

SCHEDULE 2

SCOTTISH PARLIAMENTARY ELECTION RULES

PART III

CONTESTED ELECTIONS

General Provisions

Poll to be taken by ballot

25.—(1) The votes at the poll for the return of a constituency member shall be given by ballot and the result shall be ascertained by counting the votes given to each candidate, and the candidate to whom the majority of votes has been given shall be declared to have been elected.

(2) The regional votes at a poll for the return of regional members shall be given by ballot, and the regional figure for each individual candidate and each registered party shall be ascertained by counting the regional votes given to each individual candidate and each registered party.

The ballot paper: constituency candidates

26.—(1) The ballot of every voter at a poll for the return of a constituency member shall consist of a ballot paper (referred to in these Rules as a “constituency ballot paper”).

(2) The persons shown in the statement required by rule 18 above and no others, shall be entitled to have their names inserted in the constituency ballot paper.

(3) Every constituency ballot paper shall be in the form N set out in the Appendix, and shall be printed in accordance with the directions in that form, and—

- (a) shall contain the names and other particulars of the candidates as shown in the statement required by rule 18 above;
- (b) shall be capable of being folded up;
- (c) shall have a number printed on the back; and
- (d) shall have attached a counterfoil with the same number printed on it.

(4) The order of the names in the constituency ballot paper shall be the same as in the statement required by rule 18 above.

(5) If a candidate who is the subject of a certificate under rule 7(1) above so requests, the ballot paper shall also contain, to the left of that candidate’s particulars, the party’s registered emblem (or, as the case may be, one of the party’s registered emblems).

(6) The request must—

- (a) be made in writing to the constituency returning officer; and
- (b) be received by him during the period for delivery of nomination papers set out in the Table in rule 1(1) above.

The ballot paper: regional candidates

27.—(1) The ballot of every voter at a poll for the return of regional members shall consist of a ballot paper (referred to in these Rules as a “regional ballot paper”).

(2) The only names, to be inserted in the regional ballot paper shall be the names of—

Status: This is the original version (as it was originally made).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

- (a) the individual candidates shown in the statement required by rule 19 above; and
 - (b) the registered parties shown in that statement together with the names of the candidates included in each party's regional list as indicated in the statement made under rule 6(4) above.
- (3) Every regional ballot paper shall be in the form O set out in the Appendix, and shall be printed in accordance with the directions in that form, and shall contain—
- (a) the names and descriptions of the individual candidates as shown in the statement required by rule 19 above; and
 - (b) the names of the registered political parties referred to in paragraph (2)(b) above (being, in each case, the name by which that party wishes to be known for the purposes of the election) as shown in the statement required by rule 19 above together with the names of the candidates included in each party's regional list.
- (4) The order of the names of the registered parties, together with the candidates appearing on their regional lists, and of the individual candidates in the regional ballot paper shall be the same as in the statement required by rule 19 above.
- (5) If a request has been made to the regional returning officer under rule 6(6) above that a registered party's registered emblem (or, as the case may be, one of the party's registered emblems) be shown on the ballot paper against that party's name, the ballot paper shall also contain, to the left of the party's name, that emblem.

Colour of ballot papers

28. The regional ballot paper shall be a different colour from the constituency ballot paper.

The official mark

29.—(1) Every ballot paper shall be marked with an official mark, which shall perforate the ballot paper.

(2) The official mark shall be kept secret, and an interval of not less than seven years shall intervene before the same official mark may be used at a poll for a Scottish parliamentary election held in that constituency.

(3) The official mark used for ballot papers issued for the purpose of voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.

Prohibition of disclosure of vote

30. No person who has voted at a Scottish parliamentary election shall, in any legal proceeding to question the election or return, be required to state the candidate for whom, or the registered party for which, he voted.

Use of schools and public rooms

31.—(1) At a Scottish parliamentary election the constituency returning officer may use, free of charge, for the purpose of taking the poll—

- (a) a room in a school to which this rule applies;
- (b) a room the expenses of maintaining which is payable out of any rate.

(2) This rule applies to a school other than a independent school within the meaning of the Education (Scotland) Act 1980.

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

(3) The constituency 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.