

Rules for the selection of Westminster and Scottish Parliament parliamentary candidates in Scotland

Introduction

Overview of the process

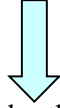
In order to ensure that all constituencies have an appropriately approved and democratically selected candidate for a General or Scottish Parliament Election Article 19 of the Federal Constitution specifies that all states shall agree a fair selection process. These rules also comply with Section H of the Scottish Constitution. These rules govern that process and must be used by all local parties in Scotland for the purpose of selecting parliamentary candidates for both Westminster and the Scottish Parliament.

Constituencies starting the process of selection must appoint an independent Returning Officer (RO) from outside the constituency from the Approved List of ROs.

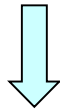
If a Parliamentary constituency is entirely included within the area of a single Local Party, the selection co-ordinating body referred to in these rules shall be the Local Party Executive. If a Parliamentary constituency comprises an area covered by the whole or part of more than one Local Party, the relevant Local Parties shall have a duty to establish a selection co-ordinating body to oversee the selection.

The selection co-ordinating body will agree the appointment of a shortlisting committee with the Returning Officer. The Returning Officer will then work with the shortlisting committee to ensure that the selection process is completed satisfactorily in accordance with these rules.

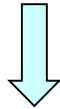
Phase 1: The shortlisting committee and Returning Officer work together to prepare an application pack and advertise the seat.



Phase 2: The shortlisting committee scrutinise applications and shortlist applicants for the selection.



Phase 3: The candidates' campaign: members' mailing, candidate leaflets and personal contact, sent out by local parties.



Phase 4: The hustings meeting, organised by shortlisting committee



Phase 5: Ballot papers sent out to all voting members, along with candidate leaflets, by local parties. Count performed and result declared by Returning Officer

The principles underlying these rules

These rules shall be used for the selection of prospective parliamentary candidates in all constituencies in Scotland for Westminster and the Scottish Parliament and for regional list seats for the Scottish Parliament with the following exceptions: by-elections, the re-selection of sitting MPs, and constituencies in local parties suspended by the Scottish Executive, where separate processes shall apply (appendix C). The Campaigns and Candidates Committee (CCC) acts with the delegated authority of the Scottish Executive in all matters relating to these rules. In the event of an imminent General Election, the Campaigns and Candidates Committee (CCC) may vary these rules to ensure that all constituencies have an approved candidate in place.

In the event of a constituency selection, that selection shall be conducted by the relevant local party or parties. In the event of a regional list selection (Scottish Parliament), the provisions relating to local parties in these rules shall be undertaken by the regional party or appropriate co-ordinating body, as laid down in section H of the Scottish Constitution. The selection process shall be conducted in accordance with the principles of Liberal Democracy. Everyone involved in the selection must act in such a way as to ensure that the party is not brought into disrepute. In particular, selections must be conducted in a manner that is:

- Democratic
- Accountable
- Inclusive
- Fair
- Robust
- Manageable

Within this one set of rules, there are two tracks: one for Advanced seats and one for all other seats. More is expected of Advanced seats at all stages of the process but it is accepted that non-target seats can 'opt up' to the more complex rules at any point.

Any Party publication whether in paper or electronic form shall give, as far as possible, equal coverage and a fair balance to all candidates. Party publications include those from the Federal, Scottish, Regional and Local Parties, branches, Specified Associated Organisations and Associated Organisations

Candidates for selection must make sure that they abide by the candidates' Code of Conduct, the party's Data Protection Rules and PPERA. Where these rules are silent, the Returning Officer will proceed using these principles as a guide. In addition, the CCC may from time to time issue guidance and clarifications to these rules, which must also be derived from these principles.

In these rules, the words, 'must', 'shall' and 'will' refer to mandatory actions.

The words 'may', 'could' and 'should' refer to optional actions.

Before the Selection begins

No member may publicise the intention of themselves or another member to apply for selection or place any material in support of their or another member's selection on any website administered by the Party or by any organ of the Party before the selection begins and during phases 1 and 2 of the selection. If any such material is placed on such a website the administrators of that site must remove it immediately and inform the Returning Officer, if one has been appointed, or otherwise the CCC Convener.

Candidates may not use written or recorded endorsements of their candidature. This includes both printed and electronic communications and applies before the selection begins as well as during it.

Phase 1

From the decision to select to the close of applications

In brief

After deciding to start the selection process, the selection co-ordinating body advises the CCC Convener that they wish to start the selection process and then appoints a Returning Officer from the Approved List held by CCC. The Returning Officer oversees the appointment of the shortlisting committee, agrees selection criteria and the preparation of an application form and a constituency information pack. The seat is advertised on the Party website and elsewhere.

Interested potential applicants will be able to contact a nominated member of the constituency for more information.

In order for their application to be considered by the shortlisting committee applicants must apply to the Returning Officer by the closing date advertised.

Key Principles: the Returning Officer and shortlisting committee should ensure that both the selection criteria and the application process are **inclusive, fair and transparent**.

A. Getting started

Returning Officers

1. Local parties deciding to start the selection process must resolve to do so at a meeting of the selection co-ordinating body. They must then ask the CCC Convener for permission to proceed. They must provide the name of a contact from the selection co-ordinating body with whom the CCC Convener can liaise. If the CCC Convener is a member of the Local Party (or Regional Party in a regional list selection) or a candidate in the selection, (s)he must delegate that role in the selection to the Committee Vice Convener, unless this conflict of interest also applies to the Vice Convener, in which case another member of the CCC should be appointed to carry out the role for the selection.
2. The selection co-ordinating body will appoint an independent Returning Officer from the list of accredited Returning Officers held by the Campaigns and Candidates Committee (CCC). The Returning Officer shall not be a member of any of the local parties to which they are to be appointed, nor shall they have any personal interest in the selection.
3. The Returning Officer will:
 - Support the shortlisting committee through the selection process
 - Protect the interests of members
 - Ensure the fair and equal treatment of applicants
 - Ensure that the selection rules are followed
4. Returning Officers may claim reasonable expenses incurred while carrying out their duties. They must claim these from the selection co-ordinating body as soon as possible after the selection. Claims should be in line with the expense rules in Returning Officers' Guidance.

5. The Returning Officer must brief the selection co-ordinating body on the selection process before the appointment of the shortlisting committee.
6. The CCC Convener may appoint a replacement Returning Officer, or a substitute Returning Officer, or deputy Returning Officer(s) for any part of the selection, if this becomes necessary at any time

Shortlisting committees

7. The shortlisting committee is responsible for managing the selection process in an unbiased way, with support from the Returning Officer. Shortlisting committees will:
 - Agree the criteria for selection
 - Scrutinise applications and shortlist if necessary
 - Arrange and send out the members' mailing
 - Organise and run the members' meeting(s)

Advanced seats will have shortlisting committees comprising five to seven members, all of whom shall be trained in the selection committee process.

Other seats will have shortlisting committees comprising three to seven members, at least two of whom shall be trained in the selection committee process.

