
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2015 No.

The Scottish Parliament (Elections etc.) Order 2015

PART 2

THE FRANCHISE AND ITS EXERCISE

Tampering with nomination papers, ballot papers etc.

29.—(1) A person shall be guilty of an offence if, at a Scottish parliamentary election, that person—

- (a) fraudulently defaces or fraudulently destroys any nomination paper;
- (b) fraudulently defaces or fraudulently destroys any ballot paper, or the official mark on any ballot paper, or any postal voting statement or official envelope used in connection with voting by post;
- (c) without due authority supplies any ballot paper to any person;
- (d) fraudulently puts into any ballot box any paper other than the ballot paper which that person is authorised by law to put in;
- (e) fraudulently takes out of the polling station any ballot paper;
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.

(2) A person shall be guilty of an offence if that person—

- (a) at a Scottish parliamentary election, forges any nomination paper, delivers to a CRO or RRO any nomination paper knowing it to be forged, or forges or counterfeits any ballot paper or the official mark on any ballot paper;
- (b) signs any nomination paper as candidate or as nominating officer for any registered party (or as a person authorised by such officer), or in any other capacity certifies the truth of any statement contained in it, knowing such statement to be false; or
- (c) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.

(3) Paragraph (4) applies to—

- (a) a CRO;
- (b) a RRO;
- (c) a presiding officer; and
- (d) a clerk appointed to assist in—
 - (i) taking the poll;
 - (ii) counting the votes; or

(iii) proceedings in connection with the issue or receipt of postal ballot papers.

(4) If a person to whom this paragraph applies is guilty of an offence under this article, that person shall be liable—

(a) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both;

(b) on summary conviction, to a fine not exceeding the statutory maximum, or to imprisonment for a term not exceeding six months, or to both.

(5) If any other person is guilty of an offence under this article that person shall be liable on summary conviction to a fine not exceeding the amount specified as level 5 on the standard scale, or to imprisonment for a term not exceeding six months, or to both.

(6) In this article “nomination paper” includes a regional list of a registered party.