



# Referendums (Scotland) Act 2020

## 2020 asp 2

### *Conduct*

#### **9 Functions of the Chief Counting Officer and other counting officers**

- (1) The Chief Counting Officer is responsible for ensuring the proper and effective conduct of the referendum, including the conduct of the poll and the counting of votes, in accordance with this Act.
- (2) Each counting officer must—
  - (a) conduct the poll and the counting of votes cast in the local government area for which the officer is appointed in accordance with this Act, and
  - (b) certify—
    - (i) the number of ballot papers counted by the officer,
    - (ii) the number of votes cast in the area in favour of each answer to the referendum question, and
    - (iii) the number of rejected ballot papers.
- (3) A counting officer—
  - (a) must consult the Chief Counting Officer before making a certification under subsection (2)(b), and
  - (b) must not make the certification or any public announcement of the result of the count until authorised to do so by the Chief Counting Officer.
- (4) The Chief Counting Officer must, for the whole of Scotland, certify—
  - (a) the total number of ballot papers counted,
  - (b) the total number of votes cast in favour of each answer to the referendum question, and
  - (c) the total number of rejected ballot papers.
- (5) A counting officer must give the Chief Counting Officer any information which the Chief Counting Officer requires for the carrying out of the Chief Counting Officer's functions.
- (6) A counting officer must carry out the counting officer's functions under this Act in accordance with any directions given by the Chief Counting Officer.

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*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland) Act 2020, Section 9. (See end of Document for details)*

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- (7) Before giving a direction to a counting officer, the Chief Counting Officer must consult the Electoral Commission.
- (8) The Chief Counting Officer must not impose a requirement or give a direction that is inconsistent with this Act.
- (9) The Chief Counting Officer may—
  - (a) appoint such staff,
  - (b) require a council to provide, or ensure the provision of, such property, staff and services,as may be required by the Chief Counting Officer for the carrying out of the Chief Counting Officer's functions.
- (10) The council for the local government area for which a counting officer is appointed must provide, or ensure the provision of, such property, staff and services as may be required by the counting officer for the carrying out of the counting officer's functions.

**Changes to legislation:**

There are currently no known outstanding effects for the Referendums (Scotland) Act 2020, Section 9.