8. The composition of the shortlisting committee will be agreed by the Returning Officer who will ensure that:
 - All members of the shortlisting committee are in at least their second continuous year of membership
 - No-one on the shortlisting committee has an interest in the selection beyond that of an ordinary member
 - The committee is representative of the local membership and includes a diverse range of members.
 - Where possible, the committee includes councillors and non-councillors
 - If there is more than one Local Party in the constituency, the short-listing committee shall include at least one member from each of them.
9. A number of members of the shortlisting committees will be trained in the selection process, either by the Returning Officer, or by an accredited shortlisting committee trainer. Members of the shortlisting committee must not campaign for or against any applicant. They must keep the details of the applications and assessments of applicants confidential and must behave in a fair and unbiased way towards all applicants.
10. The shortlisting committee, and not the selection co-ordinating body, is responsible for managing the selection. If the selection co-ordinating body is concerned that the shortlisting committee is failing in its duties then it should raise the matter with the Returning Officer. Decisions of the shortlisting committee must not be altered other than by the RO.

11. The shortlisting committee will elect its own Convener (from among its members) who must have received shortlisting committee training.

11A. This rule applies to UK General Elections in Advanced seats

The selection co-ordinating body may choose either:

- an all-disabled shortlist,
or:
- to reserve a space on the shortlist for a candidate with a disability provided that they meet the selection criteria.

At least one of these options must have been considered and voted upon by the selection co-ordinating body and recorded in the minutes.

Following the appointment of the Returning Officer the selection co-ordinating body will have a period of one month to contact the following Party organisations to notify them that the selection will be taking place, asking them to encourage approved candidates to apply:

- Liberal Democrat Campaign for Race Equality
- Liberal Democrat Disability Association
- Campaign for Gender Balance
- LGBT+ Liberal Democrats
- Scottish Young Liberals
- Parliamentary Candidates Association
- Scottish Women Liberal Democrats

The Returning Officer must be provided with satisfactory evidence that this has been done before the selection can proceed. The seat will not be advertised until at least one month after the last of these contacts has been made.

B. Preparing to advertise

What kind of candidate are you looking for?

12. The selection co-ordinating body must provide the shortlisting committee with details of the priorities for the campaign and what they expect the candidate's role will be in achieving these. They may be supported in this by Campaigns staff and/or the CCC Convener. They may also be supported in this by the candidate for the last General or Scottish Parliament Election, but he or she must play no further part in the selection process (including being part of the short-listing committee) until one election cycle has elapsed since their last candidacy, except to help put together the application pack if asked by the selection committee and as an ordinary member of the Party.

The shortlisting committee will use these priorities to identify criteria for the selection. Model selection criteria are available from CCC. These selection criteria will form the basis of the application form and questions at any shortlisting interview and the shortlisting committee shall decide the minimum acceptable standard for each criterion. **The selection criteria will also be included in the members' mailing to assist members in making their decision.**

Shortlisting committees in Advanced seats will draw up a list of criteria for candidate selection with guidance from the Returning Officer. These should be based on the **competency framework** used in the candidate assessment centres. Shortlisting committees may use the suggested criteria (see Returning Officers' Guidance) for Advanced seats to assist them.

Shortlisting committees in other seats will either adopt the suggested selection criteria in the Returning Officers' Guidance, or, with guidance from the Returning Officer may draw up selection criteria in the same manner as Advanced seats.

13. Shortlisting committees, with support from the Returning Officer, will draw up an application form and information pack about the constituency. The information pack must include:

- The current political position, number of members and level of activity of the constituency
- The name and contact details for at least one impartial member who can provide applicants with further details
- A copy of the selection criteria
- A draft timetable for the selection
- A copy of the selection rules

Shortlisting committees in Advanced seats must ensure that their application form asks questions that test applicants' competency against the selection criteria. They may use the pro forma application form (see Returning Officers' Guidance) for potential strategic seats to assist them.

Shortlisting committees in other seats will adopt the pro forma application form in the Returning Officers' Guidance, or, with guidance from the Returning Officer, may draw up an application form in the same manner as potential strategic seats.

14. Members of any of the relevant local parties, the candidate for the last General or Scottish Parliament Election and local and state employees of the party may, at the shortlisting committee's request, assist the shortlisting committee in putting together the application pack, but the shortlisting committee must remain responsible for deciding its final composition. The Returning Officer will send the final application pack to all applicants promptly.
15. The shortlisting committee must advertise the selection on the Party website, including required standard wording (see Returning Officers' Guidance) and should also advertise more widely, including making use of Scottish HQ member mailings. Members of the committee, or their nominee(s), may contact approved candidates and invite them to apply. This must be done using a list of approved candidates issued for this purpose by the Candidates' Office to the Returning Officer, who must ensure that invitations to apply are made without undue bias. **Subject to restrictions agreed by the Scottish Conference all shortlisting committees must actively seek applications from as diverse a range of candidates as possible, with the help and guidance of the appropriate diversity bodies within the Party** (guidance on who these bodies are is available from the Candidates' Office).

Advanced seats must advertise on the Party website, including extensive information about the seat in addition to the standard wording.

Other seats must advertise on the Party website, including the standard wording, but may follow the procedure for Advanced seats if they choose.

16. The advertisement on the Party website will be placed by the Returning Officer, but paid for by the selection co-ordinating body. The closing date for applications shall not be less than two weeks from the date of the advertisement, but may be longer if the shortlisting committee decide. Applications must be returned to the Returning Officer, who will forward them to the shortlisting committee at the close of applications. The Returning Officer will acknowledge all applications and send all applicants a copy of the Spending Return form in Appendix E and advise all applicants of the spending limit.
17. The shortlisting committee shall decide whether or not they wish to consider applicants who are not on the Party's approved list but who have submitted an application for approval to the Candidates' Office. If they do wish to consider unapproved applicants, they may wait for applicants to gain approval, but **no applicant can proceed to shortlisting unless they are approved.**

Deciding who can vote in the selection

In brief

Membership Services produce a selection register of members at the request of the Returning Officer. This is used to identify members who can vote in the selection and is passed to applicants to enable them to contact members during the campaign. The Returning Officer is responsible for checking its accuracy in conjunction with the local party data officer and for passing it to applicants when the shortlist is published.

In detail

18. The Returning Officer will obtain a list of members, which will be available before the date of publication of the shortlist, from Membership Services. This selection register will contain (where available) each member's membership number, name, address, telephone number, mobile number, email, opt-in/out status to comms, eligibility to vote and date of expiry of membership. The use of data in the selection register is subject to the Party's Data Protection Rules. Returning Officers will use the data to identify those eligible to vote in the selection. The cut off date for inclusion on the selection register shall be the date of publication of the advertisement on the Party website, unless there is a delay in selection of more than 6 months, when the Returning Officer shall determine and publish a new cut off date.
19. Members shall be eligible to vote from Day 1 of their membership, provided they have paid their membership subscription / renewal. Eligible Members whose subscriptions are no more than three months overdue shall be entitled to attend any members' meeting but shall only be eligible to vote if they pay their overdue subscription before the date on which applications close. Voting in Scotland is solely by postal ballot.
20. If there are at least 20 members with membership addresses in the constituency, then the voting members list shall comprise all these members. If there are less than 20 members with membership addresses in the constituency the voting members list shall comprise all members of the relevant Local Parties, unless all the relevant Local Parties agree to limit the voting members list to those with membership addresses in a defined geographic part of their area. If the latter is agreed, there must be at least 20 members on the voting members list and all members with membership addresses in the constituency must be included.

