

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2011 No.**

**REPRESENTATION OF THE PEOPLE**

**The Scottish Local Government Elections Order 2011**

*Made - - - - 2011*

*Coming into force in accordance with article 1*

**THE SCOTTISH LOCAL GOVERNMENT ELECTIONS ORDER 2011**

1. Citation, commencement and extent
  2. Interpretation
  3. Local government elections rules
  4. Application of Part III of the Representation of the People Act 1983
  5. Amendments
  6. Revocations and saving provision
- Signature

---

SCHEDULE 1 — SCOTTISH LOCAL GOVERNMENT ELECTIONS RULES  
PART I — PROVISIONS AS TO TIME

1. Timetable
  2. Computation of time
- PART II — STAGES COMMON TO CONTESTED AND UNCONTESTED  
ELECTIONS

**Notice of election**

3. Notice of election

**Nomination**

4. Nomination of candidates
5. Consent to nomination
6. Subscription of nomination paper
7. Decisions as to validity of nomination papers
8. Withdrawal of candidates

9. Nomination in more than one electoral ward
10. Correction of errors in nomination papers
11. Inspection of nomination papers
12. Method of election and notice of uncontested election

### PART III — CONTESTED ELECTIONS

#### **General provisions**

13. Poll to be by ballot
14. The ballot papers
15. Corresponding number list
16. Security marking
17. Prohibition of disclosure of vote
18. Use of schools and public rooms
19. Supply of free copy of register, lists and notices

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

20. Notice of poll
21. Postal ballot papers
22. Provision of polling stations
23. Appointment of presiding officers and clerks
24. Issue of official poll cards and notifications
25. Equipment of polling stations
26. Appointment of polling and counting agents
27. Requirement of secrecy

#### **The poll**

28. Admission to polling station
29. Keeping of order in station
30. Sealing of ballot boxes
31. Questions to be put to voters
32. Challenge of voter
33. Voting procedure
34. Votes marked by presiding officer
35. Voting by persons with disabilities
36. Tendered ballot papers
37. Spoilt ballot papers
38. Correction of errors on day of poll
39. Adjournment of poll in case of riot
40. Procedure on close of poll

#### **Counting of votes**

41. Attendance at counting of votes
42. Counting of votes
43. The count
44. Rejected ballot papers

45. Decisions on ballot papers
46. First stage
47. The quota
48. Return of councillors
49. Transfer of surplus votes
50. Transfer of surplus votes – supplementary provisions
51. Exclusion of candidates
52. Exclusion of candidates – supplementary provisions
53. Filling of last vacancies
54. Re-count
55. Counting of votes by means other than electronic counting
56. Declaration of result
- PART IV — DISPOSAL OF DOCUMENTS
57. Sealing up of ballot papers
58. Delivery of documents
59. Orders for production of documents
60. Retention of documents
- PART V — PUBLICATION OF VOTING INFORMATION
61. (1) In a contested election where the count is conducted...
- PART VI — DEATH OF CANDIDATE
62. Independent candidate
63. Deceased independent candidate wins
64. Deceased independent candidate with equality of votes
65. Party candidate
66. Abandoned poll
- PART VII — FORMS FOR USE AT SCOTTISH LOCAL GOVERNMENT ELECTIONS

#### FORM 4

##### *(back of form)*

1. On the ballot paper, number the candidates in order of...
2. Do not put any other marks on the ballot paper...
3. You must provide [**\*\*your signature and**] date of birth on...
4. Put the ballot paper in the envelope marked A and...
5. If you get more than one ballot paper, by accident,...
6. Remember, if you have received a postal vote you cannot...
7. If you make a mistake on the ballot paper you...
8. If you lose the ballot paper, postal voting statement or...
9. If you want to apply for a replacement ballot paper...

##### **REMINDER**

1. Have you remembered to [**\*\*sign your name and**] provide your...
2. Have you put your ballot paper in the envelope A...
3. Have you put envelope A together with the postal voting...
4. You must make sure that you send your postal vote...

*Back of card*

**LOCAL GOVERNMENT ELECTION**

**ISSUED BY THE RETURNING OFFICER**

*Back of card*

**LOCAL GOVERNMENT ELECTION**

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

**ISSUED BY THE RETURNING OFFICER**

SCHEDULE 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

1. At the end of rule 14(2) (the ballot papers) insert—...
2. At the end of rule 20 (notice of poll) insert—
3. After rule 22(2) insert— (2A) The polling station allotted to electors...
4. At the end of rule 24 (issue of official poll cards)...
5. After rule 25(1) (equipment of polling stations) insert—
6. For rule 25(4) (equipment of polling stations) substitute—
7. After rule 26(3) (appointment of polling and counting agents) insert—
8. In questions 1(a) and (b) and question 4 of rule 31(3)...
9. At the end of rule 33 (voting procedure) insert—
10. After rule 34(3) (votes marked by presiding officer) insert—
11. After rule 35(6) (voting by persons with disabilities) insert—
12. At the end of rule 36(7) (tendered ballot papers) insert— and...
13. At the end of rule 39(1) (adjournment of poll in case)...
14. After rule 40(1) (procedure on close of poll) insert—
15. For rule 41(1) (attendance at counting of votes) substitute—
16. In rule 41(2) before “at the counting of the votes” there...
17. In rule 41(3) before the words “counting of the votes” in...
18. For rule 43(1) (the count) substitute— (1) Where the returning officer...
19. At the end of rule 58 (delivery of documents) insert— and...
20. In rule 62 (countermand or abandonment of poll on death of)...
21. In Schedule 1, for Form 6 (the Corresponding Number List), substitute...
22. In Schedule 1, for Form 8 (the postal voting statement) substitute the...
23. In Schedule 1, for Form 13 (the form of directions for the)...
24. In Schedule 1, in Form 15 (the form of declaration to be)...

SCHEDULE 3 — FORM OF CORRESPONDING NUMBER LIST REFERRED TO IN PARAGRAPH 21 OF SCHEDULE 2

SCHEDULE 4 — FORM OF POSTAL VOTING STATEMENT REFERRED TO IN PARAGRAPH 22 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**

1. On the [colour] (Parliamentary Election)/(European Parliamentary Election)\* ballot paper(s), mark...
2. On the [colour] ballot paper for the local government election...
3. Do not put any other marks on the ballot paper....
4. Complete your ballot papers in secret. If you need someone...
5. You must provide [**\*\***your signature and] date of birth on...
6. Put the ballot papers in the envelope marked A and...
7. If you get more than one ballot paper of the...
8. Remember, as you have received a postal vote you cannot...
9. If you make a mistake on the ballot paper you...
10. If you lose the ballot paper, postal voting statement or...
11. If you want to apply for a replacement ballot paper...

**REMINDER**

1. Have you remembered to [**\*\***sign your name and] provide your...
2. Have you put your ballot paper in the envelope A...
3. Have you put envelope A together with the postal voting...
4. You must make sure then that you send your postal...

Explanatory Note