

SCHEDULE 2

SCOTTISH LOCAL GOVERNMENT ELECTIONS RULES RULES FOR CONDUCT OF A SCOTTISH LOCAL GOVERNMENT ELECTION WHERE THE POLL IS NOT TAKEN TOGETHER WITH THE POLL AT ANOTHER ELECTION

PART III

CONTESTED ELECTIONS

Action to be taken before the poll

Notice of poll

17.—(1) Notice of the poll in the form in the Appendix to this Schedule, or a form to the like effect shall be published by the returning officer and the said notice, which may apply to one or more electoral wards, shall, except where in the circumstances it is not appropriate, be combined with the notice of an uncontested election to be given under rule 11 above.

(2) The names of the candidates in the notice of poll shall be arranged alphabetically in the order of their surnames and, if there are two or more candidates with the same surname, of their other names; and the names and other particulars of the candidates in the said notice (including where appropriate their present names and current address) shall be the same as in the ballot paper under the provisions of rule 13 above.

(3) The returning officer shall, not later than the time of the publication of the notice of the poll, also give public notice of—

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

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

Postal ballot papers

18. The returning officer shall as soon as practicable issue to those entitled to vote by post, a ballot paper and a declaration of identity in the form set out in the Appendix to this Schedule, or a form to the like effect, together with envelopes for their return.

Provision of polling stations

19.—(1) The returning officer shall provide a sufficient number of polling stations and, subject to the following provisions of this rule, shall allot the electors to the polling stations in such manner as the returning officer thinks most convenient, but it shall not be necessary that a polling station for an electoral ward or a polling district be within the electoral ward or polling district, as the case may be.

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

(3) The polling station allotted to electors from any parliamentary polling district wholly or partly within the electoral ward shall, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the electoral ward.

(4) The 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

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

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

(3) A presiding officer may do, by the clerks appointed to assist such presiding officer, any act (including the asking of questions) which such presiding officer 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 and notifications

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

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

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

(3) The official poll card or notification shall be in the form in the Appendix to this Schedule, or a form to the like effect, and shall include—

- (a) the name of the council and of the electoral ward to which a councillor is to be elected;
- (b) the elector's name, qualifying address and number in the register; and
- (c) the date and hours of the poll and the situation of the elector's polling station.

Equipment of polling stations

22.—(1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as the returning officer considers necessary.

(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 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 for the electoral ward or such part of it as contains the names of the electors allotted to the station;
- (d) the parts of any special lists prepared for the election corresponding to the register of electors for the electoral ward or the part of it provided under sub paragraph (c) above; and
- (e) copies of forms of declarations and other documents required for the purpose of the poll.

(4) A notice in the form in the Appendix to this Schedule, giving directions for the guidance of voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.

(5) In every compartment of every polling station there shall be exhibited the notice—

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“Vote for one candidate only. Put no other mark on each ballot paper, or your vote may not be counted.”.

- (6) The returning officer shall also provide each polling station with—
- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially-sighted; and
 - (b) a device of the description set out in paragraphs (7) to (12) below for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 32(1) below); and
 - (c) at least one notice—

“Make sure that the ballot paper is stamped with the official mark.”.

- (7) The device referred to in sub-paragraph 6(b) above shall be such that—

- (a) it satisfies the conditions in paragraphs (8) to (12) below;
- (b) a ballot paper can—
 - (i) be inserted into, and removed from, it; or
 - (ii) be attached to, and detached from, it; and
- (c) the ballot paper will remain firmly in place once inserted into, or attached to, the device.

(8) There shall be sufficient space to allow the particulars of each candidate named on the ballot paper to be shown clearly.

(9) There shall be a separate hole on the device for the name of each candidate named on the ballot paper.

(10) Each hole in the device shall be of equal size.

(11) Each hole shall be positioned to frame the space to the right of the particulars of the candidate on which the vote may be marked (“the relevant space”).

(12) Each hole shall be sufficiently large to allow a voter to mark a cross in the relevant space on the ballot paper.

Appointment of polling and counting agents

23.—(1) Each candidate 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 returning officer may limit the number of counting agents, but—

- (a) the number shall be the same in the case of each candidate; and
- (b) the number allowed to 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.

(3) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer and shall be so given not later than the Thursday before the day of election.

(4) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in such agent’s place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

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(5) The foregoing provisions of this rule shall be without prejudice to the requirements of section 72(1) of the Representation of the People Act 1983(1) 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 returning officer by the candidate's election agent, instead of by the candidate.

(6) In the following provisions of these Rules, references to polling agents 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.

(7) Any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice of appointment and, where a candidate has no counting agent, any such notice shall be given to the candidate.

(8) A candidate may do any act or thing which any polling or counting agent of such candidate, if appointed, would have been authorised to do, or may assist such agent in doing any such act or thing.

(9) A candidate's election agent may do or assist in doing anything which a polling or counting agent of such candidate 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 a candidate's election agent instead of such candidate's polling agent or counting agents.

(10) 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 agent or agents 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

24. The returning officer shall make such arrangements as the returning officer thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) (5) and (6) of section 66(2) of the Representation of the People Act 1983(3); 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 subsections (2) and (6) of that section.

(1) 1983 c. 2.

(2) Section 66(6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c. 50).

(3) 1983 c. 2.