21. The Returning Officer will provide the selection register to the relevant local party data officer(s) to identify any errors or omissions in the selection register. These should be resolved by the date of publication of the shortlist, so that the register can be passed to applicants promptly at this date. Any further changes should be notified promptly to applicants and the shortlisting committee. Membership Services will warn Data Officers that they must advise Membership Services of any discrepancies in their Local Party's list (ensuring returning student members continue to be listed with their term-time constituency address to ensure they can participate in selections over the summer period. Such members are responsible for supplying forwarding details to Data Officers for contact during the summer period) and encourage their members to pay any over-due subscriptions before the date of close of applications, as the list at that date will be used to decide who will be eligible to vote in the selection.

22. The selection register must be used for:

- Deciding who can vote in the selection
- Issuing ballot papers
- Sending out the mailing(s) to members
- Any campaigning by applicants or their supporters, who must not use it for any purpose other than the selection.

Phase 2

Deciding on a shortlist for the selection

In brief

When the deadline for applications has passed, the Returning Officer sends all applications to the shortlisting committee, who will assess them against the selection criteria. The shortlisting committee must assure themselves that all shortlisted applicants are suitable to put before the members; it is not the shortlisting committee's job to choose the candidate. In line with the principles, there is a two-track approach to shortlisting, with more stringent requirements placed on Advanced seats.

Key principles: in shortlisting, the Returning Officer and shortlisting committee should ensure that the process is **fair, transparent and robust**; all candidates should be dealt with in the same way according to an agreed process.

In detail

Deciding if the selection can go ahead

23. At the close of applications the Returning Officer will pass all applications to the shortlisting committee who will sift applications and reject any that do not meet the selection criteria or reach the minimum standard previously agreed by the shortlisting committee. The Returning Officer must satisfy her or himself that the decisions have been arrived at robustly, fairly and on the basis of evidence in the applications.

Advanced seats must have a final short-list of at least three applicants to proceed. If there are fewer than 3 applicants the Returning Officer will consult the CCC Convener, who shall only allow the selection to proceed if selection is urgent.

Other seats may normally proceed to selection with only one applicant (where there was only one applicant who met the selection criteria) but the Returning Officer must be satisfied that the application process was open and fair and the agreement of the CCC Convener must be obtained.

24. Under the Equality Act 2010, political parties are entitled to adopt Selection Arrangements to address an under-representation of groups that share what the Equality Act refers to as a particular 'protected characteristic'. Such Selection Arrangements may involve reserving places on a shortlist for people from such groups. The procedure by which that is done is set out in Appendix D. Where the Scottish Conference or the Campaigns and Candidates Committee have decided to adopt such Selection Arrangements that have an effect on the composition of the shortlist, those arrangements shall be observed by the Returning Officer and shortlisting committee as if they were contained in this Rule.

25. For Scottish Parliament Elections, shortlists in constituencies for which an All Women Shortlist (AWS) has not been agreed by the Scottish Conference must include at least two applicants from under-represented groups and 40% women. If this cannot be achieved, the CCC Convener must give approval before the selection may proceed. If an All Women Shortlist has been agreed by the Scottish Conference then the shortlisting committee may only place on the shortlist approved candidates who are women or who do not identify as male or as female. See Appendix D for motions passed by the Scottish Conference in this regard.
- 25A. For UK General Elections, if, at close of applications, all applicants are of the same gender and none are disabled, BAME or LGBT+, the Returning Officer shall seek advice from the CCC Convener. The CCC Convener may require re-advertisement, an extension to the application deadline, or may allow the seat to proceed with the existing list of applicants.
26. Where seats are shortlisting if the shortlist diverges significantly from the diversity of the original applicants shortlisting committees must demonstrate to the Returning Officer how the unsuccessful applicants did not meet the minimum selection criteria.

Shortlisting Interviews

Advanced seats must interview all applicants who meet the minimum selection criteria.

They must agree the details of the interviews, including scoring procedure and any tasks, with the Returning Officer in advance.

Applicants for Advanced seats and by-elections will be asked to undertake a Due Diligence Audit before the shortlisting interviews, unless they have already undertaken this within the previous six months. This Audit will include a social media audit, a practice media interview, as well as due diligence of the applicant, using open-source information only e.g. what can be found online, replicating what journalists will do to candidates anyway. The Audit will be conducted by the Candidates Office and a report provided to the shortlisting committee before the interviews.

Other seats do not have to hold shortlisting interviews and can publish the list of applicants and proceed to campaign and members' meetings.

Such seats may hold shortlisting interviews in accordance with the rules for Advanced seats if they choose.

27. For seats which are holding shortlisting interviews, the following rules shall apply:

- a) Questions and tasks (which should adhere to the principles underlying these rules (page 2)) must be agreed in advance with the Returning Officer and be based on the selection criteria
- b) Marking schemes must be agreed in advance with the Returning Officer and shared with applicants
- c) Applicants cannot be asked if they will contribute financially to the campaign and must not offer to do so
- d) Shortlisting committees must not ask applicants for references nor may applicants offer any references or endorsements of their candidature
- e) Final shortlists must comply with positive action requirements (clauses 24 - 26). If they do not the Returning Officer shall seek advice from the CCC Convener. The CCC Convener may require re-advertisement, an extension to the application deadline, or may allow the seat to proceed with a non-standard shortlist.

28. On agreeing the shortlist:

- Applicants will be notified of the outcome by the Returning Officer, if possible within the same 24 hour period
- Applicants will be entitled to feedback on their performance from a member of the shortlisting committee
- Details of shortlisting decisions will be confidential to the shortlisting committee, the Returning Officer, the CCC Convener and the Candidates' Office
- The composition of the shortlist shall remain confidential until the deadline for appeals has passed. Any appeal must be made within seven days of the despatch of notification to the applicants of the shortlist
- Shortlisted applicants will be told the location, date and time at which the count will take place.

28A. If only one application is received from an approved candidate and the CCC Convener decides that the selection can proceed with one candidate and the shortlisting committee is unanimous, the process described in Phases 3, 4 and 5, may be modified as follows. Ballot papers with the options of voting for the candidate or re-opening nominations will be sent to all on the voting members list along with the first mailing. The ballot papers must be returned to the Returning Officer no later than the day before the final hustings meeting or handed to him/her at the conclusion of a hustings meeting. The count will be held at the close of the final hustings meeting.

Phase 3

The candidates' campaign and first mailing to members

In brief

Once the deadline for appeals against the shortlist is past, the local party prepares and sends a members' mailing to all members entitled to vote in the selection. This contains:

- The candidates' manifestos
- The selection criteria
- Details of the members' meeting
- Details of the deadline for ballot papers to be returned

Candidates in the selection will be given a copy of the selection register by the Returning Officer and may then contact members in order to promote their candidature. Rules (below) govern how candidates may do this. In Scotland, all voting is carried out by postal ballot.

