

Scottish Borders Council

Guide for Community Council Elections

July 2023

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STEP BY STEP ELECTION PROCESS

Returning Officer

You will need to appoint a Returning Officer for the election and this individual must have the approval of Scottish Borders Council. This cannot be anyone who is standing as a candidate or a close relative of such an individual. You may approach one of the SBC Elected Members to carry out this role or another independent local person. The person appointed as Returning Officer is responsible for ensuring that the election is run in a fair, open and transparent way and that all rules and timelines are followed.

Prior to nomination period opening

1. With the assistance of one of the Democratic Services Officers of Scottish Borders Council, the Returning Officer will need to draft out the timetable for the election and set the date when nomination forms will be made available. If there is a specific date/week when the new Community Council needs to be in place then it is usually easier to work backwards from this date. (An example timeline is given at the end of this section)
2. In working out the timetable, the Returning Officer must ensure that nomination forms are available for a minimum of 14 days and a maximum of 28 days, so 21 days seems to be about right but this should be extended to 28 days if over a holiday period. This maximum period may be extended by up to 7 days if insufficient nominations are received. When time is tight the minimum period of 14 days can be used but no less. (A template for a nomination form is contained in Appendix 1).
3. As well as setting a closing date for receipt of nomination forms, you need to set a closing time as well.
4. As well as making nomination forms and the election timetable available online, the Returning Officer also has to identify locations locally e.g. shops/library/community centre which can hold a stock of blank nomination forms. Also consider whether you as Returning Officer will hold some blank nomination forms. Nomination forms can be put onto the SBC website and SBC can also put information out on its social media pages on any upcoming election with links to details/forms. Contact the Council on communitycouncils@scotborders.gov.uk and one of the Democratic Services Officers will help you with this.
5. You need to identify where completed nomination forms should be returned to e.g. a ballot box left in a local shop, Returning Officer, SBC office (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. It is helpful to issue a press release to raise awareness of the election. As advised in paragraph 4, SBC can help with this.
7. You need to produce election notices for display on local notice boards. (A template for an election notice is contained in Appendix 2).
8. You then need to distribute blank nomination forms and ballot box(es) as required before the start of the nomination period.

On closure of the nomination period

9. a) Check the validity of all submitted nominations forms, i.e.
 - Candidates are on the Electoral Register for the community council area
 - No-one has proposed and/or seconded more than one candidate
 - b) 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. (A template letter for this is contained in Appendix 3). If you do not have enough nomination forms (i.e. less than half), then consider extending the nomination period by a further 7 days and try to do further local publicity to encourage people to submit a nomination.
10. If the number of valid nominations received is less than half of the number of seats available, then you need to contact candidates to advise that the community council cannot be re-established and three months must pass until the next election can be held. A public notice should also be given by the Returning Officer that no Community Council shall be formed at this time. 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. (A template letter regarding the non-formation of a community council is contained in Appendix 4.)

Following seven day withdrawal period

11. If the number of valid nominations remaining is equal to or not less than half the number of seats available, then the Returning Officer needs to make arrangements for the first meeting of the 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 an Uncontested Election should be displayed in the local area and a press release with details of new community council. (Templates for a letter declaring the new community council and a notice of an uncontested election are contained in Appendices 5 and 6 respectively).

or

12. If the number of valid nominations remaining exceeds the number of seats available you need to make arrangements for a ballot to be held. Polling station(s) should be situated within the community council area and open for a minimum of four hours between 8am and 8pm. A press release needs to be issued and notices put up locally to raise awareness of the ballot. (Templates for a letter to candidates re a contested election and a ballot paper are contained in Appendices 8 and 9 respectively.)
13. The count may be carried out immediately after the ballot closes or at a later date set by the Returning Officer. Support for this can be given by the Democratic Services team at Scottish Borders Council. You need to contact candidates with the 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 the contested election should be displayed in the local area. (Templates on a letter regarding ballot paper results and a notice of a contested election are contained in Appendices 10 and 11 respectively.)

