

Draft Order laid before the Scottish Parliament under section 16(5) of the Local Governance (Scotland) Act 2004 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2007 No.

REPRESENTATION OF THE PEOPLE

The Scottish Local Government Elections Order 2007

Made - - - -

Coming into force in accordance with article 1(2)

The Scottish Ministers, in exercise of the powers conferred by section 3 and section 16 of the Local Governance (Scotland) Act 2004⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Scottish Local Government Elections Order 2007.

(2) This Order shall come into force on 17th February 2007 except for the purposes of any election to be held on or before 2nd May 2007.

(3) This Order shall extend to Scotland only.

Interpretation

2. In this Order, unless the context otherwise requires—

“anonymous entry” in relation to a register of electors, shall be construed in accordance with section 9B of the 1983 Act and “the record of anonymous entries” means the record prepared in pursuance of regulations made by virtue of paragraph 8A of Schedule 2 to the 1983 Act;

“ballot paper account” has the meaning given in rule 39(3);

“companion” has the meaning given in rule 34(1);

“corresponding number list” means the list prepared in accordance with rule 15;

“completed corresponding number list” has the meaning given in rule 39(1);

“continuing candidate” means any candidate not deemed to be elected as a councillor and not excluded from the list of candidates under rule 50;

(1) 2004 asp 9. Section 3 was amended by section 34(6) of the [Local Electoral Administration and Registration Services \(Scotland\) Act 2006](#) (asp 14).

“council” means a council constituted by section 2 of the Local Government etc. (Scotland) Act 1994⁽²⁾;

“count” means all the operations involved in counting and crediting votes, including the ascertainment of the quota, the transfer of ballot papers and the exclusion of candidates;

“election court” means the court constituted under the 1983 Act for the trial of a petition questioning an election;

“election petition” means a petition presented in pursuance of Part III of the 1983 Act as that Act is applied by this Order;

“election” means an election under the Local Governance (Scotland) Act 2004 and, for the purposes of articles 1(2) and 6(2), an election under the Local Government etc. (Scotland) Act 1994;

“elector” means a person who is registered in the register (or, in the case of a person who has an anonymous entry in the register, in the record of anonymous entries) to be used at the election as a local government elector for the local government area in which the election is held and includes a person shown in the register as below voting age if (but only if) it appears from the register that such person will be of voting age on the day fixed for the poll;

“electoral registration officer” has the same meaning as in the 1983 Act;

“electronic counting system” means such computer hardware and software, other equipment, data and services as may be necessary in order to—

- (a) maintain a list of the areas in relation to which an election is being held by reference to ward barcodes on ballot papers issued to voters in relation to that area;
- (b) read electronically the votes marked and the unique identifying number on each ballot paper returned;
- (c) calculate the number of votes cast for each candidate at the election otherwise than on any spoilt, tendered or rejected ballot paper; and
- (d) ensure the retention of a record of the votes given for each candidate, without identifying the elector by whom, or on whose behalf, the votes were cast;

“list of proxies” has the meaning given by paragraph 5(3) of Schedule 4 to the Representation of the People Act 2000;

“local authority” means a council constituted by section 2 of the Local Government etc. (Scotland) Act 1994;

“local government area” is to be construed in accordance with section 1 (local government areas) of the Local Government etc. (Scotland) Act 1994;

“next available preference” means a preference which is the second or, as the case may be, subsequent preference in consecutive order for a continuing candidate (any preferences for any candidate who is deemed to be elected or is excluded from the list of candidates under rule 50 being ignored);

“non transferable paper” means a ballot paper on which there is no next available preference;

“proper officer” has the same meaning as in section 235(3) of the Local Government (Scotland) Act 1973⁽³⁾;

“postal voters list” means the list of persons kept in pursuance of paragraph 5(2) (persons whose applications to vote by post have been granted) of Schedule 4 to the Representation of the People Act 2000⁽⁴⁾;

(2) 1994 c. 39.

(3) 1973 c. 65.

(4) 2000 c. 2.

“proxy postal voters list” means the list of persons kept in pursuance of paragraph 7(8) (persons whose applications to vote by post as proxy have been granted) of Schedule 4 to the Representation of the People Act 2000;

“qualifying address” in relation to a person registered in the register of electors, is the address in respect of which that person is entitled to be so registered;

“quota” has the meaning given in rule 46;

“registered political party” means a party registered under Part II of the Political Parties, Elections and Referendums Act 2000(5);

“returning officer” means, in relation to an election, the returning officer appointed for the election under section 41(1) (duty of local authority to appoint returning officer for each local authority election) of the 1983 Act;

“special lists” means the lists kept under paragraph 5 of schedule 4 to the Representation of the People Act 2000(6);

“spoilt ballot paper” has the meaning given in rule 36;

“stage of the count” means—

- (a) the determination of the number of votes for each candidate as first preference;
- (b) the transfer of transferable papers from a candidate deemed to be elected who has a surplus; or
- (c) the exclusion of a candidate at any given time;

“surplus” means the number of votes, if any, by which the total number of votes credited to a candidate deemed to be elected as a councillor exceeds the quota;

“tendered ballot paper” has the meaning given in rule 35(1);

“tendered votes list” has the meaning given in rule 35(8);

“transferable paper” means a ballot paper on which a next available preference is given;

“transfer value” means the value of a vote on a ballot paper calculated in accordance with rule 48;

“unique identifying mark” means the mark (for example, a bar code, letter, number or numerical sequence) on a ballot paper which is unique to that ballot paper and which identifies that ballot paper as a ballot paper to be issued by the returning officer; and

“voter” means a person voting at an election and includes a person voting as proxy and “vote” (whether noun or verb) shall be construed accordingly except that any reference to an elector voting or an elector’s vote shall include a reference to an elector voting by proxy or an elector’s vote given by proxy.

(2) References in this Order to “rules” are references to the rules set out in Schedule 1 to this Order.

(3) References in this Order to “the 1983 Act” are references to the Representation of the People Act 1983(7).

(4) Any reference in this Order to a numbered article, rule or Schedule is a reference to the article, rule or Schedule, as the case may be, bearing that number in this Order and a reference to a numbered paragraph or sub paragraph is a reference to the paragraph or sub paragraph having that number in the article, rule or paragraph in which the reference appears.

(5) 2000 c. 41.

(6) 2000 c. 2.

(7) 1983 c. 2.

(5) A reference to a numbered Form is a reference to the form bearing that number as set out in Part VI of Schedule 1 or, as the case may be, a form substituted for any such form in accordance with article 3(2) and Schedules 2, 3 and 4.

(6) Where the timetable in rule 1(1) is modified in accordance with paragraphs (2) or (3) of rule 1 or a direction made under section 45 of the 1983 Act references to the “timetable in rule 1” are references to that timetable as so modified.

Local government elections rules

3.—(1) Subject to paragraph (2), elections of councillors for local government areas shall be conducted in accordance with the local government elections rules set out in Schedule 1 to this Order.

(2) In the application of the local government elections rules set out in Schedule 1 to this Order to any election where the poll is taken together with the poll at another election under section 15(1) or (2) of the Representation of the People Act 1985⁽⁸⁾ the modifications set out in Schedules 2, 3 and 4, to this Order shall apply.

Application of Part III of the Representation of the People Act 1983

4. Part III of the 1983 Act applies to elections of councillors for local government areas with exception of the following provisions—

- (a) sections 120 to 126;
- (b) section 128(3)(a) and (4);
- (c) sections 130 to 133;
- (d) sections 135 and 135A;
- (e) section 144; and
- (f) section 145A

Consequential amendment

5. In section 45 of the 1983 Act, for “this Act and the Local Government etc. (Scotland) Act 1994” substitute “this Act, the Local Government etc. (Scotland) Act 1994 and the Local Governance (Scotland) Act 2004”⁽⁹⁾.

Revocations

6.—(1) Subject to paragraph (2), the Scottish Local Government Elections Rules 2002⁽¹⁰⁾ and the Scottish Local Government Elections Amendment Rules 2002⁽¹¹⁾ are revoked on 17th February 2007.

(2) The Rules referred to in paragraph (1) shall continue to have effect on and after 17th February 2007, as they had effect immediately before that date, for the purposes of any election to be held on or before 2nd May 2007.

⁽⁸⁾ 1985 c. 50.

⁽⁹⁾ 2004 asp 9.

⁽¹⁰⁾ S.S.I. 2002/457 as amended by S.S.I. 2002/522.

⁽¹¹⁾ S.S.I. 2002/522.

St Andrew's House,
Edinburgh
2007

A member of the Scottish Executive

SCHEDULE 1

Article 3(1)

SCOTTISH LOCAL GOVERNMENT ELECTIONS RULES
RULES FOR CONDUCT OF A SCOTTISH LOCAL GOVERNMENT ELECTION WHERE
THE POLL IS NOT TAKEN TOGETHER WITH THE POLL AT ANOTHER ELECTION

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PART I

PROVISIONS AS TO TIME

Timetable

1.—(1) Subject to paragraphs (2) and (3), the proceedings at the election shall be conducted in accordance with the following table:—

Timetable

<i>Proceeding</i>	<i>Time</i>
1. Publication of notice of election	Not earlier than the twenty eighth day before the date of the poll and not later than the twenty first day before the date of the poll.
2. Delivery of nomination papers	Not later than 4 p.m. on any day after the date of the publication of the notice of election but not later than the sixteenth day before the date of the poll.
3. Delivery of notice of withdrawal of nomination	Within the time for the delivery of nomination papers at the election.
4. Notice in case of uncontested election and notice of poll in contested election	Not later than the Thursday before the day of election.
5. Polling	Between the hours of 7 a.m. and 10 p.m. on the date of the poll.

(2) At any election held under section 37 (*filling of casual vacancies*) of the Local Government (Scotland) Act 1973⁽¹²⁾, the timetable in paragraph (1) shall apply subject to any modifications necessary to secure completion of the proceedings listed in items 1 to 4 in the first column of that timetable, before the date fixed as the day of election by the returning officer under subsection (1) of the said section 37.

(3) At any election held under rule 60 (*countermand or abandonment of poll on death of candidate*), the timetable in paragraph (1) shall apply subject to any modifications necessary to secure completion of the proceedings listed in items 1 to 4 in the first column of that timetable, before the date fixed as the day of election by the returning officer under rule 60(1).

(4) At any election held under section 45 (*non election of local authority etc.*) of the 1983 Act, the timetable in paragraph (1) shall be subject to any direction made by the Scottish Ministers in exercise of the powers conferred by that section.

Computation of time

2.—(1) In computing any period of time for the purposes of the timetable—

- (a) a Saturday or Sunday;
- (b) Christmas Eve, Christmas Day, Good Friday or Easter Monday;
- (c) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971⁽¹³⁾; or
- (d) a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll.

(2) Nothing in this rule shall apply in relation to the counting of the votes and the other proceedings of the returning officer after the close of the poll or to things done by other persons in the course of those proceedings, but the returning officer shall not be obliged to proceed with the counting on any of the days mentioned in paragraph (1).

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

Notice of election

3.—(1) The returning officer shall publish notice of the election in the form set out in Form 1, or a form to the like effect, stating—

- (a) the place and times at which nomination papers are to be delivered;
- (b) that forms of such nomination papers may be obtained at that place and at those times; and
- (c) the date of the poll in the event of a contest.

(2) The notice of election shall state the day by which—

- (a) applications to vote by post or by proxy; and
- (b) other applications and notices about postal or proxy voting,

⁽¹²⁾ 1973 c. 65.