Key principles: the shortlisting committee and Returning Officer should ensure that the campaign is **democratic, fair, and manageable.**

In detail

The first members' mailing

29. A members' mailing shall be produced by the shortlisting committee and approved by the Returning Officer. It must be sent to all on the voting members list, all candidates in the selection and the Returning Officer. Shortlisting committees may also decide to send the members' mailing to non-voting members.
30. All candidates must be given the opportunity to include a personal manifesto with the members' mailing. The specification (e.g. paper size, colour etc) for this must be agreed in advance by the shortlisting committee and approved by the Returning Officer. It must be the same for all candidates.
31. The Returning Officer shall notify candidates of the deadline for the mailing in good time in order to allow them to send manifestos for inclusion. Manifestos not received by the deadline will not be included in the members' mailing.
32. The mailing should contain:
 - a) A copy of the selection criteria and a description of the candidate's role (but not necessarily the priorities for the seat if they are politically sensitive)
 - b) Details of the members' meeting(s) and how to get there
 - c) Details of how members may gain access to a copy of these rules
 - d) A copy of the manifestos provided by the candidates
 - e) Notification of when ballot papers will be sent out and deadline for their return
33. The mailing is produced and paid for by the relevant local parties.
 - The mailing shall be posted to members within 14 days of the shortlist having been agreed and at least 14 days before the date of the members' meeting
 - Each member must have their own mailing posted to them separately

The candidates' campaign

34. In addition to the members' mailing candidates may use any means (other than bulk unsolicited email or SMS messages) to communicate with members or publicise the campaign except that they (and their supporters) may not comment to the press on what is an internal party selection. All such communications must comply with these rules. Candidates will provide copy or electronic links to the Returning Officer so that all material can be scrutinised if necessary. The Returning Officer shall give candidates access to the Selection Register which includes the following information: Name, Address, Telephone number, Mobile number, Membership Number, Opt-In/Out status to comms.
35. The amount of money that candidates can spend on their campaign will be limited by an expenditure cap. The expenditure cap is £400 plus £1 per eligible voting member. Candidates' personal expenses, eg travel, accommodation, meals, costs of care for themselves or a dependant, or voice calls from the candidate's personal or household phone do not count as campaign expenses. This expenditure cap applies to the cost of campaign material used after the date of the previous election or candidate selection to the seat, whichever is the later. Candidates must keep a record of all expenses and invoices or receipts, and submit these along with the completed spending form in Appendix E to the Returning Officer no later than seven days after the count. The Returning Officer will forward these records to all the candidates who will have seven further days to submit a complaint to the Returning Officer alleging that a candidate has exceeded the spending limit.
36. The number of direct, unsolicited communications with members (emails, messages or delivered materials) shall be restricted to a manageable (and affordable) number agreed in advance by the shortlisting committee. Seats should agree extensive limits for direct communication with members to allow candidates to demonstrate their campaigning skills. The Returning officer will arrange for up to the agreed number of bulk unsolicited emails to be sent on behalf of the candidates. Bulk email will be sent by the local party via its Data Protection Act 2018 compliant bulk mail solution to members who have not opted out of receiving unsolicited email. One to one email communications will be permitted but candidates cannot email members directly except to reply to an email from or with the consent of that member.

37. Candidates and anyone acting on their behalf:

- a) Must comply with data protection laws, the Party's Data Protection Rules and with PPERA legislation at all times (e.g. candidates must not send group emails which reveal the email addresses of the recipients)
- b) Must not use their campaign to denigrate others
- c) May use photographs or videos as they wish as long as they comply with these rules and both the copyright holder and the subject(s) of the photograph or video publication have given written permission. All candidates' literature sent to members which includes photos of other people must include at the bottom of each page where such a photo appears the words, in a size at least Times New Roman font 12, "Appearing in a photo does not imply endorsement of the candidate".
- d) Must not use written or recorded endorsements of their candidature. This includes both printed and electronic communications.
- e) May allow any supporters to campaign on their behalf but must ensure that all such people comply with these rules
- f) Must ensure that their actions, and those of their supporters, comply with the Candidates' Code of Conduct
- g) May continue with their normal Party activities and campaigning during the selection
- h) Must preserve all campaign material and communications until the selection is complete and the result formally announced and accepted
- i) Are responsible for ensuring that they publish nothing on-line nor in private messages that could be construed as defamatory or whose publication could bring the Party or any of its members into disrepute. Posts on electronic media that refer to the election do not have to be approved in advance by the Returning Officer.

Phase 4

The members' meeting(s)

In brief

The shortlisting committee is responsible for organising and running the members' meeting(s) with the guidance of the Returning Officer, who attends the meeting.

Key principles: members meetings must be organised in a way that ensures they are **inclusive** (for members and candidates), **democratic and fair**.

In detail

The members' meeting

38. The shortlisting committee must arrange at least one members' meeting. The following rules were drawn up, firstly for in-person hustings, and then amended to allow for virtual hustings. In the present uncertain situation, Local Parties are encouraged to be creative when organising members' meetings and to consider, in-person, virtual or hybrid meetings. Rules 38-41 do not need to be strictly followed, as long as the Returning Officer and the CCC Convener both agree that the format proposed is fair to all candidates and conforms to the principles included in these rules

While restrictions on indoor gatherings are in force, virtual meetings will be arranged. Members must have the choice of joining the virtual meeting using the internet, a landline or a mobile phone. If a virtual members' meeting is to be held, Local Parties have two options.

Option 1. All members, candidates, chair and Returning Officer join from their own premises. Candidates must be excluded from the meeting when other candidates are giving their speeches. Candidates' speeches would be followed by all the candidates forming a panel to answer questions. The order of answering would change for each question.

Option 2. All members join from their own premises. The candidates, chair, Returning Officer and cameraperson will be in the same room, socially distanced from each other. There may be room for a small invited audience. The members present must conform to the regulations for indoor gatherings in force at the time.

The Local Party may hold different members' meetings (real or virtual) at different times of the day. These could have different themes. Some meetings could start off with an interview rather than a speech

All details will be agreed in advance and approved by the Returning Officer who will ensure these are available to applicants in advance of the meeting. At the members' meeting(s) all shortlisted applicants will be invited to:

- Meet members
- Speak
- Answer questions

39. The members' meeting(s) shall be chaired by an impartial member and attended by the Returning Officer.
40. At the members' meeting, candidates:
- a) Must remain in a candidates' waiting room whilst other candidates are speaking (or answering individual questions).
 - b) May bring a nominated supporter to the members' meeting(s) who must remain with the candidate at all times. All other supporters must remain in the hall throughout the meeting(s). Mobile phones must be switched off for the duration of the members' meeting(s). If this is an option 2 meeting candidates are not entitled to bring a nominated supporter.
 - c) Should at all times abide by these rules and by the Candidates' Code of Conduct.
41. Following the candidates' speeches the Returning Officer may give permission for the candidates to be questioned by the members in other ways (e.g. a "Question Time" panel or informal mingling) as long as the principles underlying these rules are maintained.
42. The Returning Officer is responsible for overseeing the proper conduct of the meeting(s) and may intervene if he/she considers it necessary. He/she may appoint aides to assist at the meeting(s).
43. Non-voting members of any of the relevant local parties may attend the members' meeting(s) as observers.

Phase 5

Ballots issued, vote and count

In brief

The shortlisting committee is responsible for organising and posting out the mailing with ballot papers to all voting members, under the guidance of the Returning Officer. The Returning Officer is responsible for overseeing the count and declaring the result.

