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**Changes to legislation:** There are currently no known outstanding effects for the Parliamentary Voting System and Constituencies Act 2011, Paragraph 46. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 7

#### COMBINATION OF POLLS: SCOTLAND

##### PART 1

###### PROVISION ABOUT COMBINATION

###### COUNTING OF VOTES

###### *Counting and separation of ballot papers by counting officer*

- 46 (1) As soon as practicable after the close of the poll the counting officer must—
- (a) in the presence of the counting agents, open the ballot boxes and count and record separately the number of referendum ballot papers, constituency ballot papers and regional ballot papers;
  - (b) where proceedings on the issue and receipt of postal ballot papers for the referendum and the Scottish parliamentary election are taken together by virtue of paragraph 2 of Schedule 4 to the 2010 Order, count the postal ballot papers that have been duly returned for the referendum, the constituency poll and the regional poll and record separately the number relating to each;
  - (c) where proceedings on the issue and receipt of postal ballot papers for the referendum and the Scottish parliamentary election are not taken together by virtue of paragraph 2 of Schedule 4 to the 2010 Order, count the duly returned referendum postal ballot papers and record the number;
  - (d) separate the referendum ballot papers, the constituency ballot papers and the regional ballot papers.
- (2) The counting officer must not count any tendered ballot papers.
- (3) The counting officer, while counting and recording the number of ballot papers, must—
- (a) keep the ballot papers with their faces upwards, and
  - (b) take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (4) The counting officer must, in the presence of the referendum agents and the election agents for the Scottish parliamentary election—
- (a) verify each ballot paper account by comparing it with the number of ballot papers recorded by the officer, and the unused and spoilt ballot papers in the officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list);

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- (b) draw up a separate statement as to the result of the verification in relation to each poll.
- (5) The counting officer must, on request, provide an election agent for the Scottish parliamentary election with a copy of the statement relating to that election.
- (6) A counting agent for the referendum present at the verification may copy the statement relating to the referendum.
- (7) Once the statement relating to the referendum is drawn up, the counting officer must—
  - (a) in the case of a voting area in a region for which a Regional Counting Officer is appointed, inform the Regional Counting Officer of the contents of the statement;
  - (b) in the case of any other voting area, inform the Chief Counting Officer of the contents of the statement.
- (8) Rule 40 of the referendum rules does not apply.

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