⁽¹³⁾ 1971 c. 80.

must reach the electoral registration officer in order that they may be effective for the election.

Nomination

Nomination of candidates

4.—(1) Each candidate shall be nominated by a separate nomination paper, in the form set out in Form 2, or a form to the like effect, delivered at the place fixed for the purpose by the returning officer.

(2) The nomination paper shall state the full name of the candidate (with the surname first) and the candidate's home address in full.

(3) If a candidate commonly uses a surname or forename which is different from any other surname or forename the candidate has, the nomination paper may state the commonly used surname or forename in addition to the other name.

(4) The particulars of a candidate given in a nomination paper may, if desired, include a description in addition to the particulars required by paragraphs (2) and (3); but the description (if any) must consist of either—

- (a) a description which is authorised as mentioned in paragraphs (5), (6) or (7); or
- (b) the word “Independent”.

(5) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with a registered political party unless the party is a qualifying party in relation to the local government area and the description is authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of the party; and
- (b) received by the returning officer at some time during the period for delivery of nomination papers set out in the timetable in rule 1.

(6) An authorised description may be either—

- (a) the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000⁽¹⁴⁾; or
- (b) a description of the party registered under section 28A of that Act.

(7) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to the local government area and the description is a registered description authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of each of the parties; and
- (b) received by the returning officer at some time during the period for delivery of nomination papers set out in the timetable in rule 1.

(8) For the purposes of paragraph (7), a description is a registered description if it is a description registered for the use by the parties under section 28B of the Political Parties, Elections and Referendums Act 2000.

(9) For the purposes of the application of this rule in relation to an election—

- (a) “registered political party” means a party which was registered under Part II of the Political Parties, Elections and Referendums Act 2000 on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at the election; and

⁽¹⁴⁾ 2000 c. 41.

- (b) a registered political party is a qualifying party in relation to a local government area if the party was on the relevant day registered in respect of Scotland in the Great Britain register mentioned under that Part of that Act.

Consent to nomination

5. A person shall not be validly nominated unless that person's consent to nomination is given in writing on the nomination paper on, or within one month before, the last day for the delivery of nomination papers.

Subscription of nomination paper

6.—(1) The nomination paper shall be subscribed by the candidate and by a witness to the candidate's signature.

(2) The returning officer—

- (a) shall supply any person with a nomination paper at the place and during the time for delivery of nomination papers; and
- (b) shall at any person's request prepare a nomination paper for signature,

but it is not necessary for a nomination to be on a form supplied by the returning officer.

(3) The nomination paper shall state the name and home address of the witness to the candidate's signature.

Decisions as to validity of nomination papers

7.—(1) Where a nomination paper is delivered in accordance with these rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the returning officer decides that the nomination paper is invalid;
- (b) proof is given to the returning officer's satisfaction of the candidate's death; or
- (c) the candidate withdraws.

(2) The returning officer is entitled to hold a nomination paper invalid only on one or more of the following grounds:—

- (a) the paper does not bear to be subscribed by the candidate;
- (b) the particulars of the candidate are not as required by these rules;
- (c) the paper does not bear to have been subscribed by a witness; or
- (d) the paper does not bear to include the name of the witness or the home address of the witness.

(3) Subject to paragraph (4) the returning officer shall examine each nomination and decide whether the candidate has been validly nominated—

- (a) as soon as practicable after delivery of the nomination paper; and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the timetable in rule 1.

(4) If in the returning officer's opinion a nomination paper contravenes rule 4(4) to (7), the returning officer shall give a decision to that effect—

- (a) as soon as practicable after the delivery of the nomination paper; and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the timetable in rule 1.

(5) Where the returning officer decides that a nomination paper is invalid, the returning officer shall endorse and sign on the paper the fact and the reasons for such decision.

(6) The returning officer shall send notice of such decision that a nomination paper is valid or invalid to each candidate at the candidate's home address as given in such nomination paper.

(7) The returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Withdrawal of candidates

8. A candidate may withdraw candidature by notice of withdrawal—

- (a) signed by such candidate and attested by one witness; and
- (b) delivered to the returning officer at the place for delivery of nomination papers.

Nomination in more than one electoral ward

9. If at an election of councillors for the council of a local government area a candidate is validly nominated for more than one electoral ward, such candidate shall withdraw from candidature in all but one of those electoral wards; and if such candidate does not so withdraw within the time for the delivery of notices of withdrawal, such candidate shall be deemed to have withdrawn as a candidate for election to that council.

Correction of errors in nomination papers

10.—(1) A returning officer may correct minor errors in a nomination paper before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the timetable in rule 1.

(2) Errors which may be corrected include—

- (a) errors as to a person's electoral number; and
- (b) obvious errors of spelling in relation to the details of a candidate.

(3) Anything done by a returning officer in pursuance of this rule shall not be questioned in any proceedings other than proceedings on an election petition.

Inspection of nomination papers

11. Any person may inspect and take copies of, or extracts from, nomination papers during ordinary office hours on any day, other than a day specified in rule 2(1), after expiry of the 24 hour period after the latest time for delivery of nomination papers but before the date of the poll.

Method of election and notice of uncontested election

12.—(1) If after the expiry of the time for the delivery of notices of withdrawal of nomination, more candidates remain validly nominated for an electoral ward than the number of councillors to be returned for that electoral ward, the councillors for that electoral ward shall be elected from among them at a poll under Part III of this Schedule.

(2) If the number of candidates validly nominated for an electoral ward as aforesaid is equal to, or less than, the number of councillors to be returned for that electoral ward, the returning officer shall cause public notice to be given that there will be no poll in that electoral ward, and that on

the day of election those candidates shall be declared elected in accordance with the provisions of paragraph (3).

(3) Where notice of an uncontested election has been given under paragraph (2), the returning officer shall—

- (a) not later than 11 a.m. on the day of election declare to be elected the validly nominated candidates referred to in the said notice of uncontested election;
- (b) give notice of the name of the persons to whom sub paragraph (a) applies to the proper officer of the council for which the election was held; and
- (c) give public notice of the name of such persons, and such public notice may be combined with a public notice given under rule 55.

(4) The public notice to be given under paragraph (2) shall be in the form as set out in Form 3, or a form to the like effect and shall, except where in the circumstances it is not appropriate, be combined with the public notice of poll to be given under rule 19.

PART III

CONTESTED ELECTIONS

General provisions

Poll to be by ballot

13. The votes at the poll shall be given by ballot, counted and the result shall be ascertained in accordance with this Part of this Schedule.

The ballot papers

14.—(1) The ballot of every voter shall consist of a ballot paper and the persons remaining validly nominated for the electoral ward after any withdrawals under these rules, and no other persons, shall be entitled to have their names inserted in the ballot paper.

(2) Every ballot paper shall be in the form set out in Form 4 or a form to the like effect and shall be printed in accordance with the directions in Form 5, and in accordance with sub paragraphs (a) to (e)—

- (a) the ballot paper shall contain the names, addresses and descriptions (if any) of the candidates as shown in their respective nomination papers and arranged alphabetically by surname;
- (b) where a commonly used surname or forename is stated by a candidate on that candidate's nomination paper in accordance with rule 4(3), the commonly used surname or forename (instead of any other name) shall appear on the ballot paper;
- (c) if there are two or more candidates with the same surname, they shall be arranged alphabetically in the order of their other names;
- (d) where a candidate is qualified as a registered local government elector and any of such candidate's names or such candidate's address has been changed between the qualifying date for the register and the last day for the submission of nomination papers, the ballot paper shall also, if so required by the candidate, give such candidate's present names and current address; and
- (e) the ballot paper shall have a letter or letters, number or numbers or combination of letter and number or letters and numbers and other unique identifying mark printed on the back.

(3) If a candidate who is the subject of a registered political party's authorisation under rule 4(5) to (7) so requests, the ballot paper shall contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(4) The request referred to in paragraph (3) must—

- (a) be made in writing to the returning officer; and
- (b) be received by the returning officer before the last time for the delivery of nomination papers set out in the timetable in rule 1.

(5) For the purposes of the last foregoing paragraph, the first valid nomination paper delivered at the place appointed for the delivery of nomination papers in respect of a candidate shall be deemed to be the nomination paper of that candidate.

Corresponding number list

15.—(1) The returning officer shall prepare a list (“the corresponding number list”) in accordance with paragraph (2).

(2) The corresponding number list shall—

- (a) be in two parts, part one containing the numbers and unique identifying marks of all ballot papers issued in pursuance of rule 20(1) and part two containing the numbers (but not the unique identifying marks) of all the ballot papers to be issued in pursuance of rule 24(1); and
- (b) be in the form set out in Form 6 or a form to the like effect.

Security marking

16.—(1) Every ballot paper must bear or contain—

- (a) a unique identifying mark; and
- (b) an official mark.

(2) The official mark shall be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at elections for the same local authority.

Prohibition of disclosure of vote

17. No person who has voted at the election shall, in any legal proceedings to question the election, be required to state for whom the person voted.

Use of schools and public rooms

18.—(1) The returning officer may use, free of charge, for the purpose of taking the poll or counting the votes—

- (a) a room in a school other than an independent school within the meaning of section 135 of the Education (Scotland) Act 1980⁽¹⁵⁾; and
- (b) a room the expense of maintaining which is payable out of any rate,

provided that nothing in this paragraph shall authorise the use of a room used as part of a private dwellinghouse.

(2) The 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 or counting the votes.

(15) 1980 c. 44.

(3) The use of a room in an unoccupied house for that purpose or those purposes does not render a person liable to be rated or to pay any rate for the house.

Action to be taken before the poll

Notice of poll

19.—(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 the foregoing paragraph, 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

20.—(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, as is reasonably practicable, also issue to those entitled to vote by post information 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

21.—(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 but it shall not be necessary that a polling station for an electoral ward or a polling district be within the electoral ward or polling district, as the case may be.

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

(3) The polling station allotted to electors from any parliamentary polling district wholly or partly within the electoral ward shall, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the electoral ward.

(4) 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

22.—(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

23.—(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 the situation of the elector's polling station.

Equipment of polling stations

24.—(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.

(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) The reference in paragraph (3)(b) to the copies of the registers of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act in respect of alterations to the register.
- (5) A notice in the form set out in Form 13, 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.
- (6) 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.
- (7) The returning officer may 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.
- (8) The sample copy mentioned in paragraph (6)(a) and (7) must be clearly marked as a specimen provided only for the guidance of voters.

Appointment of polling and counting agents

- 25.**—(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 Thursday before the day of election.
- (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) The foregoing provisions of this rule shall be without prejudice to the requirements of section 72(1) of the 1983 Act as to the appointment of paid polling agents, and 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—

- (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.

Notification of requirement of secrecy

26.—(1) The returning officer shall make such arrangements as are reasonably practicable to ensure that every person attending at a polling station has been given a copy in writing of the provisions of subsections (1), (3), (5) and (6) of section 66 of the 1983 Act and that every person attending at the counting of the votes has been given a copy in writing of subsections (2) and (6) of that section.

- (2) 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.

The poll

Admission to polling station

- 27.**—(1) The presiding officer shall exclude all persons from the polling station except—
- (a) voters;
 - (b) persons under the age of 18 who accompany voters to the polling station;
 - (c) the candidates and their election agents;
 - (d) the polling agents appointed to attend at the polling station;
 - (e) the clerks appointed to attend at the polling station;
 - (f) the constables on duty;
 - (g) the companions of voters with disabilities;
 - (h) the returning officer and the returning officer's staff; and

- (i) individuals or nominated members of organisations granted permission to observe in accordance with sections 8 and 9 of the Local Electoral Administration and Registration Services (Scotland) Act 2006⁽¹⁶⁾.
- (2) The presiding officer shall regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.
- (3) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.
- (4) A constable or person employed by a returning officer shall not be admitted to vote in person elsewhere than at the polling station allotted under these rules, except on production and surrender of a certificate as to such employment which shall be in the form set out in Form 14, or a form to the like effect, and signed by an officer of police of or above the rank of inspector or by the returning officer, as the case may be.
- (5) Any certificate surrendered under this rule shall forthwith be cancelled.