Candidates will be asked by the Returning Officer to sign to say that they accept the result. If the result is not disputed, then the Returning Officer will declare the result. In the event that the result is disputed, then the declaration will take place later after the conclusion of any appeal.

Key principles: members meetings must be organised in a way that ensures they are **inclusive** (for members and candidates), **democratic and fair**.

The second members' mailing with ballot papers

44. A second members' mailing shall be produced by the shortlisting committee and approved by the Returning Officer. It must be sent to all on the voting members list, all candidates in the selection and the Returning Officer.
45. The mailing should contain:
 - f) A copy of the selection criteria and a description of the candidate's role (but not necessarily the priorities for the seat if they are politically sensitive)
 - g) A second copy of the manifestos provided by the candidates
 - h) The ballot paper
46. The mailing is produced and paid for by the relevant local parties.
 - The mailing shall be posted to members at least 14 days before the deadline for ballot papers to be returned
 - Each member must have their own mailing posted to them separately

The vote and count

47. The vote will be conducted by the alternative vote method (i.e. STV for single candidate elections) according to the instructions in appendix B.
48. The ballot paper will require voting members to rank candidates according to preference (sample ballot paper in Returning Officers' Guidance) and will include the option to re-open nominations (RON) where there are fewer than three candidates.
49. Ballot papers will be numbered and the numbers recorded on the selection register.
50. The Returning Officer must be satisfied when issuing ballot papers that members are eligible to vote. If there is any doubt a tendered ballot paper (marked T) will be issued.

51. The votes will be counted by the Returning Officer (according to the alternative vote system outlined in appendix B) on the day of the deadline for return of ballot papers, after the post for that day has been received. A representative of the selection co-ordinating body, all candidates and their nominated supporter may attend.
52. Tendered ballot papers shall be considered at the end of each stage to determine if their inclusion would alter the result. If this is the case the count shall be suspended and will not proceed until it has been decided, by the Returning Officer, whether the tendered papers are eligible.
53. At the end of the count the Returning Officer will notify all candidates of the result and ask them to sign a copy of the results sheet to say they accept the result. The form they will be asked to sign will include the words, “subject to all candidates submitting an accurate spending return which shows that they did not exceed the expenses limit.”
54. In the event that one or more candidates do not accept the result, the result will not be declared immediately. Candidates will have 7 days to submit an appeal in accordance with the current appeals protocol (appendix A), except in the case of a complaint that a candidate has exceeded the spending limit, in which case the complaint must be submitted to the Returning Office no later than 7 days after the Returning Officer circulated the completed spending return to the candidates. If the result cannot be declared immediately, it will be declared once the deadline for receipt of appeals has passed or once any appeal has been decided.
55. In the event that all candidates accept the result, the Returning Officer will immediately declare it.

Trouble-shooting

In brief

This section explains what will happen in the event of difficulties:

- If an applicant or candidate withdraws
- If it is alleged that a rule has been breached
- If an applicant or candidate has acted in a way that is contrary to the candidates' code of conduct
- If an appeal is lodged against any decision of the returning officer at any stage of the selection

At all times the principles that guide these rules should be referred to when resolving difficulties.

In detail

Applicant or candidate withdrawal

Before the announcement of the shortlist:

Advanced seats may only proceed if more than three applicants remain and if the positive action requirements (rules 24-26) are met.

In other cases the Returning Officer should consult the CCC Convener to consider whether the selection should go ahead with a non-standard shortlist.

For other seats no action is required as long as one applicant remains.

However, shortlisting committees may decide not to proceed if fewer than two applicants remain.

56. If a candidate withdraws at any time between announcement of the shortlist and the members' meeting, all other candidates must be notified:

- If the positive action requirements for Advanced seats are not maintained the CCC Convener should be consulted
- If the members' mailing has not yet been sent then it should be altered to reflect the new shortlist
- If the members' mailing has been sent and no ballot papers issued then no action need be taken
- If some ballot papers have been issued then new ballot papers should be drawn up (including RON if necessary). At the count, for ballot papers reflecting the original shortlist, preferences for withdrawn candidate(s) shall be transferred when counting.

57. If a candidate withdraws after the ballot papers have been printed, existing ballot papers will be used and an explanation given to the members with instructions to delete the withdrawn candidate. If they withdraw after the ballot papers have been sent out, the Returning Officer should ignore first preference votes for that candidate and use those voters' second preferences as their first preferences, their third preferences as their second preferences and so on for all candidates for which they have expressed a preference.
58. If a winning candidate withdraws before they have signed their acceptance of the result then there will be a recount excluding votes for the winning candidate and using the method outlined in point 57.

Breaches of the rules

59. If applicants/candidates, members with membership addresses in the constituency or members of any of the relevant local parties believe a selection rule has been breached they should:
- Put their concerns in writing to the Returning Officer
 - Identify the rule they believe has been breached
 - Provide details of the circumstances of the breach
 - Explain the effect of the breach
60. Once they have been notified of alleged breaches of the rules (rule 59, above) the Returning Officer will:
- Investigate the situation
 - Make a formal ruling, notifying the complainant, all applicants/candidates and the shortlisting committee of the details of this.
61. If it is alleged that any candidate has behaved in a way that is contrary to the Candidates' Code of Conduct the Returning Officer shall consult the CCC Convener who shall investigate the allegation.
62. Anyone wishing to appeal a Returning Officer's ruling shall do so using the process laid down in Rules for the Conduct of Appeals (appendix A)
63. If an appeal is lodged, the Returning Officer shall immediately suspend the selection and inform the CCC Convener, all applicants/candidates, the shortlisting committee and the Candidates' Office.

Jargon Buster

Applicants	Those who return applications to the Returning Officer
Candidates	Those applicants who are shortlisted
CCC	Campaigns and Candidates Committee
Members' meeting	A meeting of members in a constituency, where candidates speak and are asked questions
PPC	Prospective Parliamentary Candidate
PPERA	Political Parties, Elections and Referendums Act
Publications	Printed or electronic media made public or available to members
RO	Returning Officer
RON	Re-open nominations – an option available on a ballot paper in the case of non-standard shortlists
Selection register	List of members eligible to vote in a selection
Selection Co-ordinating Body	If a Parliamentary constituency is entirely included within the area of a single Local Party, the selection co-ordinating body shall be the Local Party Executive. If a Parliamentary constituency comprises an area covered by the whole or part of more than one Local Party, the relevant Local Parties shall have a duty to establish a selection co-ordinating body to oversee the selection.
The Party	Scottish Liberal Democrat Party
Voting members list	A list of members eligible to vote in the selection
Written	Post, fax, e-mail, or hand delivered unless specifically stated otherwise.
Advanced Seat*	A Westminster seat identified by the Federal Communications and Elections Committee or a Holyrood seat identified by the Scottish Campaigns & Candidates Committee as a target seat.
Non-Target Seat*	Any seat which is not an Advanced seat.

