

Community Council Elections & By-Elections

Community Council Clerks





Anne Cogle, Depute Returning Officer / Team Leader
Administration

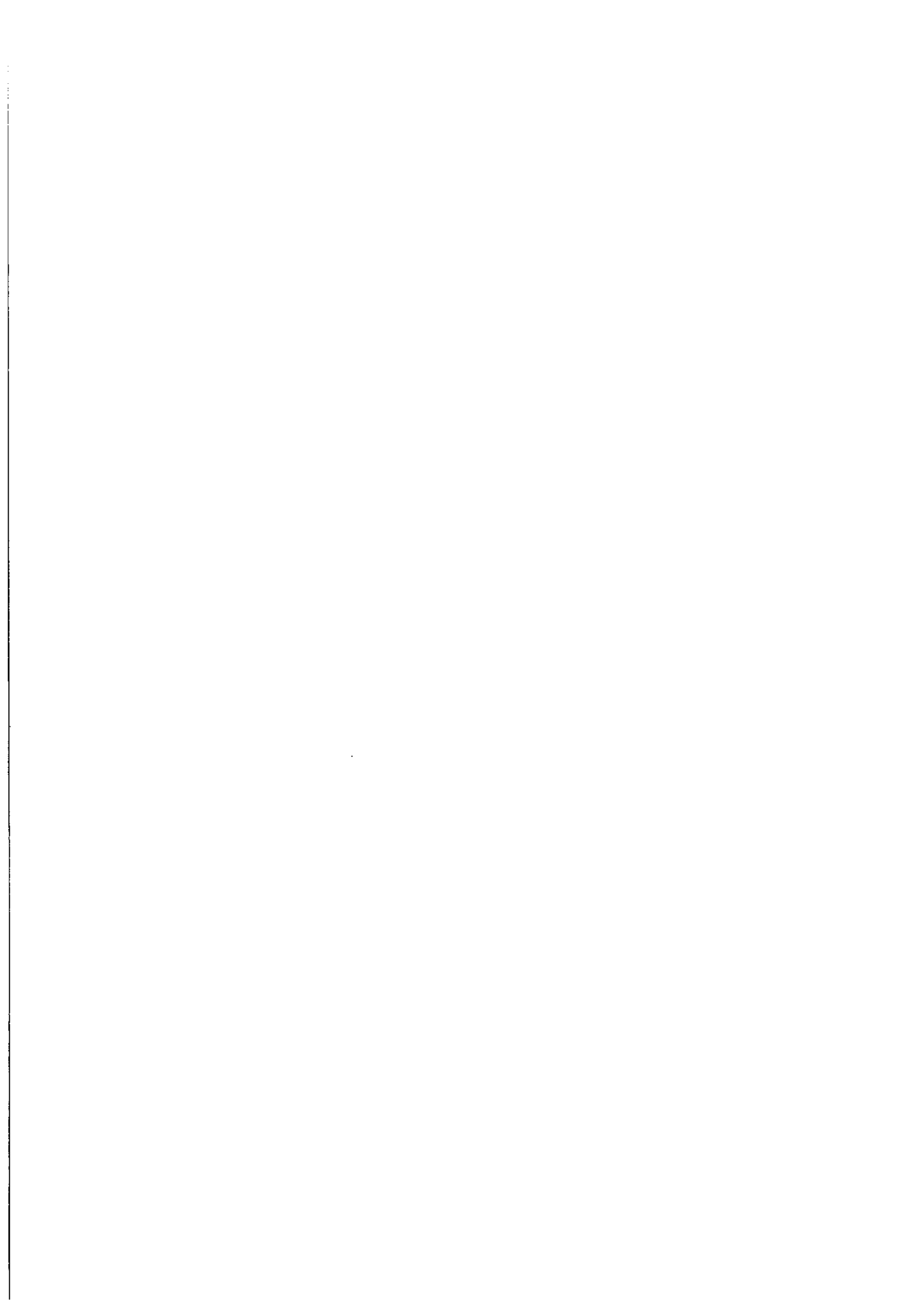
- All elections in Shetland
- Council/Committee meetings
- Data protection/FOISA/Records Management

Agendas/Minutes:

