

## SCHEDULE 2

### SCOTTISH PARLIAMENTARY ELECTION RULES

#### PART 6

#### DEATH OF CANDIDATE

##### **Constituency election: death of independent candidate**

**71.**—(1) This rule applies if, at a contested constituency election, proof is given to the CRO's satisfaction before the result of the election is declared that one of the persons named or to be named on the ballot papers as an independent candidate has died.

(2) Subject to this rule and rules 72 and 73, these Rules apply to the election as if the candidate had not died.

(3) The following provisions of these Rules do not apply in relation to the deceased candidate—

- (a) rule 41(1)(a) to (c) (admission to polling station: candidates, election agents and polling agents);
- (b) rule 54(3)(b) to (d) (attendance at counting of votes);
- (c) rule 66(6) (forfeiture of deposit).

(4) If only two persons are shown as standing nominated in the statement of persons nominated the returning officer must—

- (a) if polling has not begun, countermand the notice of poll;
- (b) if polling has begun, direct that the poll be abandoned;
- (c) subject to rule 76 (abandoned poll), treat the election as an uncontested election for the purposes of rule 62(2).

(5) For the purposes of paragraph (1), a person is named or to be named on the ballot papers as an independent candidate if the description on the candidate's nomination paper is the word "Independent" or the candidate has no description on that nomination paper.