* (Please note that none of these seat categories are fixed; all are based upon performance and the category of a seat may change within an electoral cycle)

Rules approved by Scottish Executive – 6th November 2021

Appendices to the rules for selection of Westminster and Scottish Parliament parliamentary candidates in Scotland

Appendix A: Rules for the Conduct of Appeals to Panels of the Campaigns and Candidates Committee

Appendix B: Method for Counting Votes and Drawing Lots
Electing one person by means of Single Transferable Vote (based upon the Electoral Reform Society regulations)

Appendix C – Special Selection Protocols agreed by Campaigns and Candidates Committee

Appendix D: Positive Action through Selection Arrangements

Appendix A - Rules for the Conduct of Appeals (in relation to parliamentary candidate selection) to Panels of the Campaigns and Candidates' Committee

In all aspects of these rules, the Campaigns & Candidates Convener acts under delegated authority from the Scottish Executive, which retains overall responsibility for implementation of the procedure.

1. Provisions Relating to these Rules

- 1.1 These Rules set out the process by which decisions of Returning Officers are to be challenged. The Campaigns and Candidates Committee (CCC) shall have power to make Regulations to implement, regulate and co-ordinate this process in areas where these Rules are ambiguous or silent.
- 1.2 If Parliamentary electoral conditions dictate, the CCC Convener may seek to vary the timetable or to resolve an appeal in order to meet an imminent General Election.
- 1.3 In these Rules, the following terms shall be given the following meanings unless the context otherwise requires;
 - (a) 'Appeal' shall mean a challenge to a decision of a Returning Officer submitted in accordance with these Rules;
 - (b) 'Appellant' shall mean a person who has submitted an Appeal;
 - (c) 'Respondent' shall mean any person who is criticised in an Appeal;
 - (d) 'Applicant' shall mean any person who has applied to the Returning Officer for inclusion in the selection;
 - (e) 'Candidate' shall mean an applicant who has been placed on the shortlist for a particular selection;
 - (f) 'Witness' shall mean any of the following:
 - (i) the Convener of any of the relevant Local Parties
 - (ii) the Convener of the Selection Co-ordination Body (if different from (i))
 - (iii) the Convener of the Selection Committee (if different from (i) or (ii));
 - (iv) the candidates;
 - (v) the other applicants, where the Appeal is submitted by an Applicant;
 - (vi) the CCC Convener; and
 - (vii) anyone else who can, in the opinion of the Appeals Panel, give material evidence, either of a factual or expert nature.
 - (g) CCC shall mean the Campaigns and Candidates Committee.
 - (h) 'Written' shall include communications transmitted by post, fax, e-mail or hand-delivered.

2. Initiating an Appeal

- 2.1 Any eligible person who wishes to challenge a decision of a Returning Officer must submit an Appeal to the CCC Convener within the deadlines prescribed in the following Rules.
- 2.2 The following people shall be eligible to submit an Appeal;
- (a) any applicant (provided that their Appeal relates to the process up to and including the shortlisting and is submitted within seven days of the notification to the candidates of the shortlist);
 - (b) any candidate;
 - (c) any member of any of the Local Parties relevant to the selection which is taking place or of another Local Party who is eligible to vote in the selection by virtue of residence in the constituency;
- 2.3 An Appeal shall contain the following information:
- (a) details of the decision which is being challenged;
 - (b) references to the Rule or Rules said to have been breached;
 - (c) a summary of the facts giving rise to the Appeal;
 - (d) details of persons who can substantiate the claims made in the Appeal;
 - (e) details of how the Appellant and/or others have been affected;
 - (f) details of the remedy the Appellant wishes to be provided.
- 2.4 All Appeals must be in writing. The CCC shall have the power to regulate the form in which Appeals are submitted.
- 2.5 All Appeals up to and including the shortlisting process must be made within seven days of the despatch of notification to the applicants of the shortlist. No mailing shall be despatched until the deadline for appeals has passed.
- 2.6 Appeals which do not relate to matters up to and including the shortlisting process must be made prior to the declaration of the result. Prospective Appellants who wish to appeal at this stage shall inform the Returning Officer of their wish, either personally or through a representative at the count, and the result shall not be declared. The prospective Appellant shall then lodge their Appeal with the CCC Convener within 24 hours of informing the Returning Officer of their wish to appeal.
- 2.7 In the event that a ruling is sought from the Returning Officer prior to the declaration of the result and the Returning Officer is not in a position to issue a ruling immediately, the result shall not be declared and the Returning Officer shall rule as soon as practicable. Any Appeal must then be submitted within 24 hours of the communication of the ruling to the candidates. If no Appeal is submitted, the result shall be declared forthwith.

3. The Conciliation Stage

- 3.1 Within 48 hours of receiving an Appeal, the CCC Convener shall appoint a Conciliator from a list approved and maintained by the CCC for the purpose. The Conciliator shall be entirely independent and a member of a Local Party from outside the geographical area (region or constituency) in which the relevant selection is taking place.
- 3.2 There shall be no obligation to appoint a Conciliator where the CCC Convener takes the view that the Appeal discloses a case so weak that no reasonable Appeals Panel, properly directing itself, could possibly uphold it.
- 3.3 The CCC Convener shall ensure that the Conciliator is provided with a copy of the Appeal upon his/her appointment.
- 3.4 The Conciliator shall take immediate steps to resolve the Appeal through the co-operation of those involved. This shall include, but not be limited to:
 - (a) seeking to develop and maintain a dialogue with and between the people involved in the Appeal,
 - (b) investigating and ascertaining the true facts giving rise to the Appeal;
 - (c) seeking to identify the areas of agreement and disagreement between those involved in the Appeal;
 - (d) seeking to negotiate a solution which is acceptable to those involved and which is in accordance with the Rules.
- 3.5 The Conciliator shall have no power to force a settlement.
- 3.6 Within five working days of their appointment, the Conciliator shall provide a confidential report of their findings to the CCC Convener. The report must also be circulated, confidentially, to the Appellant, Respondent(s) and Returning Officer.
- 3.7 This period may be extended by agreement between the Conciliator and the CCC Convener if it appears appropriate to do so in order to achieve a settlement of the Appeal.
- 3.8 The Appellant will have five full days to decide whether or not they wish to proceed with the Appeal after the Conciliation stage has been completed.
- 3.9 If the Appellant decides to proceed with the appeal, the Conciliator shall provide a summary including:
 - (a) the issues at stake in the Appeal; and
 - (b) the facts giving rise to the Appeal;to the CCC Convener for circulation to any future Appeals Panel. That summary shall seek to be as objective as possible.

4. **The Appeals Panel Stage**

4.1 Upon receiving a report from the Conciliator;

- (a) which indicates that that Appeal has not been resolved; or
- (b) which has been rejected by the Appellant or any Respondent;

the CCC Convener shall, within three working days, appoint an Appeals Panel to determine the Appeal.

4.2 There shall be no obligation to appoint an Appeals Panel where the CCC Convener takes the view that the Appeal discloses a case so weak that no reasonable Appeals Panel, properly directing itself, could possibly uphold it.

4.3 The Appeals Panel shall consist either of three or five members:

- (a) all of whom shall be members of Local Parties from outside the geographical area (region or constituency) in which the relevant selection is taking place;
- (b) at least one of whom shall be an experienced Returning Officer;
- (c) at least one of whom shall be a Local Party Convener; and
- (d) at least one of whom shall appear on the Party's list of approved candidates, or have so appeared in the last five years.

The CCC Convener and the Conciliator are ineligible to be members of the Appeals Panel.