14. As Returning Officer, you need to keep the CC (if appropriate) informed of the 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
Cooling Off Period	23 June
New CC declared	30 June

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

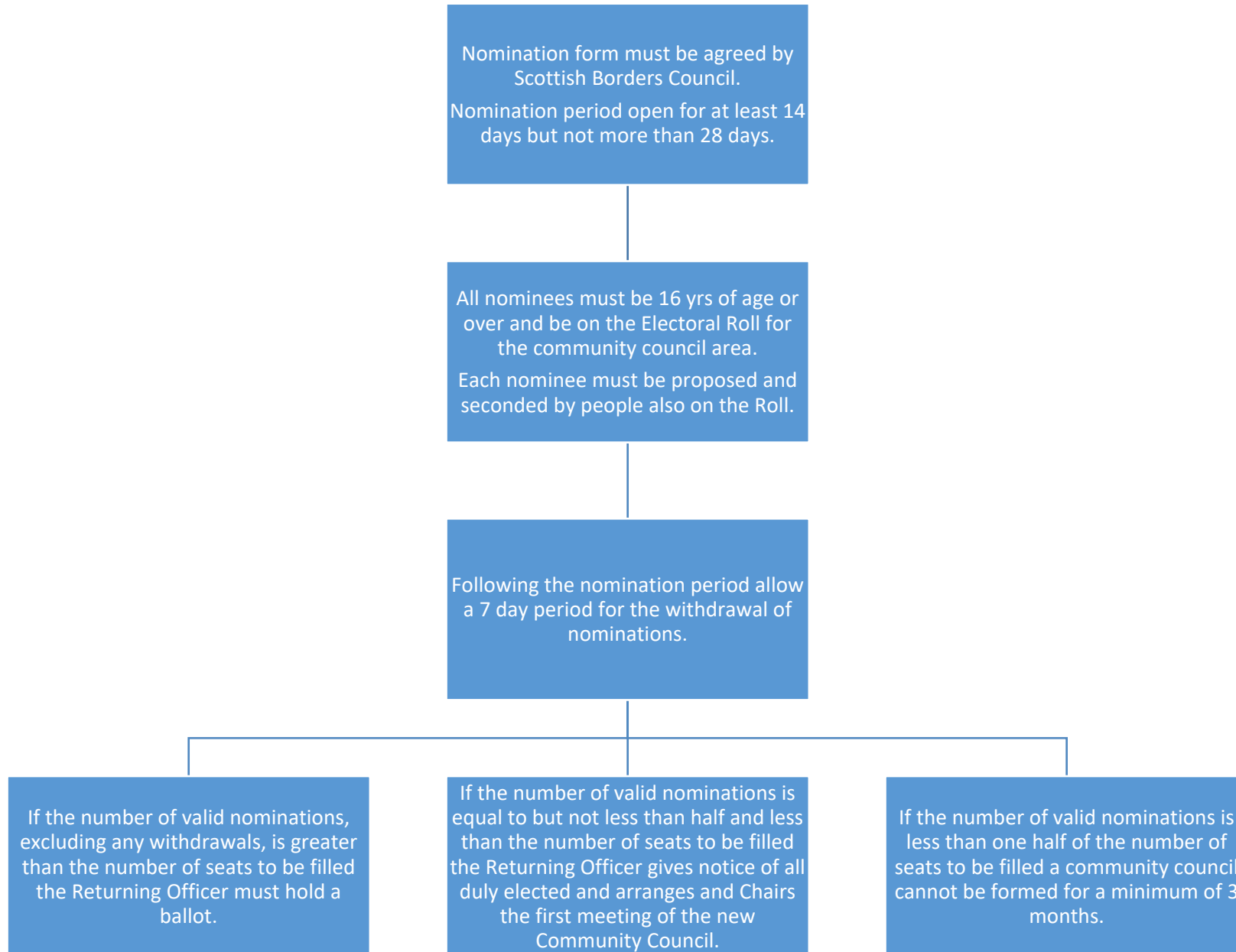
FLOWCHART: COMMUNITY COUNCIL ELECTION PROCEDURE

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 list of community council seats are appended to the Scheme for Community Councils.

