



Party Leader Election Rules 2023*

Relevant Parts of the Constitution:

Members

4 Membership

4.1 The rights of membership include—

- (a) voting in elections for Leader and Depute Leader of the Party...

National Organisation

26 The Leader—

- (a) sets the political direction of the Party;
- (b) leads election and other campaigns;
- (c) approves manifestos for parliamentary elections;
- (d) articulates the argument for an independent Scotland; and
- (e) is Leader of the Scottish Parliamentary Group if a Member of the Scottish Parliament.

27 Election of National Office Bearers...

31.3 The positions of Leader...

- (b) are filled following a ballot of all members of the Party;
- (c) require nomination, except for incumbents, by at least 100 members, who must be drawn from a minimum of 20 Branches;
- (d) when vacant, are filled under a timetable and process fixed by the National Executive Committee;

* The Leadership Election Rules 2023 were adopted on 16 February 2023.

Party Leader Election Rules 2023

1 Scope

These rules apply to election of Party Leader in 2023 and replace the Leadership Election Rules for that election.

2 Timetable

2.1 Nomination for Leader opened at 23:59 on 15 February 2023 and will close at 12:00 on 24 February 2023.

2.2 The ballot will be open at 12:00 on 13 March 2023 and will close at noon on 27 March 2023.

3 Nomination

3.1 Candidates for Leader may collect nomination signatures through an online process in the members' portal. Members wishing to use this facility require to advise the National Secretary before 10:00 on 22 February 2023.

3.2 The National Secretary must ensure that the only data retained after the signature collection process is complete is whether a candidate was validly nominated.

4 Campaigning

4.1 Candidates may campaign for Leader in any way permitted by these rules and the Member Conduct rules.

4.2 The National Secretary will arrange hustings events for the candidates. Any other organisation wishing to arrange a hustings should advise the National Secretary. Invitations to any event must be issued to all candidates.

4.3 Candidates may provide a statement in support of their election. The National Secretary will advise candidates of the deadline for submitting a statement and any restrictions on the content of the statement, including the maximum number of words.

4.4 No candidate may –

- (a) make or publish any false statement of fact in relation to another candidate's character or conduct;

- (b) offer money or any other advantage to any member or organisation as an incentive to support their campaign;
- (c) improperly pressurise any member in relation to their vote in the elections;
- (d) engage in any form of trickery or deception;
- (e) otherwise act in a way which impedes the free choice of members in the election.

4.5 The general law of election agency (that is, the attribution of the actions of members supporting a candidate, to that of the candidate) applies to these elections as they apply to candidates seeking election to the Scottish Parliament.

5 Donations

- 5.1 Candidates must only accept donations from individuals who are members eligible to vote in the election.
- 5.2 No candidate may accept a donation of more than £50 from any individual.
- 5.3 'Donations' include any benefit which would be regarded as a donation to a candidate for election to the Scottish Parliament.

6 Maximum Permitted Expenditure

The maximum permitted expenditure by a candidate in support of their campaign from the opening of nominations to the close of the poll is £5,000.

7 Spending Rules

- 7.1 The rules which apply to a candidate for election to a constituency in the Scottish Parliament on property, goods, services, etc. provided free of charge or at a discount apply in the same way to the election process covered by these rules.
- 7.2 Any expense incurred by the candidate and their campaign team for travel, accommodation and sustenance does not count towards spending limits.

8 Statement of Expenditure

- 8.1 All candidates must complete a Statement of Expenditure within fourteen days of the election and send it to the National Secretary. The statement must contain the following details—

- (a) the name of the candidate;
- (b) details of all items of expenditure under the following headings—
 - (i) Website Design & Hosting,
 - (ii) Video Production,
 - (iii) Copy Writing,
 - (iv) Social Media Advertising,
 - (v) Printed Materials,
 - (vi) Other Advertising,
 - (vii) Hustings,
 - (viii) Other Expenditure.
- (c) invoices for each item of expenditure over £10.

8.2 The submission of the Statement of Expenditure represents a declaration by the candidate that, to the best of their knowledge and belief, it is a complete and correct statement as required under these rules.

8.3 A candidate may appoint a campaign manager. The National Secretary should be advised of any appointment. If a campaign manager is appointed, they may complete the Statement of Expenditure as agent for the candidate.

9 Organisational Neutrality

9.1 All hustings must be conducted in a manner which gives no advantage to any of the candidates seeking selection.

9.2 No resources of the Party, including membership data, may be used by, or made available to, any candidate seeking election.

9.3 No Party meeting may take a vote preferring any candidate in the election.

9.4 No member may use a Party email facility to seek to influence the votes of members in the election.

9.5 Headquarters staff must not act, or be asked to act, in a way which would call into question their impartiality.

9.6 Parliamentarians and councillors must ensure that neither they nor their staff use parliamentary or council resources for campaigning.

10 Ballot

10.1 The members eligible to vote are those members who were members of the Party on the opening of nominations.

10.2 The National Secretary is responsible for engaging a ballot services company to administer the poll, including the issuing and receipt of postal ballot papers, entering data in relation to postal ballot papers, and the electronic count.

10.3 Members who have an email address on the membership system will be issued with an electronic ballot paper. Members who do not have an email address on the system will be issued with a paper ballot paper. Where the ballot services company issues an email to the address on the membership system, but it appears to them to be invalid or undeliverable a paper ballot will be issued. It remains the member's responsibility to ensure that their email address on the membership system remains up to date.

10.4 The National Secretary may extend the time of the closure of the electronic ballot in the event of significant issues with the electronic voting platform, on advice from the ballot services company.

10.5 The electronic votes and the postal ballots are counted using the rules contained in Paragraph 47 to 53 of The Scottish Local Government Elections Order 2011, with these amendments—

(a) replace 'most recent stage' in Paragraph 52(2)(a), with 'first or subsequent stage'; and

(b) replace the words after 'equal at all stages' in Paragraph 52(2)(b) with 'the National Secretary will consult with the affected candidates to determine how the election should proceed'.

10.6 The ballot services company must adjudicate doubtful ballot papers using the guidance issued by the Electoral Commission for Scottish Local Government elections.

10.7 The National Secretary will make the results of the contest public as soon as the result has been determined and after the candidates have been advised.

11 Breach of Campaign Rules

- 11.1 Candidates and others must conduct themselves in a manner which does not infringe these rules, ensures the integrity of the process and allows members to express their choices freely.
- 11.2 The National Secretary will not entertain frivolous complaints about candidates or the process.
- 11.3 Where the National Secretary has reasonable cause to believe that a candidate, or another member, has breached these rules, the National Secretary may take all appropriate measures to attempt to reverse the effect of the breach. This includes contacting all members to inform them of the concerns of the National Secretary.
- 11.4 The National Secretary, in appropriate cases, may refer the candidate or other member to the Member Conduct Committee.