Keeping of order in station

- 28.**—(1) It is the presiding officer’s duty to keep order at the polling station.
- (2) If a person commits a misconduct in a polling station, or fails to obey the presiding officer’s lawful orders, such person may immediately, by the presiding officer’s order, be removed from the polling station—
- (a) by a constable in or near that station; or
 - (b) by any other person authorised in writing by the returning officer to remove such person, and the person so removed shall not, without the presiding officer’s permission, again enter the polling station during that day.
- (3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.
- (4) The powers conferred by this rule shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

- 29.** Immediately before the commencement of the poll, the presiding officer shall—
- (a) show each ballot box proposed to be used for the purposes of the poll empty to such persons, if any, as are present in the polling station, so that they may see that each box is empty;
 - (b) place the presiding officer’s seal on it in such a manner as to prevent it being opened without breaking the seal;
 - (c) place each box in the presiding officer’s view for the receipt of ballot papers; and
 - (d) keep it so sealed.

Questions to be put to voters

- 30.**—(1) At the time of the application for a ballot paper (but not afterwards), the questions specified in paragraph (3) shall be put by the presiding officer to the applicant if a candidate or a candidate’s election or polling agent requires the question to be put.

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(2) At the time of the application for a ballot paper (but not afterwards), the questions specified in paragraphs (3) and (4) may be put by the presiding officer to the applicant.

(3) The questions referred to in paragraphs (1) and (2) are—

<i>Person applying for ballot paper</i>	<i>Questions</i>
1. A person applying as an elector	<p>(a) (a) “Are you the person registered in the register of local government electors for this election as follows?” (<i>read the whole entry from the register</i>).</p> <p>(b) “Have you already voted at this election [<i>adding, in the case of an election for more than one electoral ward, in this or any other electoral ward</i>] otherwise than as proxy for some other person?”</p>
2. A person applying as proxy	<p>(a) (a) “Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?”</p> <p>(b) “Have you already voted at this election [<i>adding, in the case of an election for more than one electoral ward, in this or any other electoral ward</i>] as proxy on behalf of C.D.?”</p> <p>(c) “Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of C.D.?”</p>
3. A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2 above)	<p>(a) (a) “Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of local government electors is (<i>read out the number from the register</i>)?”</p> <p>(b) “Have you already voted here or elsewhere as proxy on behalf of the elector whose number on the register of local government electors is (<i>read out the number from the register</i>)?”</p> <p>(c) “Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of the person whose number on the register of local government electors is (<i>read out the number from the register</i>)?”</p>
4. Person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative	<p>“Have you already voted at this election [<i>adding, in the case of an election for more than one electoral ward, in this or any other electoral ward</i>] on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild?”</p>

(4) The questions referred to in paragraph (2) are—

<i>Person applying for ballot paper</i>	<i>Questions</i>
1. A person applying as an elector in relation to whom there is an entry in the postal voters list	(a) (a) “Did you apply to vote by post?” (b) “Why have you not voted by post?”
2. A person applying as proxy who is named in the proxy postal voters list	(a) (a) “Did you apply to vote by post as proxy?” (b) “Why have you not voted by post as proxy?”

(5) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and (b) to reading from the register must be taken as references to reading from the notice issued under section 13B(3B) or (3D).

(6) A ballot paper shall not be delivered to any person required to answer the above questions or any of them unless such person has answered the questions or question satisfactorily.

(7) Except as authorised by this rule, no inquiry shall be permitted as to the right of any person to vote.

Challenge of voter

31. A person shall not be prevented from voting by reason only that—

- (a) a candidate or that candidate’s election or polling agent has reasonable cause to believe that the person has committed an offence of personation and makes a declaration to that effect; or
- (b) the person is arrested on the grounds of being suspected of committing or of being about to commit such an offence.

Voting procedure

32.—(1) A ballot paper shall be delivered to a voter who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors shall be called out;
- (b) the number of the elector shall be marked on part two of the corresponding number list mentioned beside the number of the ballot paper to be issued to the elector;
- (c) a mark shall be placed in the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against that person’s name in the list of proxies.

(2) In the case of an elector who has an anonymous entry, the elector’s official poll card must be shown to the presiding officer and only the elector’s number shall be called out in pursuance of paragraph (1)(a).

(3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—

- (a) in sub paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (b) in sub paragraph (c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark the voter's ballot paper and put the ballot paper into the ballot box in the presiding officer's presence.

(5) The voter shall vote without undue delay, and shall leave the polling station as soon as the voter has put the ballot paper into the ballot box.

Votes marked by presiding officer

33.—(1) The presiding officer, on the application of a voter—

- (a) who is incapacitated by blindness or other disability from voting in manner directed by these rules; or
- (b) who declares orally an inability to read,

shall, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in these rules called "the list of votes marked by the presiding officer") and in the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (2) applies as if for "on the register of electors of every voter" there were substituted "relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act".

Voting by persons with disabilities

34.—(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other physical disability; or
- (b) inability to read,

to vote with the assistance of another person by whom such voter is accompanied (in these rules referred to as "the companion"), the presiding officer shall require the voter to declare, orally or in writing, whether such voter is so disabled by blindness or other disability, or by inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these rules referred to as "the declaration made by the companions of voters with disabilities") that the companion—
 - (i) is a qualified person within the meaning of this rule, and
 - (ii) has not previously assisted more than one voter with disabilities to vote at the election,

the presiding officer shall grant the application, and then anything which is by these rules required to be done to or by that voter in connection with the giving of that voter's vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these rules, a person is a voter with disabilities if such person has made such a declaration as is mentioned in paragraph (1), and a person shall be qualified to assist a voter with disabilities to vote if that person—

- (a) is a person who is entitled to vote as an elector at the election; or

(b) is the father, mother, brother, sister, husband, wife, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered on a list (in these rules referred to as “the list of voters with disabilities assisted by companions”) and in the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.

(5) In paragraph (4), where the voter being assisted by a companion has an anonymous entry, only the voter’s number in the register of electors shall be entered on the list of voters with disabilities assisted by companions.

(6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(7) The declaration made by the companion under paragraph (2)(b)–

(a) shall be in the form set out in Form 15; and

(b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

(8) No fee or other payment shall be charged in respect of the declaration.

Tendered ballot papers

35.—(1) If a person, representing to be–

(a) a particular elector named on the register and not named in the special lists; or

(b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or the elector’s proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if–

(a) a person applies for a ballot paper representing that the person is a particular elector named on the register;

(b) the person is also named in the postal voters list; and

(c) the person claims that no application to vote by post at the election was made by that person.

(3) Paragraph (4) also applies if–

(a) a person applies for a ballot paper representing that the person is a particular person named as a proxy in the list of proxies;

(b) the person is also named in the proxy postal voters list; and

(c) the person claims that no application to vote by post as proxy was made by that person.

(4) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a tendered ballot paper in the same manner as any other voter.

(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents that the person is—

- (a) a particular elector named on the register and who is also named in the postal voters list; or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that the person has lost or has not received the postal ballot paper.

(6) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a tendered ballot paper in the same manner as any other voter.

(7) A tendered ballot paper shall—

- (a) be of a colour differing from the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by the presiding officer with the name of the voter and the voter's number in the register of electors, and set aside in a separate packet.

(8) The name of the voter and the voter's number on the register of electors shall be entered on a list (in these rules referred to as the "tendered votes list") and the voter must sign the list opposite the entry relating to that elector.

(9) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter's name shall be the number of that elector.

(10) This rule applies to an elector who has an anonymous entry subject to the following modifications—

- (a) in paragraphs (7)(b) and (8) the references to the name of the voter must be ignored;
- (b) otherwise, a reference to a person named on a register or list must be construed as a reference to a person whose number appears on the register or list (as the case may be).

(11) This rule applies in the case of a person in respect of whom a notice has been issued under section 13(3B) or (3D) of the 1983 Act as if—

- (a) in paragraphs (1)(a), (2)(a) and (5)(a) for "named on the register" there were substituted "in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued";
- (b) in paragraph (7)(b) for "the voter's number in the register of electors" there were substituted "the number relating to that person on a notice issued under section 13B(3B) or (3D) of the 1983 Act"; and
- (c) in paragraph (8) for "the voter's number on the register of electors" there were substituted "the number relating to that person on a notice issued under section 13B(3B) or (3D) of the 1983 Act."

Spoilt ballot papers

36. A voter who has inadvertently dealt with a ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to the presiding officer's satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these rules the ballot paper so delivered is referred to as a "spoilt ballot paper"), and the spoilt ballot paper shall be immediately cancelled.

Correction of errors on day of poll

37. The presiding officer shall keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

Adjournment of poll in case of riot

38.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings until the following day and shall forthwith give notice to the Returning officer.

(2) Where the poll is adjourned at any polling station—

- (a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and
- (b) references in these rules to the close of the poll shall be construed accordingly.

Procedure on close of poll

39.—(1) As soon as practicable after the close of the poll the presiding officer shall, in the presence of the polling agents, using the presiding officer's own seal and the seals of such polling agents as desire to affix their seals, seal each ballot box in use at the station so as to prevent the introduction of additional ballot papers and thereafter separate and make up into separate packets, sealed with the presiding officer's own seal and the seals of such polling agents as desire to affix their seals—

- (a) the unused and spoilt ballot papers placed together;
- (b) the tendered ballot papers;
- (c) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies;
- (d) the certificates as to employment on duty on the day of the poll;
- (e) part two of the corresponding number list completed in accordance with rule 32(1)(b) (referred to in these rules as “the completed corresponding number list”);
- (f) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, the list maintained under rule 37 and the declarations made by the companions of voters with disabilities; and
- (g) any postal ballot paper or postal voting statement returned to the station in terms of rule 42(2),

and shall deliver the sealed ballot boxes or packets or cause them to be delivered to the returning officer to be taken charge of by the returning officer; but if the sealed ballot boxes or packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer's approval.

(2) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the lists mentioned in paragraph (1)(e) or the certificates as to employment on duty on the day of the poll.

(3) The packets shall be accompanied by a statement (in these rules referred to as the “ballot paper account”) made by the presiding officer, showing the number of ballot papers entrusted to the presiding officer and accounting of them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

Counting of votes

Attendance at counting of votes

40.—(1) The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the counting

agents notice in writing of the time and place at which the returning officer will begin to count the votes.

- (2) No person other than—
- (a) the returning officer and the returning officer's staff;
 - (b) the candidates and one guest each;
 - (c) the election agents;
 - (d) the counting agents;
 - (e) persons performing duties under a contract for services entered into in connection with the conduct of or administration of the election; and
 - (f) individuals or nominated members of organisations granted permission to observe in accordance with sections 8 and 9 of the Local Electoral Administration and Registration Services (Scotland) Act 2006⁽¹⁷⁾,

may be present at the counting of the votes, unless permitted by the returning officer to attend.

(3) A person may only be permitted by the returning officer to attend at the counting of the votes if the returning officer—

- (a) is satisfied that the efficient counting of the votes will not be impeded; and
- (b) has either consulted the election agents or thought it impracticable to do so.

