November 2020			

You must complete Part 1 and Part 2. Only sign Part 2 if you wish for your home address to be made public.

The default position is the home address **will not** be published. Part 2 has to be signed for that to happen.

Part 1:	
Full name of candidate	Full name - no abbreviations, initials, nicknames or omissions No commonly-used names on this form No prefixes or suffixes (e.g., Dame, Dr., Esq.) They should match the nomination paper and other forms submitted
Home address (in full)	Home address is now on this form, not on the nomination paper Include post code
<p>Qualifying address: Add your qualifying address, or qualifying addresses (in full) to each of the relevant qualifications below (you can complete more than one qualification).</p> <p>These must match with what is completed in the nomination paper Only one is required to be satisfied but more than one may apply. All those that do apply should be completed</p> <p>Personal responsibility RO Cannot offer advice Knowingly providing misleading information is an offence</p>	
Qualifications that apply	Address
(a) I am registered as a local government elector for the area of local government named above	Address at which the candidate is registered to vote West Lothian local government area, not restricted to the ward At date of nomination, not date of election Include post code Cross it out if it does not apply and check it is also crossed out on the nomination paper
(b) I have during the whole of the preceding 12 months occupied as owner	West Lothian local government area, not restricted to the ward Can be different places in that period but must be continuous, no breaks

or tenant land or other premises in the local government area named above	<p>Include post code</p> <p>Cross it out if it does not apply and check it is also crossed out on the nomination paper</p>
(c) my principal or only place of work during the preceding 12 months has been in the local government area named above	<p>West Lothian local government area, not restricted to the ward</p> <p>Can be different places in that period but must be continuous, no breaks</p> <p>Include post code</p> <p>Cross it out if it does not apply and check it is also crossed out on the nomination paper</p>
(d) I have during the whole of the preceding 12 months resided in the local government area named above	<p>West Lothian local government area, not restricted to the ward</p> <p>Can be different places in that period but must be continuous, no breaks</p> <p>Include post code</p> <p>Cross it out if it does not apply and check it is also crossed out on the nomination paper</p>
Witness details	
Full name of the person who will witness the candidate's consent to nomination form	<p>Full name - no abbreviations, initials, nicknames or omissions</p> <p>Must match the nomination paper</p> <p>No witness signature required on this form</p> <p>Anyone can witness</p>
Full home address of the person who will witness the candidate's consent to nomination form	<p>Home address is now on this form, not on the nomination paper</p> <p>Include post code</p>
<p>Part 2:</p> <p>Note: This part (part 2) of the home address form must be submitted as part of your nomination papers</p>	
<p>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, but 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), as explained below, will appear on the notice of poll and the ballot paper, but your home address will not.</p> <p>This information is required even where the candidate signs the form to indicate they wish to have their home address used</p>	

The relevant area my home address is situated in:	(insert name of relevant area) ¹ , see below Different rules apply for addresses in Scotland, in other UK countries and outside the UK Goes by home address above What is entered here will appear on the ballot paper instead of the home address Only needed if home address is in the UK, see below if candidate lives outside the UK
OR	
My home address is situated outside the UK. My home address is situated in:	(insert name of country) Only needed if home address is outside the UK, otherwise blank See above for home address in the UK
<p>OR; you can request that your home address is made public; your address will then appear on the notice of poll and the ballot paper.</p> <p>Candidate's choice – be clear about intention. The result of signing will be home address on ballot paper</p>	
<p>Statement: I require my home address to be made public, I understand that the address will appear on the notice of poll and the ballot paper (put an X in the box to the right and sign in the box below)</p>	Only marked if Part 2 is to be signed, below
Signature of candidate Only required where the statement above requiring home address to be made public has been completed	
Candidate's signature:	If applicable, must be signed, legible or not If applicable, previous box should be marked with X
Date:	No restriction on date of signature, that rule only applies to the nomination paper

¹ the name of the "relevant area" in which your home address is situated (if your home address is in the UK)

- **For home addresses in Scotland:**
 - the local government area in which the address is situated
- **For home addresses in Northern Ireland:**
 - the local government district in which the address is situated
- **For home addresses in England:**
 - if the address is within a district for which there is a district council, that district;
 - if the address is within a county in which there are no districts with councils, that county;
 - if the address is within a London borough, that London borough;
 - if the address is within the City of London (including the Inner and Middle Temples), the City of London; and
 - if the address is within the Isles of Scilly, the Isles of Scilly
- **For home addresses in Wales:**
 - if the address is within a county, that county;
 - if the address is within a county borough, that county borough

Note: The relevant area should be given in the format described above and is not the ward or parish, nor should the local authority name be given in full

Deliver the home address form with the nomination paper **by hand** to the Returning Officer **at the specified Election Office** by no later than 4pm on **Monday 5 October 2020**.