Administrative.services@shetland.gov.uk

Elections Helpline: 01595 744066
Returning.officer@shetland.gov.uk

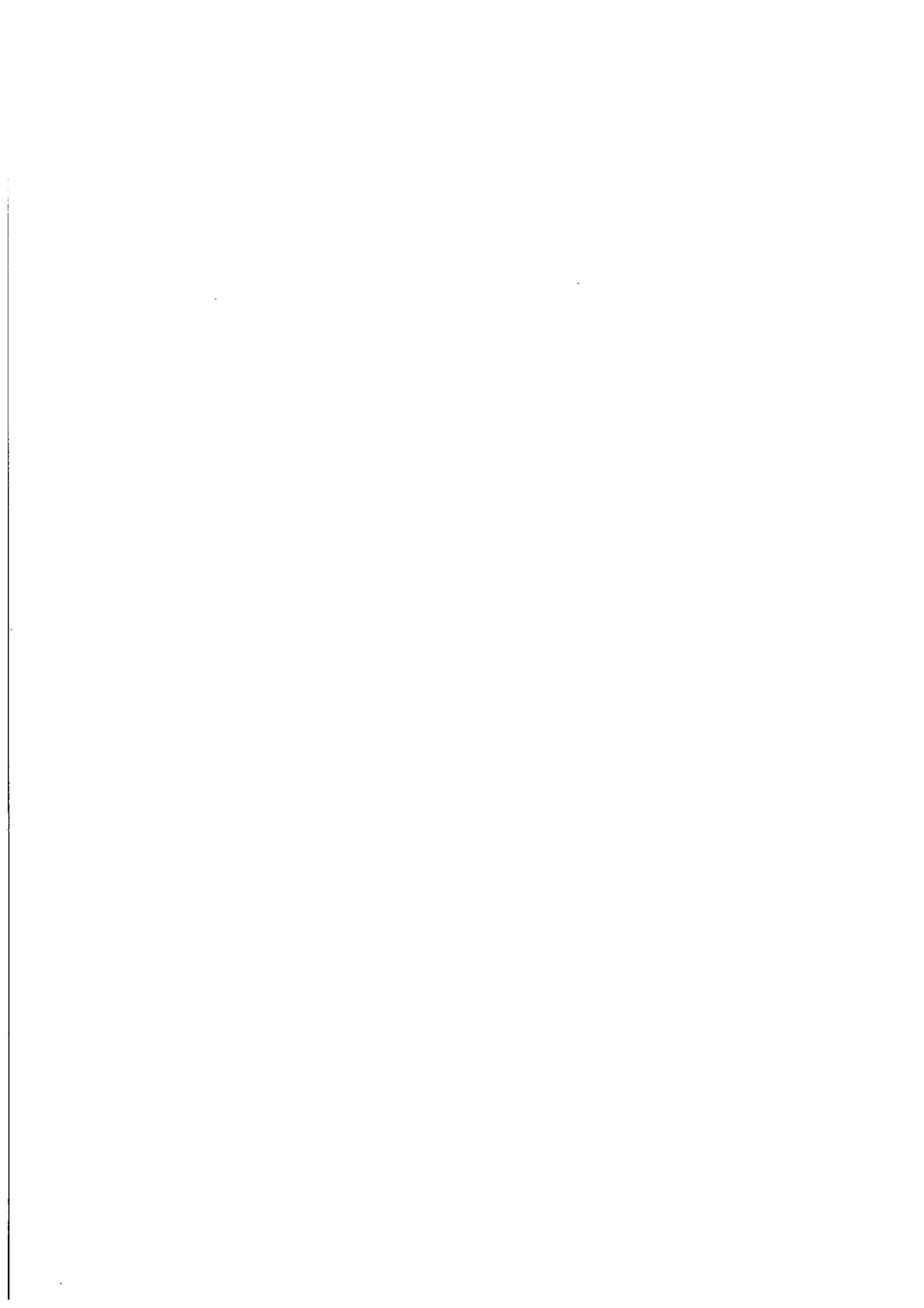
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Local Election Rules

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Shetland Islands Council

LOCAL ELECTION RULES 2013

Rules for Elections and By-Elections to Shetland Community Councils

Note: In all circumstances, the Returning Officer (RO) or his staff should be contacted for advice or clarification on the rules, where necessary.

1.0 General Elections

- 1.1 All elections and by-elections to the Community Council shall be held in accordance with these rules.
- 1.2 The general election of Community Council members will be at a time and following a method approved by the Shetland Islands Council in consultation with Community Councils, the Returning Officer and the Electoral Registration Officer for the Shetland Islands Area.

2.0 By-Elections

- 2.1 When a vacancy arises, the Returning Officer, in consultation with the Clerk, shall arrange for a by-election to take place.
- A by-election shall not be held for any vacancies that occur within six months of the last day of office of the Community Council.
- 2.2 A by-election as the result of a vacancy shall be deemed to be required in the elected membership of the Community Council, on the:
- Failure to elect at a general election
 - death of a member;
 - resignation of a member;
 - removal of an elected member from the electoral register applicable to the Community Council area.
- 2.3 Timetables issued by the Returning Officer set out the dates by which notification of casual vacancies should be received. This allows RO staff time to collate the necessary information and prepare documentation.



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- 2.4 Only in the event of an unsuccessful by-election will the members of the Community Council be empowered to co-opt members to fill such casual or other vacancies remaining in the **core** membership of the Community Council during the term of office.