(4) The returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as the returning officer can give them consistently with the orderly conduct of the proceedings and the discharge of the returning officer's duties in connection with them.

Electronic counting

41.—(1) Subject to paragraph (3), the returning officer shall provide an electronic counting system and the count shall be conducted by means of such electronic counting system.

(2) For the purposes of enabling the count to be conducted using the electronic counting system the returning officer may carry out any functions or perform any procedure to be undertaken in connection with the count by electronic means and the references to ballot papers and parcels of ballot papers shall include references to such ballot papers or parcels in electronic form.

(3) If it proves impossible or impracticable to conduct the count, or some or all of the operations comprising the count, using the electronic counting system, the returning officer may make arrangements for the count, or such operations, as the case may be, to be conducted by other means.

The count

42.—(1) The returning officer shall—

- (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in it, checking the number against the ballot paper account;
- (b) if required to do so by a candidate or an election agent, in the presence of the election agents verify each ballot paper account; and
- (c) count such of the postal ballot papers as have been duly returned and record the number counted.

(2) A postal ballot paper shall not be deemed to be duly returned unless it is returned—

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- (a) by hand to a polling station in the same local government area; or
- (b) by hand or post to the returning officer,

before the close of the poll and is accompanied by the postal voting statement duly signed.

(3) The returning officer shall not count any tendered ballot paper.

(4) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall take all proper precautions for preventing any person from identifying the voter who cast the vote.

(5) Where under paragraph (1)(b) the returning officer is required to verify each ballot paper account, the returning officer shall do so by comparing it with the number of ballot papers recorded, the unused and spoilt ballot papers in the returning 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) and shall draw up a statement as to the result of the verification, which any election agent may copy.

(6) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the returning officer may, insofar as the returning officer and the agents agree, exclude any hours between 7 p.m. and 9 a.m. on the following morning and for the purposes of this exception the agreement of a candidate or such candidate's election agent shall be as effective as the agreement of such candidate's counting agents.

(7) During the time so excluded the returning officer shall—

- (a) place the ballot papers and other documents relating to the election under the returning officer's own seal and the seals of such of the counting agents as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

Rejected ballot papers

43.—(1) Any ballot paper—

- (a) which does not bear a unique identifying mark in a form that is capable of being read by electronic means;
- (b) on which the figure “1” standing alone is not placed so as to indicate a first preference for some candidate;
- (c) on which the figure “1” standing alone indicating a first preference is set opposite the name of more than one candidate;
- (d) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back; or
- (e) which is unmarked or void for uncertainty,

shall, subject to paragraph (2), be void and not counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place;
- (b) otherwise than by means of a figure indicating a first or subsequent preference; or
- (c) by more than one mark,

shall not for such reason be deemed to be void by reason only of indicating a preference by the use of words (or any other mark) instead of figures, if in the opinion of the returning officer the word or mark clearly indicates a preference or preferences, and the way the paper is marked does not itself identify the voter and it is not shown that such voter can be identified by it.

(3) The returning officer shall endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words “rejection objected to” if any objection is made by a counting agent to such decision.

(4) The returning officer shall draw up a statement showing the number of ballot papers rejected under each of sub paragraphs (a) to (e) of paragraph (1).

Decisions on ballot papers

44. The decision of the returning officer, whether express or implied, on any question arising in respect of a ballot paper, the exclusion of a candidate or the transfer of votes shall be final, but shall be subject to review on an election petition.

First stage

45.—(1) The returning officer shall sort the valid ballot papers into parcels according to the candidates for whom first preference votes are given.

(2) The returning officer shall then—

- (a) count the number of ballot papers in each parcel;
- (b) credit the candidate receiving the first preference vote with one vote for each ballot paper; and
- (c) record those numbers.

(3) The returning officer shall also ascertain and record the total number of valid ballot papers.

The quota

46.—(1) The returning officer shall divide the total number of valid ballot papers for the electoral ward by a number exceeding by one the number of councillors to be elected at the election for that electoral ward.

(2) The result of the division under paragraph (1) (ignoring any decimal places), increased by one, is the number of votes needed to secure the return of a candidate as a councillor (in these rules referred to as the “quota”).

Return of councillors

47.—(1) Where, at any stage of the count, the number of votes for a candidate equals or exceeds the quota, the candidate is deemed to be elected.

(2) A candidate is returned as a councillor when declared to be elected in accordance with rule 55(a).

Transfer of ballot papers

48.—(1) Where, at the end of any stage of the count, the number of votes credited to any candidate exceeds the quota and, subject to rules 49 and 52, one or more vacancies remain to be filled, the returning officer shall sort the ballot papers received by that candidate into further parcels so that they are grouped—

- (a) according to the next available preference given on those papers; and
- (b) where no such preference is given, as a parcel of non transferable papers.

(2) The returning officer shall, in accordance with this rule and rule 49, transfer each parcel of ballot papers referred to in paragraph (1)(a) to the continuing candidate for whom the next available

preference is given on those papers and shall credit such continuing candidates with an additional number of votes calculated in accordance with paragraph (3).

(3) The vote on each ballot paper transferred under paragraph (2) shall have a value (“the transfer value”) calculated as follows—

A divided by B

Where

A = the value which is calculated by multiplying the surplus of the transferring candidate by the value of the ballot paper when received by that candidate; and

B = the total number of votes credited to that candidate,

the calculation being made to five decimal places (any remainder being ignored).

(4) For the purposes of paragraph (3)—

(a) “transferring candidate” means the candidate from whom the ballot paper is being transferred; and

(b) “the value of the ballot paper” means—

(i) for a ballot paper on which a first preference vote is given for the transferring candidate, one; and

(ii) in all other cases, the transfer value of the ballot paper when received by the transferring candidate.

Transfer of ballot papers – supplementary provisions

49.—(1) If, at the end of any stage of the count, the number of votes credited to two or more candidates exceeds the quota the returning officer shall—

(a) first sort the ballot papers of the candidate with the highest surplus; and

(b) then transfer the transferable papers of that candidate.

(2) If the surpluses determined in respect of two or more candidates are equal, the transferable papers of the candidate who had the highest number of votes at the end of the most recent preceding stage at which they had unequal numbers of votes shall be transferred first.

(3) If the numbers of votes credited to two or more candidates were equal at all stages of the count, the returning officer shall decide, by lot, which candidate’s transferable papers are to be transferred first.

Exclusion of candidates

50.—(1) If, one or more vacancies remain to be filled and—

(a) the returning officer has transferred all ballot papers which are required by rule 48 or this rule to be transferred; or

(b) there are no ballot papers to be transferred under rule 48 or this rule,

the returning officer shall exclude from the election at that stage the candidate with the then lowest number of votes.

(2) The returning officer shall sort the ballot papers for the candidate excluded under paragraph (1) into parcels so that they are grouped—

(a) according to the next available preference given on those papers; and

(b) where no such preference is given, as a parcel of non transferable papers.

(3) The returning officer shall, in accordance with this article, transfer each parcel of ballot papers referred to in paragraph (2)(a) to the continuing candidate for whom the next available preference is given on those papers and shall credit such continuing candidates with an additional number of votes calculated in accordance with paragraph (4).

(4) The vote on each ballot paper transferred under paragraph (3) shall have a transfer value of one unless the vote was transferred to the excluded candidate in which case it shall have the same transfer value as when transferred to the candidate excluded under paragraph (1).

(5) This rule is subject to rule 52.

Exclusion of candidates – supplementary provisions

51.—(1) If, when a candidate has to be excluded under rule 50–

- (a) two or more candidates each have the same number of votes; and
- (b) no other candidate has fewer votes,

paragraph (2) applies.

(2) Where this paragraph applies–

- (a) regard shall be had to the total number of votes credited to those candidates at the end of the most recently preceding stage of the count at which they had an unequal number of votes and the candidate with the lowest number of votes at that stage shall be excluded; and
- (b) where the number of votes credited to those candidates was equal at all stages, the returning officer shall decide, by lot, which of those candidates is to be excluded.

Filling of last vacancies

52.—(1) Where the number of continuing candidates is equal to the number of vacancies remaining unfilled, the continuing candidates are deemed to be elected.

(2) Where the last vacancies can be filled under this rule, no further transfer shall be made.

Re count

53.—(1) A candidate or such candidate’s election agent may, if present when the counting or re counting of the votes is completed, require the returning officer to have the votes re counted or again re counted but the returning officer may refuse to do so if in the returning officer’s opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re counting of votes until the candidates and election agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Counting of votes by means other than electronic counting

54.—(1) Where in accordance with rule 41(3) the returning officer makes arrangements for the count to be conducted other than by means of an electronic counting system these rules shall apply with the following modifications–

- (a) in rule 42 after paragraph (1) insert–

(1A) The returning officer shall not count the votes given on any ballot papers until the ballot papers from a ballot box have been mixed with at least one other ballot box.;

- (b) in rule 43 for paragraph (1)(a) substitute, “(a) which does not bear or contain an official mark;”;

- (c) in rule 52 after paragraph (1) insert–

“(1A) Where only one vacancy remains unfilled and the number of votes then credited to any one continuing candidate (“the highest continuing candidate”) is equal to or greater than the total number of votes then credited to all the other continuing candidates, the highest continuing candidate is deemed to be elected.”;

- (d) in rule 56–
 - (i) for paragraph (1) substitute–

“(1) On the completion of the counting at a contested election, the returning officer shall seal up in separate packets the counted and registered ballot papers;”;

and
 - (ii) omit paragraph (3); and
- (e) in the directions as to the printing of the ballot paper in the Appendix, omit paragraph 8.

Declaration of result

55. In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith–

- (a) declare to be elected the candidates who have been deemed to be elected as councillors under this Part;
- (b) give notice of the names of the candidate elected to the proper officer of the council for which the election was held; and
- (c) give public notice of–
 - (i) the name of the candidates elected;
 - (ii) the number of first and subsequent preference votes for each candidate;
 - (iii) the numbers of ballot papers transferred and their transfer values at each stage of the count;
 - (iv) the number of votes credited to each candidate at each stage of the count;
 - (v) the number of non transferable ballot papers at each stage of the count; and
 - (vi) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

PART IV

DISPOSAL OF DOCUMENTS

Sealing up of ballot papers

56.—(1) On the completion of the counting at a contested election the returning officer shall seal up in packets the ballot papers and a complete electronic copy of the information stored in the electronic counting system held in a device suitable for the purposes of its storage.

- (2) The returning officer shall not open the sealed packets of–
 - (a) tendered ballot papers;
 - (b) the completed corresponding number lists;
 - (c) certificates as to employment on duty on the day of the poll; or

- (d) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act⁽¹⁸⁾) and lists of proxies.

(3) As soon as reasonably practicable after the electronic copy mentioned in paragraph (1) has been stored in accordance with that paragraph, the returning officer shall procure that all original electronic data or records relating to the election is removed from the electronic counting system and that it (and any copy of that data or records other than a copy made pursuant to rule 56(1)) is destroyed in a manner which ensures that the confidentiality of the data or records is preserved.

Delivery of documents

57. The returning officer shall then forward to the proper officer of the council for which the election was held the following documents:—

- (a) the packets of ballot papers in the returning officer's possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of any verification of the ballot paper accounts;
- (c) the tendered votes list, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer, the lists maintained under rule 37, and the declarations made by the companions of voters with disabilities;
- (d) the packets of the completed corresponding number lists;
- (e) the packets of certificates as to employment on duty on the day of the poll;
- (f) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act and of the postal voters list, of lists of proxies and of the proxy postal voters list; and
- (g) the electronic copy of information made pursuant to rule 56(1),

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the electoral ward for which the election was held.

