

## SCHEDULE 3

### MODIFICATION OF EUROPEAN PARLIAMENTARY ELECTIONS RULES FOR COMBINED POLLS

#### PART II

#### SCOTLAND

1. This Schedule applies in the circumstances set out in regulation 8 of these Regulations.
2. At the end of paragraph (2) of rule 19 (the ballot papers) add the following sub-paragraph:

“(e) shall be of a different colour from that of any ballot papers used at an election the poll for which is taken together with the poll for the European Parliamentary election.”.
3. At the end of rule 23 (notice of poll) add the following paragraph:

“(3) The notice published under paragraph (2) above shall, in addition:

  - (a) state that the poll at the European Parliamentary election is to be taken together with the poll at a parliamentary or, as the case may be, local government election;
  - (b) specify the relevant parliamentary constituency or, as the case may be, local authority and, in the case of a local government election to fill a casual vacancy, the electoral area for which the election is held; and
  - (c) where the polls are to be taken together in part of the European Parliamentary electoral region only, specify that part.”.
  4. At the end of rule 28 (issue of official poll cards) add the following paragraph:

“(5) An official poll card issued under this rule may be combined with an official poll card issued at a parliamentary election or, as the case may be, local government election.”.
  5. After paragraph (1) of rule 29 (equipment of polling stations) insert the following paragraph:

“(1A) The same ballot box shall be used for the poll at the European Parliamentary election and the poll at the parliamentary election or, as the case may be, local government election.”.
  6. For paragraph (5) of rule 29 substitute the following paragraph:

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

“EUROPEAN PARLIAMENTARY ELECTION  
([Specify colour] ballot paper)  
vote for one party or individual candidate only  
\*PARLIAMENTARY ELECTION  
([Specify colour] ballot paper)  
vote for one candidate only  
\*[Specify name of council]  
COUNCIL ELECTION  
([Specify colour] ballot paper)  
\*[vote for no more than |3dotnld||3dotnld| candidates]  
PUT NO OTHER MARK ON THE BALLOT PAPER

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OR YOUR VOTE MAY NOT BE COUNTED

*\*Delete as necessary*".

7. In paragraph (1)(b) of rule 30 (appointment of polling and counting agents) omit the words "the verification of the ballot paper accounts and" and in paragraph (2) of that rule omit the words "verification of the ballot papers accounts or".

8. At the end of paragraph (3) of rule 30 insert:

"Notices of the appointment of polling agents which are required by this paragraph and paragraph (4) below to be given to the local returning officer shall be given to the returning officer who discharges the functions specified in regulation 96 of the 1986 (Scotland) Regulations."

9. In rule 31(b) (notification of requirement of secrecy) the words "the verification of the ballot paper accounts or" and "(2A)" shall be omitted.

10. In question (ii) in sub-paragraphs (a) and (b) of paragraph (1) of rule 35 (questions to be put to voters) and in the second question in paragraph (2) of that rule, after the words "at this" insert "European Parliamentary".

11. At the end of rule 37 (voting procedure) add the following paragraph:

"(4) The same copy of the register may be used under paragraph (1) above for each election and one mark may be placed in that register under paragraph (1)(d) above or in the list of proxies under paragraph (1)(e) above to denote that a ballot paper has been received in respect of each election; except that, where a ballot paper has been issued in respect of one election only, a different mark shall be placed in the register or, as the case may be, list so as to identify the election in respect of which the ballot paper was issued."

12. At the end of paragraph (2) of rule 38 (votes marked by presiding officer) add:

"The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked."

13. At the end of paragraph (4) of rule 39 (voting by blind persons) add:

"The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that votes were so given in respect of each election, unless the list identifies the election at which the vote was given."

14. At the end of paragraph (3) of rule 40 (tendered ballot papers) add:

"The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was marked."

15. At the end of paragraph (1) of rule 42 (adjournment of poll in case of riot) add "who discharges the functions specified in regulation 96 of the 1986 (Scotland) Regulations".

16. After paragraph (1) of rule 43 (procedure on close of poll) insert:

"(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) above shall not be combined with the contents of packets made under the corresponding rule that applies at a parliamentary election or, as the case may be, local government election; nor shall the statement prepared under paragraph (3) below be so combined.

(1B) References to the returning officer in paragraph (1) above are references to the returning officer who discharges the functions specified in regulation 96 of the 1986 (Scotland) Regulations."

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17. Omit rules 43A (attendance at verification of the ballot paper accounts) and 43B (procedure at verification of the ballot paper accounts).

18. For paragraph (1) of rule 44 (attendance at counting of votes) substitute the following paragraph:

“(1) The local returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after–

- (a) at a by-election, the delivery of the ballot papers to him by the returning officer who discharges the functions specified in regulation 96 of the 1986 (Scotland) Regulations, or
- (b) at a general election of MEPs, that delivery or the material time, whichever is the later,

and shall give the returning officer and the counting agents notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which the count will take place.

The “material time” means the time when the counting of votes becomes permissible under article 9(2) of the Act referred to in section 8(2)(a) of the 1978 Act (counting not to begin until close of polling in the member State whose electors are the last to vote within the period referred to in article 9(1)).”.

19. For paragraph (1) of rule 45 (the count) substitute:

“(1) The local returning officer shall–

- (a) on receipt of the containers of ballot papers from the returning officer who discharges the functions specified in regulation 96 of the 1986 (Scotland) Regulations and after the time specified in the notice given under rule 44(1) (as substituted by Part II of Schedule 3 to the European Parliamentary Elections Regulations 1999) in the presence of the counting agents open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under regulation 76 of the 1986 (Scotland) Regulations, as applied by Schedule 2 to the European Parliamentary Elections Regulations 1999, count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.

(2) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the local returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.”.

20. In paragraph (4) of rule 45 after the word “while” insert “counting and recording the number of postal ballot papers and”.

21. In rule 55(1) (retention of documents) omit sub-paragraphs (c) and (e).

22. In the Appendix of forms for the form of direction for the guidance of the voters in voting substitute–

*“Form of directions for the guidance of the voters in voting*

#### **GUIDANCE FOR VOTERS AT COMBINED POLLS**

1. Make sure the ballot papers you are given are stamped with the official mark.
2. Go to one of the compartments. At a [parliamentary] [local government] election, mark a cross (X) in the box on the right-hand side of each ballot paper opposite the name of

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each candidate you are voting for. At a European Parliamentary election, mark a cross (X) in the box in the column of the party or individual candidate you are voting for.

3. Fold each ballot paper in two. Show the official mark on each ballot paper to the presiding officer, but do not let anyone see your vote. Put each ballot paper in the ballot box and leave the polling station.

4. Put only one mark on the ballot papers, or your votes may not be counted.

5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.

23. In the Appendix of forms, in the form of declaration to be made by the companion of a blind voter:—

- (a) after the words “election now being held in this European Parliamentary electoral region” insert “and the election now being held in this \*parliamentary constituency/ \*electoral area (\* delete whichever is inappropriate)”; and
- (b) for the words “said election” in both places where they occur substitute “said elections”.