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

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



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 must be nominated by a Proposer (who may be the candidate) and a Seconder, both being persons whose names appear on the Electoral Roll for the respective Community Council's area, or sub-division of that area, where applicable.
- 8.2 A person seeking election to a community council must not have served a prison sentence (including a suspended sentence) of three months or more in the five years before the election.
- 8.3 No person shall be entitled to propose or second more than one candidate.
- 8.4 When instructed to do so by the Scottish Borders Council in the case of initial elections, and by the Community Councils themselves once established, the Returning Officer shall give public notice of an invitation to submit nominations for membership of Community Councils, using the nomination form agreed by Scottish Borders Council. The nomination period shall not be less than 14 and not more than 28 days, although this period may be extended by up to 7 days if insufficient nominations are received. After this, 7 days will be allowed following this period for withdrawals.
- 8.5 Where the number of valid nominations, after any withdrawals, is more than the number of Community Council members specified in Schedule 1, a contested election shall be held in accordance with the procedure prescribed in this Scheme.
- 8.6 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.
- 8.7 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 an event, no further application for the establishment of a Community Council for that area shall be considered until at least three months after the nomination period started. 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 at least six months after the date of public notice of that second invitation.
- 8.8 When a contested election takes place the Returning Officer shall publish, at least seven days before 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. Returning Officer

- 9.1 The Returning Officer for the first election to a Community Council shall be the Director Corporate Governance of Scottish Borders Council, or their 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 Director Corporate Governance.
- 9.2 The Returning Officer for any Community Council election or by-election shall not be an elected member of that Community Council or a candidate in that election to that Community Council. **An Elected Member of Scottish Borders Council or an officer of the Council or another person may act as Returning Officer.**

10. Voting Arrangements

- 10.1 People included in the section(s) of the Electoral Roll for the Community Council area 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 them 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. The ballot shall be open for a minimum of four hours in total between 8 a.m. and 8 p.m., 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 which shall contain:
- 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 of members elected.

**SCOTTISH BORDERS COUNCIL
COMMUNITY COUNCIL ELECTIONS 2014**

XX COMMUNITY COUNCIL

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

XX Community Council
(Note 1)

in the XX Sub-Division
(Note 3)

PLEASE NOTE THAT YOU MAY ONLY PROPOSE OR ACT AS A SECONDER FOR ONE PERSON.

Signature of Proposer

Signature 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.

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 Scheme for 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. Each Candidate shall be nominated by a Proposer (who may be the candidate) and a Secunder, 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. An individual can only propose or second one candidate.

COMPLETED NOMINATION FORMS SHOULD BE RETURNED TO:

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 AND TIME 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

Returning Officer

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 another election may 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

Returning Officer

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 XX. 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

Returning Officer

AGENDA

Agenda of the first meeting doesn't include the undertaking by Cllrs to abide by Code of Conduct, whereas it does in Doc 4 Standing orders.

**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 Chair. Nominations to be invited by XX	
7.	Appointment of Vice - Chair. Nominations to be invited by the Chair.	
8.	Appointment of Secretary. Nominations to be invited by the Chair.	
9.	Appointment of Treasurer. Nominations to be invited by the Chair.	
10.	Any Other Items which the Chairman Decides are Urgent.	
11.	Date of Next Meeting.	

Membership of Community Council :-

Please direct any enquiries to XX, Tel:
E-mail:

NOTICE OF UNCONTESTED ELECTION**ELECTION OF COUNCILLORS FOR THE XXX COMMUNITY COUNCIL AREA**

The following candidates remain validly nominated for the elected Community Council for the XXX area and as the number of candidates remaining validly nominated does not exceed the number of vacancies on the Community Council, there will be no Poll, and the said Candidates are hereby declared to be elected Councillors of the said Community Council. There remains XXX vacancies on the Community Council.

Name of Candidate Remaining Validly Nominated	Electoral Register No.

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

**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 will 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/the following day at XX 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

Returning Officer

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

TEMPLATE LETTER TO CANDIDATES RE BALLOT RESULT

Dear

RE: XX COMMUNITY COUNCIL ELECTION

I am writing to inform you of the results of yesterday's 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. As Returning Officer, I will chair the meeting until the new Chairperson is elected.

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

Yours sincerely

Returning Officer

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.*
Returning Officer : Date :	

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