

## SCHEDULE 1

### SCOTTISH LOCAL GOVERNMENT ELECTIONS RULES

#### PART III

#### CONTESTED ELECTIONS

##### Action to be taken before the poll

##### Notice of poll

**20.**—(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 paragraph (1), 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

**21.**—(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 also issue to those entitled to vote by post such information as the returning officer thinks appropriate 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

**22.**—(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.

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

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(3) 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**

**23.—**(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**

**24.—**(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, in the case of Forms 9 and 11, the situation of the elector's polling station.

(5) In the case of an elector with an anonymous entry, instead of containing the information mentioned in paragraph (4)(b) the polling card shall contain such matter as is specified in Forms 9 to 12.

### **Equipment of polling stations**

**25.—**(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.

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- (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) A notice in the form set out in Form 13, or a form to the like effect, 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.
- (5) 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.
- (6) The returning officer shall 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.
- (7) The sample copy mentioned in paragraph (5)(a) and (6) must be clearly marked as a specimen provided only for the guidance of voters.

### **Appointment of polling and counting agents**

- 26.**—(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 fifth day before the day of the poll.
- (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) 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—

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- (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.

### **Requirement of secrecy**

27.—(1) The following persons attending at a polling station, namely—

- (a) a returning officer or a member of staff of a returning officer;
- (b) a presiding officer or clerk;
- (c) a candidate;
- (d) an election agent;
- (e) a polling agent;
- (f) a person attending by virtue of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000(1) (representatives of the Electoral Commission and accredited observers),

shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed the information described in paragraph (2).

(2) The information referred to in paragraph (1) is any information as to—

- (a) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
- (b) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
- (c) the official mark being used in accordance with rule 16(1).

(3) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—

- (a) ascertain or attempt to ascertain at the counting of the votes the number or other unique identifying mark on the back of any ballot paper;
- (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

(4) No person shall—

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(1) [2000 c.41](#); sections 6A to 6D were inserted by section 29 of the Electoral Administration Act [2006 \(c.22\)](#) and amended by section 11 of the [Local Electoral Administration \(Scotland\) Act 2011 \(asp 10\)](#).

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- (a) interfere with or attempt to interfere with a voter when the voter is recording the voter's vote;
  - (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
  - (c) communicate at any time to any person any information obtained in a polling station as to the candidate or candidates for whom a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of a ballot paper given to a voter at that station; or
  - (d) directly or indirectly induce a voter to display a ballot paper after the voter has marked it so as to make known to any person the name of the candidate or candidates for whom the voter has or has not voted.
- (5) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of voting and shall not—
- (a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark;
  - (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of any ballot paper sent to any person;
  - (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or
  - (d) attempt to ascertain at the proceedings in connection with the receipt of ballot papers the name of the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.
- (6) No person having undertaken to assist a voter with disabilities to vote shall communicate at any time to any person any information as to the name of the candidate or candidates for whom that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of a ballot paper given for the use of that voter.
- (7) No person may publish before the close of the poll—
- (a) any statement relating to the way in which voters have voted in the poll where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted; or
  - (b) any forecast or estimate as to the result of the election which is (or might reasonably be taken to be) based on information so given.
- (8) If a person acts in contravention of this rule that person shall be liable on summary conviction to a fine not exceeding the amount specified as level 5 on the standard scale or to imprisonment for a term not exceeding three months.
- (9) In this rule—
- (a) a voter with disabilities is a voter who has made a declaration under rule 35 that the voter is so incapacitated by blindness or other disability or by inability to read, as to be unable to vote without assistance;
  - (b) “publish” means make available to the public at large (or any section of the public), in whatever form and by whatever means; and
  - (c) the reference to the result of the election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election are concerned.

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(10) The returning officer shall make such arrangements as are reasonably practicable to ensure that every person attending a polling station and every person attending at the counting of the votes has been given a copy of these provisions.

(11) 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.