

SCHEDULE 1

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

19.—(1) Notice of the poll in the form set out in Form 7, 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 12.

(2) Notwithstanding the generality of the foregoing paragraph, the notice of poll shall contain information about the number of councillors to be elected to the ward in question.

(3) The names of the candidates in the notice of poll shall be arranged in the same manner as they are arranged on the ballot paper in accordance with rule 14(2).

(4) 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

20.—(1) The returning officer shall as soon as practicable issue to those entitled to vote by post—

- (a) a ballot paper; and
- (b) a postal voting statement in the form set out in Form 8, or a form to the like effect,

together with envelopes for their return.

(2) The returning officer must, as is reasonably practicable, also issue to those entitled to vote by post information about how to obtain—

- (a) translations into languages other than English of any directions to or guidance for voters sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance; and
- (d) the directions or guidance in any other form (including any audible form).

Provision of polling stations

21.—(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 but it shall not

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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.

Appointment of presiding officers and clerks

22.—(1) The returning officer shall appoint and pay—

(a) a presiding officer to attend at each polling station; and

(b) 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 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 authorise the clerks appointed to assist such presiding officer to do 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 exclusion or removal of any person from the polling station.

Issue of official poll cards and notifications

23.—(1) The returning officer shall as soon as practicable after the issue of the notice of poll send to electors and their proxies an official poll card, an official postal poll card, an official poll card issued to the proxy of an elector and an official postal poll card issued to the proxy of an elector, as appropriate.

(2) An official poll card shall not be sent to a person registered, or to be registered, in pursuance of an overseas elector's declaration.

(3) 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.

(4) The official poll card, the official postal poll card, the official poll card issued to the proxy of an elector and the official postal poll card issued to the proxy of an elector shall be in the form set out in Forms 9, 10, 11 and 12 respectively, or a form to the like effect, and shall include—

(a) the name of the council and of the electoral ward to which councillors are to be elected and the number of councillors to be elected for that electoral ward;

(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

24.—(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) copies of the register of electors for the electoral ward or such part of it as contains the entries relating to the electors allotted to the station;
- (c) the parts of any lists of persons entitled to vote by post or by proxy prepared for the election corresponding to the register of electors for the electoral ward or the part of it provided under sub paragraph (b);
- (d) copies of forms of declarations and other documents required for the purpose of the poll; and
- (e) part two of the corresponding number list, which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(4) The reference in paragraph (3)(b) to the copies of the registers of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act in respect of alterations to the register.

(5) A notice in the form set out in Form 13, giving directions for the guidance of voters in voting, shall be printed

- (a) in conspicuous characters; and
- (b) in a graphical format,

and exhibited inside and outside every polling station and in every compartment of every polling station.

(6) The returning officer shall also provide each polling station with—

- (a) an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted; and
- (b) a device for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion.

(7) The returning officer may cause to be displayed at every polling station an enlarged sample copy of the ballot paper clearly marked as a specimen provided only for the guidance of voters and may include a translation of those words into such other languages as is reasonably practicable.

(8) The sample copy mentioned in paragraph (6)(a) and (7) must be clearly marked as a specimen provided only for the guidance of voters.

Appointment of polling and counting agents

25.—(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 the number shall be the same in the case of each candidate.

(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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(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.

(5) The foregoing provisions of this rule shall be without prejudice to the requirements of section 72(1) of the 1983 Act 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

26.—(1) The returning officer shall make such arrangements as are reasonably practicable to ensure that every person attending at a polling station has been given a copy in writing of the provisions of subsections (1), (3), (5) and (6) of section 66 of the 1983 Act and that every person attending at the counting of the votes has been given a copy in writing of subsections (2) and (6) of that section.

- (2) But these arrangements shall not apply to—
- (a) a person attending the polling station for the purpose of voting;
 - (b) a person under the age of 18 years of age accompanying a voter;
 - (c) a person assisting a voter with disabilities to vote; or
 - (d) a constable on duty at a polling station or at the count.