	Date received	Time received	Initials	No.
Office Use only				

3

Council election

Certificate of authorisation

To accompany the nomination of a candidate standing **on behalf of a registered political party**. This form can be delivered by post and can come separately and later than the nomination paper and home address form. It cannot be faxed or emailed. Ideally they should all be brought together.

Candidates standing on behalf of two or more parties require a certificate from each party and each must allow the registered joint description to be used.

This certificate must be authorised (**not necessarily signed**) by the registered Nominating Officer of the party or by a person authorised to sign on their behalf. **There may be a chain of authority back to the Nominating Officer. A wet signature is required from the person last in the chain of authority. Other links in that chain can be less formal.**

The Nominating Officer can (**directly or through others**) authorise the candidate to use either the name of the party or a particular description registered with the Electoral Commission, or to use 'any registered description or the party name as registered with the Electoral Commission'. Party names and registered descriptions are listed on the Electoral Commission website (<http://search.electoralcommission.org.uk>).

Details of candidate to be authorised and the allowed description/party name

Council:	West Lothian	Date of election:	Thursday 5 November 2020
Ward:	Correct name of ward Ward number is not needed or mentioned but may be included		
I hereby certify that Certificate must cover this election			
The candidate (name in full):	Same as nomination paper - all names, full names No abbreviations, initials, nicknames, omissions or commonly-used names here Must match the nomination paper and home address form No address here since the home address form is now used		
Is authorised to stand for:	Name of political party registered with the Electoral Commission In current EC Register Authority must cover this election, by name and/or by date No insertion of "Scottish" allowed before the registered party name		
The candidate may include the following registered description/party name in their nomination form	Can be the party name registered or one of the registered descriptions Must match the nomination paper Emblem not mentioned here since technically the party does not have to authorise that. It is at the candidate's request once party authorisation is given for the name/description use		

Note: An incorrect or fraudulently completed form may lead to the rejection of the nomination form as invalid

Signature of party's registered Nominating Officer (or person authorised by the registered Nominating Officer):	Must be signed, legible or not Nominating Officer to match EC Register May not be signed by Nominating Officer but by someone who has their authority to do so A wet signature is required from the person last in the chain of authority, other links may be less formal
Name of person signing this form:	If not by Nominating Officer, confirm authority has been given Links in a chain can be less formal Name in full - no abbreviations, initials, nicknames, omissions or commonly-used names here
Date:	To be dated

This form must be delivered to the Returning Officer at the specified Election Office for a candidate standing on behalf of a political party to the Returning Officer by no later than 4pm on Monday 5 October 2020.

Office Use only	Date received	Time received	Initials	No.

4

Council election

Request for a party emblem

This form is for a **candidate of a political party** who has been given a certificate of authorisation and who wishes to have a party emblem printed on the ballot paper next to their name. **This form can be delivered by post and can come separately and later than the nomination paper and home address form. It cannot be faxed or emailed. Ideally they should all be brought together.**

The registered emblems of a political party can be found on the Commission’s website at <http://search.electoralcommission.org.uk>.

This form must be signed by the candidate.

Candidate’s request for use of an emblem	
Council:	West Lothian Council
Date of election:	Thursday 5 November 2020
Ward:	Correct name of ward Ward number is not needed or mentioned ut may be included
Candidate’s name in full:	Check against the nomination paper and home address form No abbreviations, initials, nicknames, omissions or commonly-used names here Actual name, not commonly-used names No address here since the home address form is now used
I request that the ballot paper shall contain, against my name, the following registered emblem (please identify which emblem if the party has registered more than one): Party authorisation for the emblem is not technically needed. It is the candidate’s choice once authorised by the Certificate	
Emblem to be used (please use name or description as on the Electoral Commission website):	Must match current EC Register, exactly Include ID number from the Register (e.g., id57)
Candidate’s signature:	Must be signed, legible or not Signature of candidate, no-one else
Date:	To be dated

This form must be delivered for a candidate standing on behalf of a political party to the Returning Officer **at the specified Election Office** by no later than 4pm on **Monday 5 October 2020**.