Orders for production of documents

58.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the proper officer of the council;
- (b) for the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in such officer's custody; or
- (c) for the inspection or production of information held on an electronic copy of information made pursuant to rule 56(1),

may be made by the sheriff principal having jurisdiction in the local government area and, where more than one sheriff principal has jurisdiction in the said area, by any such sheriff principal, on being satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An order for the opening of a sealed packet of the completed corresponding number lists or of certificates or for the inspection of any counted ballot papers or information held on an electronic copy information made pursuant to rule 56(1) in the custody of the proper officer of the council may be made by an election court.

(3) An order under this rule may be made subject to such conditions as to—

⁽¹⁸⁾ 1983 c. 2.

- (a) persons;
- (b) time;
- (c) place and mode of inspection; and
- (d) production or opening,

as the sheriff principal or election court making the order may think expedient; but in making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates or for the inspection of counted ballot papers or information held on an electronic copy information made pursuant to rule 56(1), care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

- (i) that such vote was given; and
- (ii) that such vote has been declared by a competent court to be invalid.

(4) An appeal lies to the Court of Session from any order of a sheriff principal under this rule.

(5) Any power given under this rule to a sheriff principal may be exercised otherwise than in open court.

(6) Where an order is made for the production by the proper officer of the council of any document in such officer's possession relating to any specified election—

- (a) the production by such officer or the officer's agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and
- (b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of—

- (a) a ballot paper purporting to have been used at any election; and
- (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry in the register of electors or on a notice issued under section 13B(3B) or (3D) of the 1983 Act at the time of the election contained the same number as the number written as mentioned in sub paragraph (b).

(8) Except as provided by this rule, no person shall be allowed to—

- (a) inspect any rejected or counted ballot papers in the possession of the proper officer of the council or any information held on an electronic copy made pursuant to rule 56(1); or
- (b) open any sealed packet of the completed corresponding number list or of certificates.

Retention of documents

59. The proper officer of the council shall retain amongst the records of the council—

- (a) for one year all documents; and
- (b) for four years all electronic copies of information made under rule 56(1)(a)

relating to an election forwarded to such officer in pursuance of these rules by a returning officer, and at the expiry of that period of one or four years, as the case may be, shall, unless otherwise directed by an order of a sheriff principal or an election court, cause them to be destroyed.

PART V

DEATH OF CANDIDATE

Countermand or abandonment of poll on death of candidate

60.—(1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers for a particular electoral ward has died, then the returning officer shall countermand notice of the poll for that electoral ward or, if polling has begun, direct that the poll be abandoned, and the returning officer shall order an election to fill any vacancy which remains unfilled to be held on a day appointed by the returning officer. That day shall be within the period of 35 days (computed according to rule 2) beginning with the day fixed as the day of the election for the first-mentioned election.

(2) Where the poll is abandoned by reason of a candidate's death, the proceedings at or consequent on that poll shall be interrupted and the presiding officer at any polling station shall take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as such officer is required to take on the close of the poll in due course, and the returning officer shall dispose of ballot papers and other documents in the returning officer's possession as 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 to be prepared or verified; and
- (b) the returning officer, without taking any step or further step for the counting of the ballot papers or of the votes, shall seal up all the ballot papers, whether the votes on them have been counted or not.

(3) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death, with the following modifications:—

- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
- (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of completed corresponding number list or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

PART VI

FORMS FOR USE AT SCOTTISH LOCAL GOVERNMENT ELECTIONS

The forms contained in this Part may be adapted so far as circumstances require and, in particular, may relate to one or more electoral wards.

Rule 3

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Scottish Local Government Elections Order 2007 No. 42

Form 1

(INSERT NAME OF COUNCIL)

NOTICE OF ELECTION

Councillors are to be elected for each of the *(insert number of wards)* wards of *(insert name of Council)* Council. The number of councillors to be elected for a ward is as follows.

Name of ward <i>(insert name(s) of wards)</i>	Number of councillors to be elected <i>(insert number)</i>
--	---

Nomination Forms can be obtained from the Election Office, *(insert address(es))*. This Office is/These Offices are* open for the issue and delivery of nomination papers on weekdays excluding *(insert details of any dies non)* from 10 a.m. to 4 p.m.

Completed nomination papers **MUST** be delivered to the Election Office at the above address/at one of the above addresses* by 4 p.m. on *(insert closing date)*.

An election will be held in each contested ward and voting will take place between 7 a.m. and 10 p.m. on **Thursday** *(insert date of poll)*

Any elector may apply for a postal or proxy vote at this election.

Postal or Proxy Voting

Applications to vote by post **MUST** reach the Electoral Registration Officer *(insert address)* by 5 p.m. before *(insert date eleven working days before the date of poll)*

Applications to vote by proxy for a specific election **MUST** reach the Electoral Registration Officer *(insert address)* by 5 p.m. on *(insert date six working days before the date of poll)*.

Where a person has applied to vote by proxy at a specific election on the grounds of disability and the applicant becomes incapacitated after 5 p.m. on *(insert date six working days before the date of poll)* the application, or an application for the appointment of a proxy made by virtue of that application, **MUST** reach the Electoral Registration Officer *(insert address)* by 5 p.m. on the date of the poll.

Applications to cancel or alter postal and proxy votes, or to change from postal to proxy voting **MUST** reach the Electoral Registration Officer at the above address by 5 p.m. on *(insert date eleven working days before the date of poll)*.

For advice on postal or proxy voting, contact *(insert telephone number)*

(insert name of Returning Officer)

Returning Officer

(insert address of Election Office)

Tel *(insert office number)*

Fax *(insert office number)*

E-Mail *(insert office e-mail)*

(insert effective date of notice)

*Delete where inapplicable

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Scottish Local Government Elections Order 2007 No. 42

Form 2

NOMINATION PAPER ELECTION OF COUNCILLORS

for the
(Name) Electoral Ward
of (Name) Council

Day of Election: (insert day and date)

I, the undersigned, am hereby nominated as a candidate at the said election.

Candidate's surname	
Other names in full	
Commonly used surname (if any)	
Commonly used forenames (if any)	
Description (if any)	
Home address in full	

I, the nominee for election, consent to being nominated as a candidate for the (name) electoral ward of (name) Council.

I declare that I am qualified to be elected, that I have attained the age of 18 years and am a qualifying Commonwealth citizen or a citizen of the Irish Republic or a relevant citizen of the European Union; and that in terms of Section 29 of the Local Government (Scotland) Act 1973

* (a)	I am registered as a local government elector for the (Name of Council) local government area as in the register of electors in respect of the following address and my electoral number is (see note 3)
* (b)	I have during the whole of the twelve months preceding the day of nomination occupied as owner or tenant land or premises at the following address(es)
* (c)	I have during the twelve months preceding the day of my nomination had my principal or only place of work at the following address(es)
* (d)	I have during the whole of the twelve months preceding my nomination resided at the following address(es)

*Delete where inapplicable

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Scottish Local Government Elections Order 2007 No. 42

I declare that

(a) I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of any of the disqualifications in Section 31 of the Local Government (Scotland) Act 1973, a copy of which is printed overleaf;

(b) I am not disqualified for election by reason of holding a politically restricted post in terms of Section 1(1) of the Local Government and Housing Act 1989(a), under a local authority within the meaning of Part 1 of that Act, and

(c) I am not disqualified from being nominated as a candidate for election as a local government councillor by reason of having received a severance payment within the meaning of section 12 of the Local Government (Scotland) Act 2004.

Signature of Candidate
Date
Signature of Witness
Name and address of witness
Date

Note 1 The attention of candidates and local government electors is drawn to the rules for filling up nomination papers and other provisions relating to the nominations in the local government elections rules contained in Schedule 1 to the Scottish Local Government Elections Order 2006 and to the disqualification provisions relating to persons holding politically restricted posts under a local authority contained in Part 1 of the Local Government and Housing Act 1989.

Note 2 Where a candidate is commonly known by some title, the candidate may be described by the title as if it were the candidate's surname

Note 3 Where a candidate commonly uses a name which is different from any other name the candidate has, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper.

Note 4 But the ballot paper will show the other name if the returning officer thinks—
(a) that the use of the commonly used name may be likely to mislead or confuse electors, or
(b) that the commonly used name is obscene or offensive.

Note 5 A person's electoral number consists of the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is registered together with the number in the register to be used at the election, except that before publication of the register the distinctive letter or letters (or number or numbers) of the polling district in which the candidate is entitled to be registered together with the number (if any) in the electors lists for that register shall be used instead.

(a) 1989 c.43.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Scottish Local Government Elections Order 2007 No. 42

Back of nomination paper

(Here print copy of section 31 of the Local Government (Scotland) Act 1973(a) and of section 1(1) of the Local Government and Housing Act 1989(b))

(a) 1973 c.65.
(b) 1989 c.43.

Rule 12

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Scottish Local Government Elections Order 2007 No. 42

Form 3

NOTICE OF UNCONTESTED ELECTION

ELECTION OF COUNCILLORS FOR (INSERT NAME OF COUNCIL)

Day and date of election.....

The following candidate(s) were validly nominated for the electoral ward(s) mentioned below and, as the number of candidates nominated for each of the ward(s) was equal to or less than the number of councillors to be returned, no poll will take place, and by not later than 11 a.m. on the day of election the candidate(s) shall be declared to be elected a councillor(s) for the (Name of Council).

Electoral Ward(s)	Name(s) of candidate(s) remaining validly nominated*	Description (if any)	Address(es) (including current address if appropriate)

*Where the candidate has given a commonly used surname or forename on that candidate's nomination form, it is that commonly used surname or forename (instead of any other name) that will appear on the Notice of Uncontested Election

Signed.....
(Returning Officer)

Date

Rule 14(2)

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Scottish Local Government Elections Order 2007 No. 42

Form 4

BALLOT PAPER

Front of ballot paper

ELECTION FOR [COUNCIL NAME AND WARD NAME]

Instead of using a cross, number the candidates in the order of your choice.

Put the number 1 next to the name of the candidate who is your first choice, 2 next to your second choice, 3 next to your third choice, 4 next to your fourth choice and so on.

You can mark as many or as few choices as you like.

ROWAN PARTY	ANDERSON Hans 57 Easter Road, Anytown	[Emblem]	
BEECH PARTY	CRANSTON Helen 912 Main Street, Anytown	[Emblem]	
INDEPENDENT	FLEMING Douglas Martin 112 South Street, Anytown	[Emblem]	
WILLOW PARTY	HAMILTON Flora 45 Hill Place, Anytown	[Emblem]	
ELM PARTY	KUMAR Kuldip 3 Castle Wynd, Anytown	[Emblem]	
OAK PARTY	MACDONALD Donald Alexander 4 Elgin Ave, Anytown	[Emblem]	
INDEPENDENT	MACKENZIE Robert William Sutherland 192 Blackhall Road, Anytown	[Emblem]	
TEA PARTY	MASTERS Susan Caroline 93 Holyrood Road, Anytown	[Emblem]	
ROWAN PARTY	PATERSON James 36 Wemyss Road, Anytown	[Emblem]	
OAK PARTY	WALLACE Walter Alan 23 High Street, Anytown	[Emblem]	

Back of Ballot Paper

Number and unique identifying mark

Election for the (insert name) Ward of (insert council name) on..... 20..

