

SCHEDULE 5

COMBINATION OF POLLS

PART III

MODIFICATIONS OF THE SCOTTISH LOCAL GOVERNMENT ELECTIONS RULES 2002 TO APPLY WHERE THE POLL AT A LOCAL GOVERNMENT ELECTION IS TAKEN TOGETHER WITH A POLL AT A SCOTTISH PARLIAMENTARY ELECTION UNDER ARTICLE 14(1) OR (2)

Modifications of the local elections rules: general provision

22.—(1) Where the poll at a local government election is taken together with the poll at a Scottish parliamentary election under article 14(1) or (2), Schedule 2 to the Scottish Local Government Elections Rules 2002(1) shall have effect subject to the modifications set out in the remaining paragraphs of this Part.

(2) In this Part the rules referred to in sub-paragraph (1) above are referred to as “the local elections rules”.

Rule 1 of the local elections rules (timetable)

23. In rule 1 of the local elections rules, in the entry relating to polling, for “8.00 am and 9.00 pm” there shall be substituted “7.00 am and 10.00 pm”.

Rule 13 of the local elections rules (the ballot papers)

24.—(1) At the end of rule 13(2) of the local elections rules there shall be added—

“(e) shall be of a different colour from that of any ballot papers used at a Scottish parliamentary election the poll at which is taken together with the poll at the local government election.”.

(2) At the end of rule 13 of the local election rules there shall be added—

“(6) References to a Scottish parliamentary election in paragraph (2)(e) above and elsewhere in these Rules are to an election to the Scottish Parliament; and references to a Scottish parliamentary election (and to a poll at such an election) include a reference to Scottish parliamentary elections (and to polls at such elections) where the context so requires.”.

Rule 17 of the local elections rules (notice of poll)

25. At the end of rule 17 of the local elections rules there shall be added—

“(4) The notice published under paragraph (3) above shall—

- (a) state that the poll at the local government election is to be taken together with the poll at a Scottish parliamentary election;
- (b) specify the Scottish parliamentary constituency and region and the relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the other election is held; and

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- (c) where the polls are to be taken together in part of the local government area only, specify that part.”.

Rule 21 of the local elections rules (issue of official poll cards and notifications)

26. At the end of rule 21 of the local elections rules there shall be added–

“(4) An official poll card or notification issued under this rule may be combined with the official poll card or notification, as the case may be, issued at a Scottish parliamentary election.”.

Rule 22 of the local elections rules (equipment of polling stations)

27.—(1) After paragraph (1) of rule 22 of the local elections rules there shall be added–

“(1A) A different ballot box shall be used for the poll at the local government election from the ballot box or ballot boxes used for the Scottish parliamentary election.”.

(2) For rule 22(5) of the local elections rules there shall be substituted–

“(5) In every compartment of every polling station there shall be exhibited the notice–
“Vote once only on each ballot paper. Put no other mark on each ballot paper, or your vote may not be counted.”.”.

Rule 23 of the local elections rules (appointment of polling and counting agents)

28. At the end of rule 23(3) of the local elections rules there shall be added–

“Notices of the appointment of polling agents which are required by this paragraph and paragraphs (4) and (5) below to be given to the returning officer shall be given to that returning officer who discharges the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2002.”.

Rule 28 of the local elections rules (questions to be put to voters)

29. In question (ii) in sub-paragraphs (a) and (b) of paragraph (1) of rule 28 of the local elections rules and in the second question of paragraph (2) of that rule, after the words “this election” there shall be added the words “for this local government area”.

Rule 30 of the local elections rules (voting procedure)

30. At the end of rule 30 of the local elections rules there shall be added–

“(4) The same copy of the register of electors 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.”.

Rule 31 of the local elections rules (votes marked by presiding officer)

31. At the end of rule 31(2) of the local elections rules there shall be added–

“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.”.

Rule 32 of the local elections rules (voting by persons with disabilities)

32. At the end of rule 32(4) of the local elections rules there shall be added—
- “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 votes were so given in respect of each election, unless the list identifies the election at which the vote was so given.”.

Rule 33 of the local elections rules (tendered ballot papers)

33. At the end of rule 33(3) of the local election rules there shall be added—
- “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.”.

Rule 35 of the local elections rules (adjournment of poll in case of riot)

34. At the end of paragraph (1) of rule 35 of the local elections rules there shall be inserted the words “who discharges the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2002.”.

Rule 36 of the local elections rules (procedure on close of poll)

35. After rule 36(1) of the local elections rules there shall be added—
- “(1A) The contents of the packets referred to in paragraph (1)(b), (c) and (e) above shall not be combined with the contents of the packets made under the corresponding rule that applies at a Scottish parliamentary 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 paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2002.”.