Candidates standing on behalf of more than one political party and using a joint description may choose one emblem from one of the parties that they are standing for. Please indicate the name of the party and the emblem name in the 'Emblem to be used' box above.

	Date received	Time received	Initials	No.
Office Use only				

5	Council election	Notification of election agent
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Council	West Lothian	Date of election	Thursday 5 November 2020
Ward	Correct name of ward Ward number is not needed or mentioned but can be included		

Appointment of an election agent is not compulsory. If it is not done then the candidate becomes his/his own agent

Candidate's notification of their election agent	
I, (Candidate's name in full):	<p style="color: red;">Must match nomination paper and home address form Full name – no abbreviations, initials, nicknames omissions or commonly-used names here No address here since the home address form is now used</p>
Hereby declare that the name and address of my election agent is	
Agent's name:	<p style="color: red;">Full name – no abbreviations, initials, nicknames omissions or commonly-used names here Will be published but not for longer than required for this election</p>
Agent's address (in full):	<p style="color: red;">Home address Full address including post code Can be anywhere Will be published but not for longer than required for this election</p>
The office address of my election agent to which all claims, notices, legal process and other documents may be sent is:	
Agent's office address in full:	<p style="color: red;">Full address including post code Physical address, not a PO Box In West Lothian or in the UK Parliamentary constituency of Linlithgow & Falkirk East Will be published but not for longer than required for this election</p>
Candidate's signature (or of a person authorised to act on behalf of candidate):	<p style="color: red;">Must be signed, legible or not Candidate does not have to sign the form – someone else can be authorised to do so</p>
Date:	<p style="color: red;">To be dated - date is not significant</p>
Confirmation of acceptance by election agent	

I [agent named above] confirm my acceptance as the election agent for the above named candidate. I understand that I must carry out my duties according to law. I understand that there are penalties if I fail to fulfil my duties according to law.

Agent's signature:	Must be signed by the person appointed, legible or not Check against name above
Date:	To be dated - date is not significant

The following is useful and optional information and will not be published.

Agent's other details in case of query (Optional – will not be published)			
Home telephone:		Work telephone:	
Mobile telephone:			
Email address:			

This form must be delivered to the Returning Officer **at the specified Election Office** by no later than 4pm on **Monday 5 October 2020**.

LIVINGSTON SOUTH BY ELECTION ON 5 NOVEMBER 2020
NOMINATIONS PROCEDURE FOR CANDIDATES AND AGENTS

Before the event

- Check eligibility to stand and be elected and the nominations deadline
- Read the Electoral Commission Guidance for Candidates
- Download forms and start filling them in well in advance
- Organise agent, party authorisation, description and emblem
- Plan back-up in case of symptoms, shielding, self-isolating or quarantine

Think COVID

- Different rules apply about access to Election Office and contact with staff
- Avoid using/delivering hard copies where possible and legal and competent
- Minimise number and duration of visits and appointments
- Check the precautions in place for appointments and visits
- Stricter approach to appointments and overlapping visits – one at a time

Before coming in

- Submit completed papers by email for informal check, Word format will help
- Be clear on changes requested, change and re-send till finalised
- Make an (early) appointment for delivery to the RO in the Election Office
- Keep those attending to a minimum, provide names and addresses
- Check you have everything on the checklist (and a pencil and pen)

At the Civic Centre

- Papers must be handed to the RO at the Election Office, not left at Reception
- Follow instructions from staff and signage, use sanitiser, maintain distancing
- Wear a face-covering, unless exempt
- Provide contact details when requested
- Ask for the Election Office/Team (x82035) and wait to be collected

In the election office

- Follow instructions and signage, use sanitiser, maintain distancing
- Wear a face-covering
- Maintain physical distancing
- Minimise handling and sharing of paper
- Take a break and fresh air if required

Submitting the forms

- RO will compare paper forms with RO's copy of those finalised by email
- If no email check carried out, full informal check is recommended
- May be asked to make changes or mark corrections
- If not attending personally, be available by phone, just in case
- Once checked and ready, papers formally lodged, receipted and checked