Form 5

DIRECTIONS AS TO THE PRINTING OF THE BALLOT PAPER

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as is practicable, the following arrangements shall be observed in the printing of the ballot paper:
 - (a) no word shall be printed on the face except the particulars of the candidates, the words forming part of emblems, the name of the council and the words "Instead of using a cross, number the candidates in the order of your choice. Put the number 1 in the box next to the name of the candidate who is your first choice, 2 in the box next to your second choice, 3 in the box next to your third choice, 4 in the box next to your fourth choice and so on. You can mark as many or as few choices as you like";
 - (b) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidates from one another and from the name of the council and the words "Instead of using a cross, number the candidates in the order of your choice. Put the number 1 in the box next to the name of the candidate who is your first choice, 2 in the box next to your second choice, 3 in the box next to your third choice, 4 in the box next to your fourth choice and so on. You can mark as many or as few choices as you wish" and the vertical rules separating those particulars from the spaces on the right where the vote is to be marked; and
 - (c) the whole space between the horizontal rule below the name of the council and the words "Instead of using a cross, number the candidates in the order of your choice. Put the number 1 in the box next to the name of the candidate who is your first choice, 2 in the box next to your second choice, 3 in the box next to your third choice, 4 in the box next to your fourth choice and so on. You can mark as many or as few choices as you wish" and the bottom of the paper shall be divided equally between the candidates by the rules separating their particulars.
3. Nothing in paragraph 2 prohibits the face of the ballot paper containing more than one column of candidates' descriptions or the word "Independent", candidates' particulars and spaces where the vote is to be marked if the returning officer thinks it is appropriate for the ballot paper to be printed with more than one column, but in such a case each column must be separated by a double vertical rule.
4. The words "Instead of using a cross, number the candidates in the order of your choice. Put the number 1 in the box next to the name of the candidate who is your first choice, 2 in the box next to your second choice, 3 in the box next to your third choice, 4 in the box next to your fourth choice and so on. You can mark as many or as few choices as you wish" shall be printed in bold.
5. Where an emblem is to be printed against a candidate's particulars—
 - (a) it shall be printed between the candidate's particulars and the vertical rule separating the candidate's particulars from the spaces where the vote is to be marked; and
 - (b) its size as printed shall not exceed two centimetres square.
6. The surname of each candidate shall in all cases be printed by itself in large capitals, and such candidate's full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used.
 - (a) if such candidate's surname is the same as another candidate's, for such candidate's other names; and
 - (b) if such candidate's other names are also the same as the other candidate's, either for such candidate's home address or for such candidate's description unless each of them is the same as that of another candidate with the same surname and other names.
7. The number and other unique identifying mark may be printed close to each other on the back of the ballot paper.
8. The words "DO NOT FOLD" are to be printed in large capital letters on the back of the ballot paper.

Corresponding Number List (Part 2) (for use at a polling station at a local government election) LOCAL GOVERNMENT ELECTION (insert name of council)	
Ward:
Date of Poll:
Polling Station:
Sheet No.:

Ballot Paper Number	Elector Number

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Scottish Local Government Elections Order 2007 No. 42

Form 7

(INSERT NAME OF COUNCIL)

NOTICE OF POLL

ELECTION OF COUNCILLORS

1. Polling will take place between the hours of 7 a.m. and 10 p.m. on *(insert day and date of election)* for the election of the number of councillors indicated below for each of the under-mentioned electoral wards, there remaining in each case more validly nominated candidates than the number of councillors to be elected.

2. The name, description (if any) and address of each candidate remaining validly nominated are as follows—

Electoral Ward	Number of councillors to be elected	*Candidate's Surname (including present name if appropriate)	*Other names in full (including present names if appropriate)	Description (if any)	Address (including current address if appropriate)

*Where the candidate has given a commonly used surname or forename on that candidate's nomination form, it is that commonly used surname or forename (instead of any other name) that will appear on the Notice of Poll.

3. The persons entitled to vote as electors at this election are the persons registered in the register of electors for the respective electoral wards, but a person whose name is so registered may not vote if the entry in the said register gives as the date on which the person will become of voting age a date later than the day fixed for the poll.

Signed

(Returning Officer)

Date

*Delete where inapplicable

Rule 20

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Scottish Local Government Elections Order 2007 No. 42

Form 8

POSTAL VOTING STATEMENT FOR A POSTAL VOTE AT LOCAL GOVERNMENT ELECTION

(front of form)

POSTAL VOTING STATEMENT

You must fill in this form and send it back with the ballot paper

Voter's name.....

Ballot paper number.....

(Please print clearly)

[other identifying mark]

I AM THE PERSON TO WHOM THE BALLOT PAPER NUMBERED AS ABOVE WAS SENT

You must provide your signature or mark. If you do not, the postal voting statement will be invalid and your vote will not be counted.

My signature:(voter's signature)

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

PLEASE READ THE INSTRUCTIONS ON THE BACK OF THIS FORM

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(back of form)

Your vote is personal – complete the ballot paper yourself and in private.

1. On the ballot paper (the one with the names on it), number the candidates in order of your choice **instead of using a cross**. Put the number 1 in the box next to the **name** of the candidate who is your first choice, then put 2 in the box next to the **name** of the candidate who is your second choice, 3 in the box next to your third choice, 4 in the box next to your fourth choice and so on. You can mark as many choices as you wish. If you need help from someone to complete the ballot paper, they must not tell anyone who you have voted for.
2. Do not put any other marks on the ballot paper. If you do, your vote might not be counted.
3. Put the ballot paper in the envelope marked A and seal it. Then put this envelope together with the postal voting statement in the larger envelope marked B and seal it. Post the envelope back quickly. The ballot paper must be received by the returning officer not later than the close of poll. It may be posted to the Returning Officer before polling day or delivered by hand to any polling station in the local authority area on polling day before the poll closes.
4. If you get more than one ballot paper, by accident, then just use one. Remember that it is an offence to vote more than once in the same election (unless you are voting for someone else - by proxy).
5. Remember, if you have received a postal vote you cannot vote in person at the polling station even if you have in your name an official poll card, an official postal poll card, an official poll card issued to the proxy of an elector or an official postal poll card issued to the proxy of an elector. If you are voting, you must use the ballot paper sent to you. Your postal vote can be handed into any polling station in the local authority area on polling day before the poll closes.
6. If you make a mistake on the ballot paper you can ask the Returning Officer for another one up until 5 p.m. on the day before polling day. You will need to return everything you have received (ballot paper, postal voting statement and the envelopes). You should do this straightaway as there is not much time for a new ballot paper to be sent to you, returned and counted.
7. If you lose the ballot paper, postal voting statement or accompanying envelopes, by the third day before the day of the poll, you may apply to the returning officer for a replacement ballot paper up until 5 p.m. on the day before polling day. You will be required to provide evidence of your identity.
8. If you want to apply for a replacement ballot paper after 5 p.m. on the day before polling day and up to 5 pm on polling day, you must do so in person at the address shown below. You will be required to provide evidence of identity.

REMINDER

1. Have you remembered to print your name on the postal voting statement and sign it?
2. Have you put your ballot paper in the envelope A and sealed it?
3. Have you put envelope A together with the postal voting statement into envelope B and sealed it?
4. You must make sure that you send your postal vote to the Returning Officer or deliver it to the polling station before the close of poll at 10 p.m. on *(insert date)*.

If two or more postal vote envelopes have been delivered to your address please make sure that the correct documents are in the correct return envelope.

Printed and published by the Returning Officer
.....

Form 9

Front of card
(Insert name of council)

Rule 23

ELECTOR'S OFFICIAL POLL CARD

If undelivered return to Returning Officer

(Insert address)

Number on register

Ward

Number of Councillors to be elected for Ward

Polling day

*Name

Your Polling Place will be:

*Address

** Returning officer to omit where poll card sent to an anonymous elector. A poll card to an anonymous elector must be delivered in a sealed envelope.*

Polling Hours 7 a.m. to 10 p.m.

PLEASE SEE THE INFORMATION ON THE BACK OF THIS CARD

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Back of card

LOCAL GOVERNMENT ELECTION

***This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.**

* When you go to the polling station, tell the clerk your name and address, as shown on the front of the card. The clerk will give you a ballot paper.

Go to one of the compartments. Instead of using a cross, number the candidates in the order of your choice. Put the number 1 in the box next to the name of the candidate who is your first choice, 2 in the box next to your second choice, 3 in the box next to your third choice, 4 in the box next to your fourth choice and so on. You can mark as many choices as you wish.

Put no other mark on the ballot paper, or your vote may not be counted.

Do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

If you have appointed a proxy to vote in person for you, you may nevertheless vote at this election if you do so before your proxy has voted on your behalf.

If you have been given a postal vote, you will *not* be entitled to vote in person at this election, so please ignore this poll card.

If you need further help, please ring (insert telephone number).

ISSUED BY THE RETURNING OFFICER

*Where a poll card is sent to an anonymous elector, substitute the following for the paragraphs marked with * above*

You must have this card with you when you vote. You cannot vote without it.

When you go to the polling station, ask to speak to the presiding officer and show this card to the officer.

The presiding officer will confirm your entry on the register.

Rule 23

Form 10

Front of card

(Insert name of council)

POSTAL VOTER'S OFFICIAL POLL CARD

If undelivered return to Returning Officer

(Insert address)

Number on register

Ward

Number of Councillors to be elected for Ward

Polling day and polling hours

*Name

This notice is to advise you that for this election you have a postal vote and that you will not be able to obtain voting papers at a polling station.

*Address

Your postal voting papers should be delivered on or soon after (day/date).

** Returning officer to omit where poll card sent to an anonymous elector. A poll card to an anonymous elector must be delivered in a sealed envelope.*

If your postal voting papers have not arrived by (day/date), call (helpline number) and ask for assistance.

If you wish to cancel your postal vote please call (helpline number) before 5 p.m. on *(insert date eleven working days before the date of poll)*.

If you have lost or accidentally spoil your postal ballot papers(s), please call (helpline number) as soon as possible. Replacement ballot papers cannot be issued after 5 p.m. on *(insert day and date of poll)*.

PLEASE SEE THE INFORMATION ON THE BACK OF THIS CARD

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Back of card

LOCAL GOVERNMENT ELECTION

This card is to give you information about voting by post. If you have appointed a proxy to vote by post for you, you will not receive postal voting papers.

When you receive your postal voting pack, please read the "Instructions to the Voter" before completing your postal ballot paper.

Mark your vote secretly. If you cannot vote without help, the person assisting you must not disclose how you have voted.

You must sign (or mark) the postal voting statement. This is a security measure; it will not affect your vote or mean that it can be identified. Without this, the statement will not be valid and your vote will not be counted.

If you lose or accidentally spoil your postal ballot papers, please call (helpline number) as soon as possible. Replacement ballot papers cannot be issued after 5 p.m. on (insert day and date of poll).

Complete and return your postal vote as soon as possible. If you have not posted your vote before (insert day and date of poll), you can deliver your vote to any polling station in your local authority area.

It is an offence to vote using a ballot paper that is not addressed to you.

You cannot vote in person at a polling station at these elections unless you cancel your postal vote before 5 p.m. on (insert date eleven working days before the date of poll).

If you need further help, please call [helpline number].

It is an offence to vote using a ballot paper that was not addressed to you

ISSUED BY THE RETURNING OFFICER

Rule 23

Form 11

Front of card

(Insert name of council)

PROXY'S OFFICIAL POLL CARD

If undelivered return to **Returning Officer**

(Insert address)

Number on register

Ward

Number of Councillors to be elected for Ward

Polling day

*Proxy's name

Your Polling Place will be:

^Proxy's address

** Returning officer to omit where poll card sent to the proxy of an anonymous elector. A poll card to the proxy of an anonymous elector must be delivered in a sealed envelope.*

Polling Hours 7 a.m. to 10 p.m.