4.4 The CCC Convener shall appoint one of the Appeals Panel members as Chair

4.5 The CCC Convener shall ensure that the members of the Appeals Panel are provided, **upon their appointment**, with copies of:

- (a) the Appeal and supporting documents, and
- (b) the Conciliator's summary of the facts and issues in the Appeal.

4.6 The CCC Convener shall ensure that sufficient administrative support is provided for the Appeals Panel to conduct its work efficiently.

5. Timetable Prior to the Hearing

- 5.1 The Appeals Panel shall have the power to make directions with regard to any administrative or pre-hearing matter not covered in these Rules.

The Appellant

- 5.2 As soon as practicable after its appointment, the Appeals Panel shall arrange for the Appellant to be written to. That letter must invite the Appellant to submit their case in advance and give a timetable and proposed date for the Appeal to be heard.
- 5.3 The Appellant shall provide their case first and by a deadline set by the Appeals Panel (normally within six working days of receiving the letter under Rule 5.2).
- 5.4 Their case shall consist of:
- (a) a statement from the Appellant, which shall be confined to matters raised in the original Appeal;
 - (b) statements from any person whom the Appellant wishes to call to give evidence in support of their case;
 - (c) any supporting documents which the Appellant wishes to be before the Appeals Panel.
- 5.5 Upon receipt of the Appellant's case, the Appeals Panel shall arrange for it to be circulated to each Respondent or allow each Respondent a reasonable opportunity to inspect it. The Appeals Panel may order wider circulation if they believe the issues raised by the appeal or the evidence given impacts on others not directly involved in the process.

The Respondent(s)

- 5.6 At the same time as writing to the Appellant, the Appeals Panel shall ensure that each Respondent is written to. That letter must outline what the Appeal is about and how the Respondent(s) are criticised, invite each Respondent(s) to submit their cases in advance of the hearing and give a timetable and proposed date for the Appeal to be heard.
- 5.7 In the event of any dispute over who is a Respondent, the Appeals Panel shall make a ruling.
- 5.8 Each Respondent shall provide their case by a deadline set by the Appeals Panel (normally within ten working days of receiving the Appellant's case or being informed that they may inspect it).

- 5.9 The case for each Respondent shall consist of;
- (a) a statement from the relevant Respondent, which shall seek to answer the issues raised in the Appeal,
 - (b) statements from any person whom the Respondent wishes to call to give evidence in support of their case,
 - (c) any supporting documents which the Respondent wishes to be before the Appeals Panel.
- 5.10 The Appeals Panel shall arrange for the circulation of those cases to the Appellant and the other Respondent(s) as appropriate or offer them a reasonable opportunity to inspect it. The Appeals Panel may order wider circulation.

Witnesses

- 5.11 At the same time as writing to the Appellant and each Respondent, the Appeals Panel must also ensure that everyone listed as a Witness in Rule 1.3(f) above is written to. They must be informed of the general nature of the appeal and told that if they wish to give evidence at the hearing, they must provide a statement in advance. The Appeals Panel may also ask for particular or specific information from the Witnesses to assist them in arriving at their ruling.
- 5.12 In the event of a dispute over who is a Witness, the Appeals Panel shall make a ruling.
- 5.13 Each Witness wishing to provide a statement must do so by a deadline set by the Appeals Panel (normally within ten working days of being invited to do so).
- 5.14 The Appeals Panel shall arrange for the circulation of Witness statements to the Appellant and each Respondent. The Appeals Panel may order wider circulation.

General Powers of the Appeals Panel over timetables

- 5.15 In the event that any of the above deadlines are breached, the Appeals Panel may;
- (a) if the breach is the fault of the Appellant, strike out the appeal; or
 - (b) prevent anyone relying on matters contained in a document supplied late; or
 - (c) grant an extension of the deadline concerned.

5.16 The Appeals Panel shall inform those to whom documents are circulated that they may only copy them or show them to:

- (a) party member(s) seeking to advise them; and/or
- (b) a legal adviser.

6. The Hearing

6.1 The hearing shall be conducted in accordance with the principles of natural justice. Those principles provide that;

- (a) all parties have the right to be heard;
- (b) proceedings are conducted fairly;
- (c) there is no bias or appearance of bias on the part of the Appeals Panel.

6.2 The hearing shall normally be conducted in the presence of the Appellant, Respondent(s) and Witnesses. Other party members may be admitted at the discretion of the Appeals Panel.

6.3 The Appellant and/or Respondent(s) may each be assisted by a friend (who must be a party member) or by a legal adviser. The friend or adviser may speak on behalf of the Party concerned at any time but must not merely repeat points already made.

6.4 The Appeals Panel may decide that parts of the hearing shall be conducted in private. This may either be at the invitation of a Party or Witness or of the Appeals Panel's own volition. Any such decision shall be based on the following ground(s);

- (a) that evidence of a sensitive nature is to be given; or
- (b) that conducting the hearing in public would inhibit the Appeals Panel from ascertaining the truth.

6.5 The hearing shall normally be conducted as follows:

- (a) the Appellant shall give his/her evidence followed by those who provided statements in support of the Appellant;
- (b) the first Respondent shall give their evidence followed by those who provided statements in support of the Respondent;
- (c) any further Respondent shall give their evidence followed by those who gave statements in their support;
- (d) the Witnesses shall give their evidence;
- (e) the Appellant and each Respondent shall have the right to sum up.

The Appeals Panel shall have the power to deviate from this procedure if it appears necessary in the interests of justice.

- 6.6 All evidence shall be given orally unless the Appeals Panel agrees to accept it in writing, in which case it shall be in the form of the statement submitted prior to the hearing.
- 6.7 The Appellant and/or each Respondent may ask questions of those giving evidence. Others may have equivalent rights at the discretion of the Appeals Panel.
- 6.8 Appeals Panel members shall be entitled to ask questions or seek clarification at any time.

7. The Ruling and Enforcement

- 7.1 The Appeals Panel may make its decision by a majority of those present and voting. It must be quorate to make the decision (which shall mean 2 present if Appeals Panel is 3 members, 3 present if Appeals Panel is 5 members). In the event of an equality of votes, the Chair of the Appeals Panel shall have a second (casting) vote. No member of the Appeals Panel may vote unless he or she has been present throughout the hearing of all the evidence.
- 7.2 The Appeals Panel shall prepare a full Ruling for circulation to the Appellant, Respondent(s), CCC Convener and the Candidates' Office. This Ruling must be circulated within five working days of the hearing.
- 7.3 The Appeals Panel shall have the power to provide an effective remedy in respect of any Appeal which it has upheld, either in full or in part.
- 7.4 The range of available remedies for the Appeals Panel shall include;
 - (a) to declare that there has been a breach of the Rules;
 - (b) to take any action open to the Returning Officer when making the decision which gave rise to the Appeal;
 - (c) to take any action open to the Selection Committee when shortlisting candidates;
 - (d) to recommend to the CCC that any candidate be removed from the list of approved candidates or that the Returning Officer shall cease to be an accredited Returning Officer; and
 - (e) to make any further directions it sees fit.
- 7.5 If it appears to the CCC Convener that a Ruling from an Appeals Panel has been breached, then, within 48 hours, the CCC Convener shall notify the Chair of the Appeals Panel.
- 7.6 The Appeals Panel shall decide whether the Ruling has been breached by seeking oral or written evidence from:
 - (a) the person said to have breached the Ruling; and
 - (b) any other person who the Appeals Panels considers able to give material evidence on that question.