3.0 Notice of Election/By-Election

- 3.1 A Notice of Election or By-Election will be prepared by the Returning Officer and issued to Community Council Clerks for display in their locality. The RO will arrange for public notice to be published in the Shetland Times, Shetland News and on the Council's intranet and website. The ASCC will also be provided with a copy of the Notice.

4.0 Nomination Forms

- 4.1 Nomination forms will be prepared by the RO and issued to Community Council Clerks who may distribute them to candidates. Clerks may also receive completed forms, but they must be forward to the RO for validation as soon as possible, and no later than the date and time for the close of nominations. Scanned and e-mail or faxed copies of completed nomination forms are acceptable, provided the forms are signed, and the original signed form follows in the mail.

Withdrawal of Nomination

- 4.2 Withdrawal of a nomination will be permitted, provided the nominee gives notice in writing to the Returning Officer by the closing date/time for receipt of nominations.

5.0 Electoral Roll

- 5.1 The most up to date electoral roll for the Community Council area will be produced by the Electoral Registration Officer and obtained by the RO and used for the purpose of the election or by-election.



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6.0 Uncontested Elections

- 6.1 Following the closing date, the Returning Officer will advise the candidate that they have been duly elected. The RO will arrange for publication of the Notice of Uncontested Election/By-Election in the Shetland Times, Shetland News and on the Council's intranet and website, and copies will be issued to CC Clerks for display in the locality. The ASCC will also be provided with a copy of the Notice.

7.0 Contested Elections

- 7.1 The RO will arrange for publication of the Notice of Poll in the Shetland Times, Shetland News and on the Council's intranet and website, and copies will be issued to CC Clerks for display in the locality. The ASCC will also be provided with a copy of the Notice.
- 7.2 Members shall be chosen by secret ballot, cast by postal vote. Those eligible to vote will be all persons whose names are on the current electoral roll for the area.
- 7.3 The RO will arrange the printing and distribution of ballot papers and accompanying documentation.
- 7.4 Distribution will be made in accordance with that part of the electoral roll relevant to the CC area concerned, and that which was current on the date of publication of the Notice of Election.
- 7.5 Community Council elections will cover the whole of Community Council area, and will NOT be conducted on a Ward basis.

8.0 Count and Announcement of Results

- 8.1 The RO will make the necessary arrangements for the conduct of the count. Following announcement, the RO will arrange for the candidates, CC Clerks and the ASCC to be informed of the result. The RO will also arrange publication of the results in the Shetland Times, Shetland News and on the Council's intranet and website. Clerks may also display the count results notification in their locality.



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9.0 Co-option

- 9.1 Where a Community Council fails to elect a candidate at a by-election, there will be no further by-elections conducted for any remaining vacancies, until such time as a further vacancy arises within that Community Council.
- 9.2 Following a failure to elect at any by-election, the Community Council may proceed to co-opt a Member. There are no procedures as to how this may be done, but any decision on appointment of a co-opted member must be approved by resolution at a meeting of the Community Council. Clerks must inform the RO and the ASCC so that membership lists can be updated and Acceptance of Office forms issued.

10.0 Term of Office

- 10.1 All members shall serve until the next election but shall be eligible for re-election, re-appointment or co-option provided all other qualifying conditions are met.
- 10.2 A member of the Community Council may resign at any time by giving notice in writing to the Clerk to the Community Council.

11 Amendments to the Rules

- 11.1 Formal approval by the Shetland Islands Council shall be required for all amendments to these Rules.

Version 1.0

Approved by Shetland Islands Council: 11 December 2013

Review Date: September 2018

Shetland Islands Area
«Community_Council» Community Council

DECLARATION OF ACCEPTANCE OF OFFICE

I, _____
having been elected to the office of Community Councillor for
«CommunityCouncil» Community Council declare that I accept that office and that
I will duly and faithfully fulfil the duties of it according to the best of my judgement
and ability.

I undertake to be guided by the Community Council Code of Conduct in the
performance of my functions in that office.

.....
(Date) (Signed)

Received

.....
Date (Signed) Proper Officer
Association of Shetland Community Councils



Community Council Name: _____

Contact Details (Home)

Name: _____

Address: _____

Phone: _____

For publishing? Yes No

Fax: _____

For publishing? Yes No

E-mail: _____

For publishing? Yes No

Mobile: _____

For publishing? Yes No

Data Protection Act 1998

The information provided by you will be used by the Council to contact you with regard to your membership of your Community Council.. As indicated, the information may be published on the Council's Intranet and Internet websites, with your consent. Should you have any objection to the information being published in this way, please confirm this in writing to Mr Jan R Riise, Data Protection Officer, Shetland Islands Council, Governance and Law, 8 North Ness Business Park, Lerwick, Shetland Isles, ZE1 0LZ

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