PLEASE SEE THE INFORMATION ON THE BACK OF THIS CARD

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Back of card

LOCAL GOVERNMENT ELECTION

***This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.**

* This poll card is to tell you that for this election you are appointed as proxy for:

*(Elector's name).....

*(Elector's address).....

*(Elector's number on register).....

* When you go to the polling station, tell the clerk that you wish to vote as proxy on behalf of the voter shown above.

The clerk will confirm the details on the register and give you a ballot paper. The method of voting as proxy is the same as for casting your own vote.

It is an offence to vote as proxy—

(a) for some other person if you know that that person is subject to a legal incapacity to vote e.g. if that person has been convicted and is detained in a penal institution in pursuance of the sentence;

(b) at this election for more than 2 persons of whom you are not the husband, wife, civil partner, parent, grandparent, brother, sister, child or grandchild.

The person who appointed you as proxy may vote in person at this election if he/she is able and wishes to do so, and if he/she votes before you vote as proxy.

*Where a poll card is sent to the proxy of an anonymous elector, substitute the following for the paragraphs marked with * above*

You must have this card with you when you vote as this elector's proxy. You cannot vote as proxy without it.

You are entitled to vote as proxy for the elector whose electoral number is shown below:

Electoral number of elector.....

To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show this card to the officer.

ISSUED BY THE RETURNING OFFICER

Rule 23

Form 12

Front of card

(Insert name of council)

PROXY POSTAL VOTER'S OFFICIAL POLL CARD

If undelivered return to Returning Officer

(Insert address)

Number on register

Ward

Number of Councillors to be elected for Ward

Polling day and polling hours

*Name (proxy)

This notice is to advise you that for this election you are appointed as a postal proxy for the elector named below. You will not be able to obtain voting papers at a polling station.

*Address (proxy)

The postal proxy voting papers should be delivered to you on or soon after (day/date)

** Returning officer to omit where poll card sent to an anonymous elector. A poll card to an anonymous elector must be delivered in a sealed envelope.*

If the postal voting papers have not arrived by (day/date), call (helpline number) and ask for assistance.

If you have lost or accidentally spoilt the elector's postal ballot papers(s), please call (helpline number) as soon as possible. Replacement ballot papers cannot be issued after 5 p.m. on *(insert day and date of poll)*.

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Back of card

LOCAL GOVERNMENT ELECTION

***This card is to tell you that for this election you are appointed as proxy for the elector named below and that you have decided to vote by post:**

* (Elector's name)

* (Elector's address)

* (Elector's number on register)

When you receive the postal voting pack, please read the "Instructions to the Voter" before completing your postal ballot paper.

Mark your vote secretly. If you cannot vote without help, the person assisting you must not disclose how you have voted.

You must sign (or mark) the postal voting statement. This is a security measure, it will not affect your vote or mean that it can be identified. Without this, the statement will not be valid and your vote will not be counted.

If you lose or accidentally spoil the elector's postal ballot papers, please call (helpline number) as soon as possible. Replacement ballot papers cannot be issued after 5 p.m. on (insert day and date of poll)

Complete and return your postal vote as soon as possible. If you have not posted your vote before (insert day and date of poll), you can deliver your vote to any polling station in your local authority area.

If you need further help, please call (helpline number).

It is an offence to vote as proxy

(a) for some other person if you know that that person is subject to a legal incapacity to vote e.g. if that person has been convicted and is detained in a penal institution in pursuance of the sentence

(b) at this election for more than 2 persons of whom you are not the husband, wife, civil partner, parent, grandparent, brother, sister, child or grandchild.

It is an offence to vote using a ballot paper that has not been addressed to you.

Where a poll card is sent to the proxy of an anonymous elector, substitute the following for the paragraphs marked with * above

You are entitled to vote as proxy for the elector whose electoral number is shown below:

Electoral number of elector.....

ISSUED BY THE RETURNING OFFICER

Rule 24(5)

Form 13

Form 13

Rule 21(5)

LOCAL GOVERNMENT ELECTION GUIDANCE FOR VOTERS

1. Go to one of the compartments.
2. On the ballot paper, number the candidates in order of your choice instead of using a cross. Put the number 1 in the box next to the name of the candidate who is your first choice, 2 in the box next to your second choice, 3 in the box next to your third choice, 4 in the box next to your fourth choice so on. You can mark as many choices as you wish.
3. Put no other mark on the ballot paper, or your votes may not count.
4. Do not let anyone see how you voted. Put the ballot paper in the ballot box and leave the polling station.
5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

Rule 27(4)

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Form 14

CERTIFICATE OF EMPLOYMENT LOCAL GOVERNMENT ELECTION IN THE

.....

(Name) WARD

(Day and date of election)

I certify that

(name)

who is numbered

/

in the register of electors for the (Name) Ward, cannot reasonably be expected to go in person to the polling station allotted to that person at the election on (day and date) by reason of the particular circumstances of the person's employment on that date for a purpose connected with the election by me

Signature.....

Returning Officer/Police Officer (Inspector or above)

Note The person named above is entitled to vote at any polling station of the (Name of Council) local government area on production and surrender of this certificate to the presiding officer.

Rule 34(7)

Form 15

DECLARATION BY THE COMPANION OF A VOTER WITH DISABILITIES LOCAL GOVERNMENT ELECTION

[NAME] Council	Election Day and Date [] Polling Station Number: []
----------------	--

SECTION 1 – TO BE COMPLETED BY COMPANION OF VOTER WITH DISABILITIES

I (name of companion)

Of (address of companion)
Postcode

have been asked to help

*(name of elector) (elector's number)

*omit where the elector is anonymously registered

to vote at this election.

[either] I am an elector who is entitled to vote at this election

[or] I am the (state relationship – see * below)

of the elector and I am over 18 years old.

I have not helped any other elector with disabilities to vote at this election

Except (name of the other elector) (address of the other elector)
Postcode

Signature of companion (date)

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SECTION 2 – PRESIDING OFFICER’S COUNTER-SIGNATURE

I am the Presiding Officer for this Polling Station. This declaration was read to the companion and was signed by the companion in front of me.

Signature of Presiding Officer _____ (date and time)

*write in either father, mother, brother, sister, husband, wife, civil partner, son, daughter.

NOTE:–

It is an offence for the companion to make a false statement in this declaration.

This declaration should be retained by the Presiding Officer and sealed in Packet Number () at the close of poll.

A voter with disabilities is a voter who has made a declaration under Rule 34 that the voter is so incapacitated by disability or by the inability to read as to be unable to vote without assistance.

SCHEDULE 2

Article

3(2)

MODIFICATIONS TO THE LOCAL GOVERNMENT ELECTIONS RULES IN SCHEDULE 1 TO APPLY WHERE THE POLL AT A LOCAL GOVERNMENT ELECTION IS TAKEN TOGETHER WITH THE POLL AT ANOTHER ELECTION UNDER SECTION 15(1) OR (2) OF THE REPRESENTATION OF THE PEOPLE ACT 1985(19)

1. At the end of rule 14(2) (the ballot papers) the following sub paragraph shall be inserted:–
 - “(f) shall be of a different colour from that of any ballot papers used at an election the poll at which is taken together with the poll at the local government election”.
2. At the end of rule 19 (notice of poll) the following paragraph shall be inserted:–
 - “(5) The notice published under paragraph (4) shall–
 - (a) state that the poll at the local election is to be taken together with the poll at a parliamentary or a European Parliamentary election;
 - (b) specify the parliamentary or European Parliamentary constituency; and
 - (c) where the polls are to be taken together in part of the local government area only, specify that part.”.
3. At the end of rule 23 (issue of official poll cards and notifications) the following paragraph shall be inserted:–
 - “(5) An official poll card or notification issued under this rule may be combined with the official poll card or notification issued at a parliamentary election or European Parliamentary election.”.
4. After paragraph (1) of rule 24 (equipment of polling stations) there shall be inserted the following paragraph:–
 - “(1A) The same ballot box may be used for the poll at the local government election and the poll at the parliamentary election or European Parliamentary election.”.

5. For paragraph (5) of rule 24 (equipment of polling stations) there shall be substituted the following paragraph–

“(5) The following notice shall be printed in conspicuous characters and a graphical format and be exhibited inside and outside every polling station and in every compartment of every polling station–

***PARLIAMENTARY ELECTION**

(*[Specify colour]* ballot paper)

Vote for one candidate only.

[Specify name of council.] **COUNCIL ELECTION**

(*[Specify colour]* ballot paper)

Instead of using a cross, number the candidates in the order of your choice. Put the number 1 in the box next to the name of the candidate who is your first choice, 2 in the box next to your second choice, 3 in the box next to your third choice, 4 in the box next to your fourth choice.

***EUROPEAN PARLIAMENTARY ELECTION**

(*[Specify colour]* ballot paper)

Vote for one candidate only.

PUT NO OTHER MARK ON THE BALLOT PAPERS, OR YOUR VOTE MAY NOT COUNT.

Delete as necessary.”.

6. After paragraph (3) of rule 25 (appointment of polling and counting agents) there shall be inserted–

“(3A) Notices of the appointment of polling agents which are required by paragraph (3) above and paragraphs (4) and (5) to be given to the returning officer shall be given to that returning officer who discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986(20).”.

7. In questions 1(a) and (b) and question 4 of rule 30(3) (questions to be put to voters) after “this election” there shall be inserted “for this local government area”.

8. At the end of rule 32 (voting procedure) there shall be inserted the following paragraph:–

“(7) The same copy of the register of electors or the notice issued under section 13B(3B) or (3D) of the 1983 Act may be used under paragraph (1) for each election and one mark may be placed in that register under paragraph (1)(c) or in the list of proxies under paragraph (1)(e) to denote that a ballot paper has been issued 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 ballot paper was issued.”.

9. After paragraph (3) of rule 33 (votes marked by presiding officer) there shall be inserted–

“(4) The list referred to in paragraph (2) 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.”.

10. After paragraph (6) of rule 34 (voting by persons with disabilities) there shall be inserted–

“(6A) 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.”.

11. At the end of paragraph (8) of rule 35 (tendered ballot papers) there shall be inserted–

“and 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.”.

12. At the end of paragraph (1) of rule 38 (adjournment of poll in case of riot) there shall be inserted “who discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986”.

13. After paragraph (1) of rule 39 (procedure on close of poll) there shall be inserted the following paragraphs:–

“(1A) The contents of the packets referred to in sub paragraphs (b), (c) and (e) of paragraph (1) shall not be combined with the contents of the packets made under the corresponding rule that applies at a parliamentary election or European Parliamentary election; nor shall the statement prepared under paragraph (3) be so combined.

(1B) References to the returning officer in paragraph (1) are references to the returning officer who discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986.”.

14. For paragraph (1) of rule 40 (attendance at counting of votes) there shall be substituted the following paragraphs:–

“(1) Where the returning officer at the local government election discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, such returning officer shall make arrangements for discharging the functions under rule 42(1) (as substituted by Schedule 2 to the Scottish Local Government Elections Order 2006) 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 shall give to those counting agents notice in writing of the time and place at which such returning officer will begin to discharge the functions under rule 42(1) (as so substituted).

(1A) Where the returning officer at the local government election does not discharge the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, such returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to such returning officer by the returning officer who does discharge those functions, and shall give to the counting agents notice in writing of the time after which such returning officer will begin to count the votes if by then such returning officer has received the ballot papers, and of the place at which that count will take place.”.

