

## SCHEDULE 2

### SCOTTISH PARLIAMENTARY ELECTION RULES

#### PART III

#### CONTESTED ELECTIONS

##### *Action to be taken before the poll*

##### **Notice of poll**

**32.**—(1) The statement required by rule 18 above and the statement required by rule 19 above shall each include a notice of the poll, stating the day on which and the hours during which the poll will be taken and, in the case of a Scottish parliamentary general election, each such notice may contain such further information about that election as the returning officer who publishes that notice thinks fit.

(2) The constituency returning officer shall also give public notice (which may be combined with the statement required by rule 18 above) of—

- (a) the situation of each polling station;
- (b) the description of voters entitled to vote there,

and he shall as soon as practicable after giving such notice give a copy of it to each of the election agents.

##### **Postal ballot papers**

**33.**—(1) Subject to sub-paragraph (2), the constituency returning officer shall as soon as practicable send to those entitled to vote by post, at the address shown in the absent voters list or, in the case of a person entitled to vote by post as proxy, at the address shown in the list kept under article 11(9), a ballot paper and a declaration of identity in the form P set out in the Appendix together with an envelope for their return.

(2) In the case of a person who is entitled to give by post a vote for return of a constituency member and a regional vote, the reference in paragraph (1) above to “a ballot paper” shall be construed as a reference to a constituency ballot paper and a regional ballot paper.

##### **Provision of polling stations**

**34.**—(1) The constituency returning officer shall provide a sufficient number of polling stations and, subject to the following provisions of this paragraph, shall allot the electors to the polling stations in such manner as he thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The polling station allotted to electors from any polling district shall be in the polling place for that district.

(4) The constituency returning officer shall provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

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### **Appointment of presiding officers and clerks**

**35.**—(1) The constituency returning officer shall appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary, but he shall not appoint any person who has been employed by or on behalf of a candidate or a registered party in or about the election.

(2) The constituency returning officer may, if he thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer shall apply to a constituency returning officer so presiding with the necessary modifications as to things to be done by the constituency returning officer to the presiding officer or by the presiding officer to the constituency returning officer.

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

### **Issue of official poll cards**

**36.**—(1) The constituency returning officer shall as soon as practicable send to electors and their proxies an official poll card, but a card need not be sent to any person—

- (i) as an elector if he is placed on the absent voters list for the election; or
- (ii) as a proxy if he is entitled to vote by post as proxy at the election.

(2) An elector's official poll card shall be sent or be delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(3) The official poll card shall be in the form Q or, in the case of a proxy's poll card, R set out in the Appendix and shall set out—

- (a) the name of the Scottish parliamentary constituency and (except in the case of an election to fill a vacancy in the seat of a constituency member) region for which the election is to be held;
- (b) the elector's name, qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the elector's polling station; and
- (d) such other information, not relating to any candidate or registered party, as the constituency returning officer considers appropriate.

(4) In this paragraph—

“elector” means a person—

- (a) who is registered as a local government elector in the register to be used at the election; or
- (b) who, pending the publication of a register mentioned in sub-paragraph (a) above, appears from the electors lists for that register as corrected by the registration officer to be entitled to be so registered,

and accordingly includes a person shown in the register or electors lists as below voting age if it appears from it that he will be of voting age on the day fixed for the poll, but not otherwise.

### **Equipment of polling stations**

**37.**—(1) The constituency returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the constituency returning officer's opinion may be necessary. At a Scottish parliamentary general election, separate ballot boxes will be provided for the constituency ballot papers and for the regional ballot papers.

(2) Every ballot box shall be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being opened.

(3) The constituency returning officer shall provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
  - (b) instruments for stamping on them the official mark;
  - (c) copies of the register of electors or such part of it as contains the names of electors allotted to the station;
  - (d) the parts of any special lists prepared for the election corresponding to the register of electors or the part of it provided under sub-paragraph (c) above.
- (4) A notice in the form S set out in the Appendix, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.
- (5) At a Scottish parliamentary general election, a notice in the form T set out in the Appendix, giving further information to voters shall be printed and exhibited either inside or outside every polling station and may be exhibited both inside and outside any polling station.
- (6) In every compartment of every polling station there shall be exhibited the notice—  
“Vote once only on each ballot paper by marking a X. Put no other mark on each ballot paper issued or your vote may not be counted.”
- (7) In the case of a poll to fill a vacancy in the seat of a constituency member, the references in paragraph (6) above and in form S to “each ballot paper” shall be construed as references to “the ballot paper”.
- (8) The statements required by rules 18 and (except in the case of a poll to fill a vacancy in the seat of a constituency member) 19 above shall be printed in conspicuous characters and exhibited inside or outside every polling station and may be exhibited both inside and outside any polling station.

### **Appointment of polling and counting agents**

- 38.**—(1) Each candidate for return as a constituency member, each individual candidate for return as a regional member, and the election agent of each registered party standing nominated may before the commencement of the poll, appoint—
- (a) polling agents to attend at polling stations for the purpose of detecting personation; and
  - (b) counting agents to attend at the counting of the votes.
- (2) The constituency returning officer may limit the number of counting agents for candidates for return as a constituency member, so that—
- (a) the number shall be the same in the case of each candidate; and
  - (b) the number allowed for a candidate shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates for return as a constituency member.
- (3) The constituency returning officer may limit the number of counting agents for individual candidates for return as regional members and for registered parties standing nominated, so that—
- (a) the number shall be the same in the case of each individual candidate and registered party; and
  - (b) the number allowed to an individual candidate or registered party shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the total of the number of individual candidates and registered parties standing nominated.
- (4) Notice in writing of an appointment, stating the names and addresses of the persons appointed, shall be given by the person making the appointment to the constituency returning officer and shall be so given not later than the fifth day (computed like any period of time in the Table in rule 1(1) above) before the day of the poll.

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(5) If an agent dies, or becomes incapable of acting, the person who appointed him may appoint another agent in his place, and shall forthwith give to the constituency returning officer notice in writing of the name and address of the agent appointed.

(6) The foregoing provisions of this rule shall be without prejudice to the requirements of article 34 as to the appointment of paid polling agents, and any appointment authorised by this rule may be made and the notice of appointment given to the constituency returning officer by the election agent instead of by the candidate.

(7) In the following provisions of these Rules references to polling and counting agents shall be taken as references to agents—

- (a) whose appointments have been duly made and notified; and
- (b) where the number of agents is restricted, who are within the permitted number.

(8) Any notice required to be given to a counting agent by the constituency returning officer may be delivered at or sent by post to the address stated in the notice of appointment.

(9) Any candidate (or, in the case of a registered party standing nominated, the election agent of that party) may himself do any act or thing which any polling or counting agent, if appointed by him or on his behalf, would have been authorised to do, or may assist such agent in doing such any such act or thing.

(10) An election agent for a candidate or registered party standing nominated may do or assist in doing anything which a polling or counting agent of that candidate or party is authorised to do; and anything required or authorised by these Rules to be done in the presence of the polling or counting agents may be done in the presence of such an election agent instead of such polling or counting agents.

(11) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

#### **Notification of requirement of secrecy**

**39.** The constituency returning officer shall make such arrangements as he thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a blind voter to vote or as a constable on duty there) has been given a copy in writing of the provisions of article 29; and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of article 29.