Rule 37 of the local elections rules (attendance at counting of votes)

- 36.—(1) For rule 37(1) of the local elections rules there shall be substituted—
- “(1) Where the returning officer at the local government election does not discharge the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2002 he shall make arrangements for counting the votes in the presence of the counting agents after the delivery of the ballot papers to him by the returning officer who does discharge those functions, but not before 10.00 am on the day following the day of the poll, and shall give to 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 that count will take place.
- (1A) Where the returning officer at the local government election discharges the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2002, he shall make arrangements for discharging the functions under rule 38(1) (as substituted by paragraph 37 of Schedule 5 to that Order) in the presence of the counting agents appointed for the purposes of the local government election as soon as practicable after the close of the poll and for thereafter counting the votes at that election in the presence of those agents; and he shall give to those counting agents notice in writing of the time and place at which he will begin to discharge the functions under rule 38(1) (as so substituted).”.
- (2) In paragraph (2) of rule 37 before the words “at the counting of the votes” there shall be inserted the words “at the proceedings under rule 38(1) (as so substituted) or”.

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(3) In paragraph (3) of rule 37 before the words “counting of votes” in the first place where they occur, there shall be inserted the words “proceedings under rule 38(1) (as so substituted) or the,” and before the words “the efficient” there shall be inserted the words “the efficient separating of the ballot papers or, as the case may be,”.

Rule 38 of the local elections rules (the count)

37.—(1) For paragraph (1) of rule 38 of the local elections rules there shall be substituted the following paragraphs—

“(1) Where the returning officer at the local government election discharges the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2002, he shall—

- (a) in the presence of the counting agents appointed for the purposes of the local government election, open each ballot box;
- (b) separate the ballot papers relating to the local government election from the ballot papers relating to the Scottish parliamentary election;
- (c) in the presence of the counting agents appointed for the purpose of the local government election, record separately the number of ballot papers for the local government election;
- (d) if required to do so by a candidate or election agent in the presence of the election agents appointed for the purposes of the local government election verify each ballot paper account;
- (e) count such of the postal ballot papers for the local government election as have been duly returned and record separately the number counted at each election;
- (f) make up into packets the ballot papers for the Scottish parliamentary election and seal them up in separate containers endorsing on each a description of the polling station to which the ballot papers relate;
- (g) deliver, or cause to be delivered, to the constituency returning officer for the Scottish parliamentary election to which the ballot papers relate—
 - (i) those containers, together with a list of them and of the contents of each; and
 - (ii) the ballot paper accounts; and
- (h) at the same time deliver or cause to be delivered to that officer packets which so relate containing—
 - (i) the unused and spoilt ballot papers;
 - (ii) the tendered ballot papers;
 - (iii) the counterfoils of the used ballot papers; and
 - (iv) the certificates as to employment on duty on the day of the poll.

(1A) Where the returning officer at the local government election does not discharge the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2002, he shall—

- (a) following the receipt of containers from the returning officer who does discharge those functions but not before 10.00 am on the day following the day of the poll or the time specified in the notice given under rule 37(1) (as substituted by paragraph 36 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2002) in the presence of the counting agents open each container and record separately the number of ballot papers used in the election, checking the number against the ballot paper account;

- (b) if required to do so by a candidate or election agent in the presence of the election agents appointed for the purposes of the local government election verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record the number counted.”.

Rule 45 of the local elections rules (delivery of documents)

38. At the end of rule 45 of the local elections rules there shall be added–

“At an election where the returning officer does not discharge the functions specified in paragraph 2 of Schedule 5 to the Scottish Parliament (Elections etc.) Order 2002, this rule shall have effect as if sub paragraphs (c) and (e) were omitted.”.

Rule 48 of local elections rules (countermand or abandonment of poll on death of candidate)

39.—(1) At the end of rule 48(1) of the local elections rules there shall be added–

“Provided that neither the countermand of the poll at the local government election nor the direction that that poll be abandoned shall affect the poll at the Scottish parliamentary election.”.

(2) For rule 48(2) of the local elections rules there shall be substituted–

“(2) Where the poll at the local government election is abandoned by reason of a candidate’s death, no further ballot papers shall be delivered in any polling station and, at the close of the poll for the Scottish parliamentary election, the presiding officer shall take the like steps for the delivery to the returning officer of the ballot boxes and of ballot papers and other documents as he would be required to do if the poll at the local government election had not been abandoned, and the returning officer shall dispose of ballot papers used at the local government election (at which a candidate has died) as he is required to do on the completion in due course of the counting of the votes, but–

- (a) it shall not be necessary for any ballot paper account at that election to be prepared or verified; and
- (b) the returning officer, having separated the ballot papers relating to the Scottish parliamentary election shall take no step or further step for the counting of the ballot papers used at the local government election (at which a candidate has died) or of the votes and shall seal up all of those ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”.

Local elections rules: declaration of identity

40. In the Appendix of forms in Schedule 2 to the local elections rules, for the form of declaration of identity there shall be substituted form U or, as the case may be, Y set out in the Appendix to this Order.

Local elections rules: elector’s official poll card and notification

41. In the Appendix of forms in Schedule 2 to the local elections rules, in the form of an elector’s official poll card and the form of a proxy’s official notification for “8.00 am to 9.00 pm” there shall be substituted “7.00 am to 10.00 pm”.

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Local elections rules: declaration to be made by the companion of a voter with disabilities

42. In the Appendix of forms in Schedule 2 to the local elections rules, in the form of declaration to be made by the companion of a voter with disabilities, after “this election” wherever occurring add “and the election now being held in this Scottish parliamentary constituency”.