Decision

- Final decision may be by different DRO, not all are authorised
- (Yet) another brief sanity check before accepted
- If accepted, letter handed over to confirm acceptance
- Second Nomination Pack to be handed over
- Will go over the contents and get signatures where possible

After the event

- Follow instructions and signage, use sanitiser, maintain distancing
- Details will be published in the Notice of Poll and Notice of Agents Appointed.
- Organise polling and counting agents and meet the deadline for appointment.
- Campaign, following guidance on both electoral rules and COVID precautions.
- Stay in touch, RO will

WEST LOTHIAN COUNCIL

LIVINGSTON SOUTH WARD BY ELECTION – 5 NOVEMBER 2020

LIMIT OF CANDIDATES' ELECTION SPENDING

Statutory rules apply to candidates' spending. The rules specify maximum amounts.

The maximum amounts are calculated by adding a base/lump sum to an amount calculated from a set rate per entry in the register.

For the final and exact calculation, the number of entries in the register is taken from the register on the last day for publishing the Notice of Election – 28 September 2020.

A current estimate of the maximum amount is shown below. The figures are based on register information at 1 September 2020. That will be updated and candidates and agents will be advised when the figure for 28 September is available.

Candidates and election agents remain responsible for verifying their own election expenses limits and for compliance.

- Base amount for this election - £740.00
- Rate per entry in the register - 6p
- Entries in the register at 1 September 2020 – 18, 723

The Electoral Commission has detailed guidance and helpful resources on its website here:-

https://www.electoralcommission.org.uk/sites/default/files/pdf_file/SLG-Part-3-Spending-and-donations.pdf

The statutory reference is section 76(2)(b) of the Representation of the People Act 1983.

The Returning Officer cannot offer detailed guidance on candidates' spending. The Electoral Commission can help.

**WARD 4 – LIVINGSTON SOUTH BY-ELECTION – 5 NOVEMBER 2020
WEST LoTHIAN COUNCIL**

ADDITIONAL RESOURCES

1. Nomination Pack Electoral Commission: https://www.electoralcommission.org.uk/media/2563 West Lothian Council: https://www.westlothian.gov.uk/article/58312/Livingston-South-By-Election
2. Withdrawal Form Electoral Commission: https://www.electoralcommission.org.uk/media/423 West Lothian Council: https://www.westlothian.gov.uk/article/58312/Livingston-South-By-Election
3. Notice of Situation of Polling Places and maps showing location of polling places are available under Related Documents at https://www.westlothian.gov.uk/article/58312/Livingston-South-By-Election
4. Election Meeting Rooms https://www.westlothian.gov.uk/article/58312/Livingston-South-By-Election
5. Electoral Commission Code of Conduct for Campaigners https://www.electoralcommission.org.uk/media/1268
6. Guide to being a councillor http://www.localcouncillor.scot/
7. Access to Elected Office Fund (Scotland) https://inclusionScotland.org/civic-participation/aeo/
8. Previous election results https://www.westlothian.gov.uk/article/48645/Previous-Election-Results
9. Privacy Notice https://www.westlothian.gov.uk/article/58312/Livingston-South-By-Election

USEFUL CONTACTS

West Lothian Election Office

Telephone No. 01506 282035

Email: elections@westlothian.gov.uk

Lothian Electoral Registration Office

Telephone No. 0131 3442500

Email: enquiries@lothian-vjb.gov.uk

Electoral Commission (Scotland Office)

Telephone No. 0333 103 1928

Email: pef@electoralcommission.org.uk

West Lothian Council Customer Service Centre

Telephone No. 01506 280000

Email: customer.service@westlothian.gov.uk

West Lothian Council website: <http://www.westlothian.gov.uk/>

LIVINGSTON SOUTH BY-ELECTION 5 NOVEMBER 2020
WEST LOTHIAN COUNCIL
BRIEFING - WEDNESDAY 23 SEPTEMBER 2020
FEEDBACK FORM

Please complete this evaluation form. Your feedback will help us improve.

Optional

Name

Tel No

Email

Please rate the following aspects of the briefing

	Very Good	Good	Average	Poor	Very Poor
Accommodation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Timing of the briefing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Relevance of information provided	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarity of information provided	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Handouts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was it made clear how to get further information Yes No

Please list any other areas you would have liked the briefing to have covered

Please include any other comments here

Return to Election Office, West Lothian Civic Centre, Howden South Road, Livingston
Or by email to elections@westlothian.gov.uk