- 7.7 If the Appeals Panel is satisfied, on balance, that there has been a breach of the Ruling, then it may:
- (a) if the breach was the fault of the Returning Officer, dismiss the Returning Officer and/or debar them from conducting future selections;
 - (b) provide any of the remedies open to it when it determined the Appeal in the first instance.

8. Further Appeals

- 8.1 Any party who claims that his or her rights under the Party Constitution or under these Rules have been infringed may, in accordance with the Constitution of the Scottish Liberal Democrats, appeal to the Appeals Tribunal for Scotland.
- 8.2 Any Party who wishes to make such an appeal shall give notice in writing to the Party President, who convenes the Appeals Tribunal for Scotland. The Appeals Tribunal may decide not to hear an appeal which is submitted to the Party President more than seven days after the circulation of the Appeal's Panel's Ruling. Subject to any appeal under this paragraph, the decision of the Appeals Panel shall be final and binding on all the parties.

Produced by Campaigns & Candidates Committee
Approved by Scottish Executive - 28th March 2014

Appendix B - Method for Counting Votes and Drawing Lots

Electing one person by means of Single Transferable Vote (based upon the Electoral Reform Society regulations)

1 Method of voting

- a. Each member who is eligible to vote shall be issued with one ballot paper with the names of the shortlisted applicants (and the option to 'Re-open nominations' if there are fewer than 3 candidates) printed on it.
- b. A voter in recording his/her vote on the ballot paper:
 - i. must place on his/her voting paper the figure 1 opposite the name of the candidate for whom he/she votes;
 - ii. may indicate the order of his/her preference for as many other candidates as he/she pleases by placing against their respective names the figures 2, 3, 4 and so on.
- c. Voters may indicate as many or as few preferences as they choose.

2 Verifying the ballot papers

- a. In accordance with clause 50 of the Rules for the Selection of Parliamentary Candidates, the Returning Officer will have kept a record, as they are issued, of the numbered ballot papers issued to voting members, including any tendered ballot papers issued to members whose eligibility to vote is in doubt.
- b. To verify the ballot, s/he shall count the total of each type of ballot paper in the ballot box and verify this is no higher than the total number of ballot papers issued. S/he shall proceed to count the ballot if this is correct. In the event of the number in the ballot box being higher than that issued, then an individual check of ballot papers against the numbered Selection List shall take place to identify the error.
- c. At this stage, any ballot papers belonging to members whose eligibility to vote cannot be verified shall be removed and not counted.
- d. Once the verification is complete the total number of valid ballot papers and the percentage turnout will be recorded.

3 Sorting and counting the ballot papers and resolving ties

- a. The Returning Officer shall examine the papers and shall sort them into parcels according to the first preference recorded for each candidate, rejecting any that are invalid.
- b. The Returning Officer shall count the papers in each such parcel and shall credit each candidate with a number of votes equal to the number of valid papers on which a first preference has been recorded for that candidate
- c. If the vote for any one candidate equals or exceeds the votes of all the other candidates combined, that candidate shall be declared elected.
- d. If not, the Returning Officer shall exclude the candidate having the fewest votes.
- e. The papers of the excluded candidate shall be transferred to whichever of the continuing candidates is marked by that voter as his/her next available preference, and the votes thus transferred shall be added to the first preference votes of those candidates.

- f. Any paper on which no further preference is marked shall be set aside as non-transferable and the total of such papers shall be recorded.
- g. This process shall be continued until the vote for one candidate exceeds or equals the votes for all other continuing candidates combined, and that candidate shall then be declared elected.
- h. At any stage after the first preferences, should there be a tie for exclusion, then this should be resolved by excluding the applicant with the lowest number of votes at the earliest stage in the count where they had an unequal number of votes. If they were equal at all stages then the Returning Officer shall decide the outcome by drawing lots.
- i. The process in (g) shall also apply if there are two applicants left and they are tied.

4 Definitions

- a. The expression '**first preference**' means the figure 1 standing alone opposite the name of a candidate.
- b. The expression '**valid voting paper**' means a voting paper on which a first or only preference is unambiguously expressed.
- c. The expression '**invalid voting paper**' means a voting paper on which no first or only preference is expressed, or on which any first preference is void for uncertainty.
- d. The expression '**continuing candidate**' means any candidate not yet excluded.
- e. The expression '**next available preference**' means a second or subsequent preference recorded in consecutive numerical order for a continuing candidate, passing over earlier preferences for candidates already excluded.
- f. The expression '**transferable paper**' means a voting paper on which a next available preference is unambiguously expressed.
- g. The expression '**non-transferable paper**' means a voting paper on which no next available preference for a continuing candidate is expressed, or on which any next available preference is void for uncertainty.

Approved by C & C Committee – 19.6.12

Appendix C – Special Selection Protocols agreed by Campaigns and Candidates Committee for use in Scotland

The Campaigns and Candidates Committee has approved the following protocols, copies of which are available on request from the Candidates' Office - candidates@libdems.org.uk:

1. Protocol for re-selecting a sitting MP
2. Protocol for selecting a Parliamentary by-election candidate
3. Special re-selection process after a by-election
4. Procedure for appointing approved candidates

Appendix D: Positive Action through Selection Arrangements

1. The Equality Act 2010 permits a political party to take positive action through the use of 'Selection Arrangements' to address the under-representation of certain groups. The committees within the Party that are responsible for the governance of selections are encouraged to consider whether to adopt such 'Selection Arrangements'. For the purposes of the Parliamentary selections in Scotland, that body is the Scottish Executive. The following process should be followed when doing so.
2. The committee should first consider the composition of the present Liberal Democrat group within the relevant body for which candidates for election are being selected. The committee should identify which, if any, groups are under-represented in the body concerned as compared to the general population, by reference to the following 'protected characteristics'
 - (a) Disability
 - (b) Race/Ethnicity
 - (c) Sex/Gender
 - (d) Gender re-assignment
 - (e) Sexual Orientation
 - (f) Age,
 - (g) Religion/Belief
3. The committee should decide whether or not it wishes to take positive action to address any under-representation that it has found. If so, it must identify the arrangements that it wishes to make in order to address that under-representation. Advice may be taken from the Head of Compliance or Head of Diversity in that regard.
4. The committee must ensure that any arrangements that it wishes to make are a reasonable means of achieving that end.
5. Where 'Selection Arrangements' are adopted, they must be noted on the attached form and counter-signed by the Head of Compliance or the Head of Diversity on behalf of the Chief Executive.
6. The Scottish Executive shall ensure that any such Selection Arrangements that are adopted are brought before Scottish Conference as a constitutional amendment at the next reasonable opportunity. Where the Scottish Constitution or any Standing Orders made at Scottish Conference appear to conflict with the Equality Act 2010, the provisions of the Act shall prevail.
7. The following is an extract from the diversity motion passed at the Spring Conference in 2016.

"in interpreting this motion any approved candidate who does not identify as male or as female shall be able to access the same arrangements as are proposed for women."

