

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

General provisions

Poll to be by ballot

13. The votes at the poll shall be given by ballot, counted and the result shall be ascertained in accordance with this Part of this Schedule.

The ballot papers

14.—(1) The ballot of every voter shall consist of a ballot paper and the persons remaining validly nominated for the electoral ward after any withdrawals under these rules, and no other persons, shall be entitled to have their names inserted in the ballot paper.

(2) Every ballot paper shall be in the form set out in Form 4 or a form to the like effect and shall be printed in accordance with the directions in Form 5, and in accordance with sub paragraphs (a) to (e)–

- (a) the ballot paper shall contain the names, addresses and descriptions (if any) of the candidates as shown in their respective nomination papers and arranged alphabetically by surname;
- (b) where a commonly used surname or forename is stated by a candidate on that candidate's nomination paper in accordance with rule 4(3), the commonly used surname or forename (instead of any other name) shall appear on the ballot paper;
- (c) if there are two or more candidates with the same surname, they shall be arranged alphabetically in the order of their other names;
- (d) where a candidate is qualified as a registered local government elector and any of such candidate's names or such candidate's address has been changed between the qualifying date for the register and the last day for the submission of nomination papers, the ballot paper shall also, if so required by the candidate, give such candidate's present names and current address; and
- (e) the ballot paper shall have a letter or letters, number or numbers or combination of letter and number or letters and numbers and other unique identifying mark printed on the back.

(3) If a candidate who is the subject of a registered political party's authorisation under rule 4(5) to (7) so requests, the ballot paper shall contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(4) The request referred to in paragraph (3) must–

- (a) be made in writing to the returning officer; and
- (b) be received by the returning officer before the last time for the delivery of nomination papers set out in the timetable in rule 1.

Status: This is the original version (as it was originally made).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

(5) For the purposes of the last foregoing paragraph, the first valid nomination paper delivered at the place appointed for the delivery of nomination papers in respect of a candidate shall be deemed to be the nomination paper of that candidate.

Corresponding number list

15.—(1) The returning officer shall prepare a list (“the corresponding number list”) in accordance with paragraph (2).

(2) The corresponding number list shall—

- (a) be in two parts, part one containing the numbers and unique identifying marks of all ballot papers issued in pursuance of rule 20(1) and part two containing the numbers (but not the unique identifying marks) of all the ballot papers to be issued in pursuance of rule 24(1); and
- (b) be in the form set out in Form 6 or a form to the like effect.

Security marking

16.—(1) Every ballot paper must bear or contain—

- (a) a unique identifying mark; and
- (b) an official mark.

(2) The official mark shall be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at elections for the same local authority.

Prohibition of disclosure of vote

17. No person who has voted at the election shall, in any legal proceedings to question the election, be required to state for whom the person voted.

Use of schools and public rooms

18.—(1) The returning officer may use, free of charge, for the purpose of taking the poll or counting the votes—

- (a) a room in a school other than an independent school within the meaning of section 135 of the Education (Scotland) Act 1980⁽¹⁾; and
- (b) a room the expense of maintaining which is payable out of any rate,

provided that nothing in this paragraph shall authorise the use of a room used as part of a private dwellinghouse.

(2) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.

(3) The use of a room in an unoccupied house for that purpose or those purposes does not render a person liable to be rated or to pay any rate for the house.

(1) 1980 c. 44.