15. In paragraph (2) of rule 40 before “at the counting of the votes” there shall be inserted “at the proceedings under rule 42(1) (as so substituted) or”.

16. In paragraph (3) of rule 40 before the words “counting of the votes” in the first place where they occur, there shall be inserted “proceedings under rule 42(1) (as so substituted) or the” and before “the efficient” there shall be inserted “the efficient separating of the ballot papers or, as the case may be,”.

17. For paragraphs (1) and (2) of rule 42 (the count) there shall be substituted the following paragraphs:–

“(1) Where the returning officer at the local government election discharges the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, such returning officer shall—

- (a) in the presence of the counting agents appointed for the purposes of the local government election open each ballot box and record separately the number of ballot papers used in each 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 separately the number counted at each election;
- (d) separate the ballot papers relating to the local government election from the ballot papers relating to the parliamentary election, or, as the case may be, European Parliamentary election;
- (e) make up into packets the ballot papers for each election other than the local government election and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate;
- (f) deliver or cause to be delivered to the returning officer for the 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, together with a copy of the statement as to the result of their verification, if any, in respect of that election; and
- (g) 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; and
 - (iii) the completed corresponding number list and the certificates as to employment on duty on the day of the poll.

(2) After completion of the proceedings under paragraph (1), the returning officer shall mix together all of the ballot papers used at the local government election, and count the votes given on them.

(2A) Where the returning officer at the local government election does not discharge the functions specified in regulation 96 of the Representation of the People (Scotland) Regulations 1986, such returning officer shall—

- (a) on receipt of containers from the returning officer who does discharge those functions and after the time specified in the notice given under rule 40(1A) (as substituted by Schedule 2 to the Scottish Local Government Elections Order 2006) in the presence of counting agents, open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under regulation 76 of the Representation of the People (Scotland) Regulations 1986, count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.

(2B) Paragraph (5) does not apply to these proceedings.”

18. At the end of rule 57 (delivery of documents) there shall be inserted—

“and at an election where the returning officer does not discharge the functions referred to in regulation 96 of the Representation of the People (Scotland) Regulations 1986(21), this rule shall have effect as if paragraphs (c) and (e) were omitted.”.

19. In rule 60 (countermand or abandonment of poll on death of candidate)—

(a) at the end of paragraph (1) there shall be inserted—

“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 parliamentary election, or, as the case may be, European Parliamentary election; and

(b) for paragraph (2) there shall be substituted the following paragraph:—

(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 parliamentary election, or as the case may be, European 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 such presiding officer 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 such presiding officer 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 parliamentary or European 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 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.”.

20. In Schedule 1, for Form 6 (the Corresponding Number List), there shall be substituted the form set out in Schedule 3 to this Order where the local government election is combined with another election or referendum.

21. In Schedule 1, for Form 8 (the postal voting statement) there shall be substituted the form set out in Schedule 4 to this Order where the proceedings on the issue and receipt of postal ballot papers at the local government election are taken together with those proceedings at another election under regulation 76 of the Representation of the People (Scotland) Regulations 1986(22).

22. In Schedule 1, for Form 13 (the form of directions for the guidance of the voters) in voting there shall be substituted—

“Form 13

GUIDANCE FOR VOTERS AT COMBINED POLLS

1. Go to one of the compartments. You may vote once only on each ballot paper for parliamentary and European parliamentary elections. For ballot papers for local government elections, you can mark as many choices as you want (see note 3 below).

2. Mark your choice with a cross (X) on the [colour] ballot paper for the [parliamentary] or [colour] ballot paper for the [European parliamentary] election.

(21) S.I. 1986/1111.

(22) Regulation 76 was saved insofar as it relates to local government elections by S.I. 2001/497, Schedule 2.

3. On the [colour] ballot of paper for the local government election, mark the figure ‘1’ opposite the name of the candidate who is your first choice, then the figure ‘2’ opposite the name of the candidate who is your second choice and so on. You can mark as many choices as you wish but you must number them in order.
4. Put no other mark on each ballot paper, or your votes may not count.
5. Do not let anyone see how you voted. Put the ballot papers in the ballot boxes marked in the same colour and leave the place.
6. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.
23. In Schedule 1, in Form 15 (the form of declaration to be made by the companion of a voter with disabilities) for the word “election” in the three places where it occurs there shall be substituted “elections”.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Scottish Local Government Elections Order 2007 No. 42

SCHEDULE 3

Article 3(2)

FORM OF CORRESPONDING NUMBER LIST REFERRED TO IN PARAGRAPH 20 OF SCHEDULE 2

Corresponding Number List (to be used when a local government election is combined with another election/referendum)	
Constituency/ Ward:
Day and date of Poll:
Sheet No.:

Ballot Paper Number	Unique Identifying Mark	Elector Number <i>(to be completed only in respect of ballot papers issued to postal voters)</i>

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Scottish Local Government Elections Order 2007 No. 42

Corresponding Number List
(to be used in polling stations when a local government election is combined with another election/referendum)

Ward:

Day and date of
Poll:

Polling Station:

Sheet No.:

Ballot Paper Number	Elector Number

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Scottish Local Government Elections Order 2007 No. 42

SCHEDULE 4

Article 3(2)

FORM OF POSTAL VOTING STATEMENT REFERRED TO IN PARAGRAPH 21 OF SCHEDULE 2

POSTAL VOTING STATEMENT FOR A POSTAL VOTE AT PARLIAMENTARY OR EUROPEAN PARLIAMENTARY ELECTION WHICH IS TAKEN WITH THE LOCAL GOVERNMENT ELECTION AND THE PROCEEDINGS ON THE ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS IN RESPECT OF EACH ELECTION ARE TAKEN TOGETHER

You must fill in this form and send it back with the ballot papers

POSTAL VOTING STATEMENT

Voter's name.....
(Please print clearly)

Ballot paper numbers.....

[other identifying marks]

I AM THE PERSON TO WHOM THE BALLOT PAPERS NUMBERED AS ABOVE WERE SENT

You must provide your signature or mark. If you do not, the postal voting statement will be invalid and your vote will not be counted.

My signature.....(voter's signature)

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

PLEASE READ THE INSTRUCTIONS ON THE BACK OF THIS FORM

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Scottish Local Government Elections Order 2007 No. 42

Your vote is personal – complete the ballot paper yourself and in private.

1. On the [colour] (Parliamentary Election)/(European Parliamentary Election)* ballot paper(s), mark a cross (x) in the box opposite the name of the candidate or party you are voting for.
2. On the [colour] ballot paper for the local government election number the candidates in the order of your choice instead of using a cross. Put the number 1 in the box next to your first choice, 2 in the box next to your second choice, 3 in the box next to your third choice, 4 in the box next to your fourth choice and so on. You can mark as many choices as you wish.
3. Do not put any other marks on the ballot paper. If you do, your vote might not be counted.
4. Complete your ballot papers in secret. If you need someone to help you complete them, they must not tell anyone who you have voted for.
5. Put the ballot papers in the envelope marked A and seal it. Then put this envelope together with the postal voting statement in the larger envelope marked B and seal it. Post the envelope back quickly. The ballot papers, in order to be counted, must be received by the returning officer not later than the close of poll. They may be posted or delivered by hand to any polling station in the local authority area on polling day.
6. If you get more than one ballot paper of the same colour, by accident, then just use one. Please remember that it is illegal to vote more than once in the same election (unless you are voting for someone else by proxy).
7. Remember, you cannot vote in person at the polling station even if you have an official poll card, an official postal poll card, an official poll card issued to the proxy of an elector or an official postal poll card issued to the proxy of an elector in your name. If you are voting, you must use the ballot paper sent to you. Your postal vote can be handed into any polling station in the local authority area on polling day before the poll closes.
8. If you make a mistake on the ballot paper you can ask the Returning Officer for another one up until 5 p.m. on the day before polling day. You will need to return everything you have received (ballot paper, postal voting statement and the envelopes). You should do this straightaway as there is not much time for a new ballot paper to be sent to you, returned and counted.
9. If you lose the ballot paper, postal voting statement or accompanying envelopes by the third day before polling day, you may apply to the returning officer for a replacement ballot paper up until 5 p.m. on the day before polling day. You will be required to produce evidence of your identity.
10. If you want to apply for a replacement ballot paper after 5 p.m. on the day before polling day and up to 5 p.m. on polling day, you must do so in person at the address shown below. You will be required to provide evidence of your identity.

* delete as necessary

REMINDER

1. Have you remembered to print your name on the postal voting statement and sign it?
2. Have you put your ballot paper in the envelope A and sealed it?
3. Have you put envelope A together with the postal voting statement into envelope B and sealed it?
4. You must make sure then that you send your postal vote to the Returning Officer or deliver it to the polling station before the close of poll at 10 p.m. on *(insert date)*.

If two or more postal vote envelopes have been delivered to your address – please make sure that the correct documents are in the correct return envelope.

Printed and published by the Returning Officer

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which revokes and replaces the Scottish Local Elections Rules 2002 as amended (“the 2002 Rules”), provides for the conduct of elections of members of local authorities.

Article 3 provides that such elections shall be conducted in accordance with the rules set out in Schedule 1 to the Order. Article 2 defines various terms used in the Order. Article 1(2) and Article 6 make transitional arrangements. The Order applies to the elections to be held on 3rd May 2007 and subsequent elections but not to any election held before that date, to which the 2002 Rules will continue to apply.

Schedule 1 to the Order sets out the rules which apply for the purpose of the conduct of local government elections. The rules in Schedule 1 differ from the 2002 Rules by including changes introduced by the provisions of the Local Electoral Administration and Registration Services (Scotland) Act 2006 and follow amendments made to the parliamentary elections rules by the Electoral Administration Act 2006.

In particular, the provisions of rule 1 (timetable), rule 4 (nomination of candidates), rule 7 (decisions as to validity of nomination papers), rule 10 (corrections of errors in nomination papers), rule 14 (the ballot papers), rule 16 (security marking), rule 20 (postal ballot papers), rule 23 (issue of official poll cards and notifications), rule 24 (equipment of polling stations), rule 27 (admission to polling station), rule 35 (tendered ballot papers), rule 40 (attendance at counting of votes) and rule 59 (retention of documents) have been amended.

The rules have also been amended to reflect the introduction of the single transferable vote (“STV”) system for local government elections in Scotland from May 2007. In addition to revising the format of the ballot paper, the rules dealing with the counting of votes (rules 40 to 54) have been substantially altered to reflect the change to multi-member council wards with either 3 or 4 members together with the introduction of electronic counting.

In addition to the ballot paper, the forms in Schedule 1 have been revised to take account of changes to electoral procedures and the introduction of the STV system.

Schedule 2 to this Order modify the rules in Schedule 1 where the poll at a local government election is taken together with a poll at UK parliamentary or European parliamentary elections under section 15(1) or (2) of the Representation of the People Act 1985. Section 15(1) requires the poll at an ordinary local government election to be taken together with the poll at a parliamentary or European Parliament general election when those polls are to be taken on the same day. Section 15(2) allows the returning officers at two or more elections for related areas (within the meaning of section 15(3)), the polls at which are taken on the same day, to agree to those polls being taken together. Schedule 2 makes provision equivalent to the modifications to the parliamentary elections rules made by regulation 98 of the Representation of the People (Scotland) Regulations 1986.

Schedules 3 and 4 contain, respectively, a form of the corresponding number list and the form of a postal voting statement associated with the modifications prescribed in Schedule 2.