
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2011 No.

**The Crofting Commission (Elections)
(Scotland) Regulations 2011**

PART IV

COUNTING OF VOTES AND DECLARATION OF RESULT

Rejected ballot papers and invalid markings

45.—(1) A ballot paper is, subject to paragraph (2), rejected as void and not counted at any stage if—

- (a) it does not bear a unique identifying number;
- (b) the number “1” has not been marked opposite the name of any of the candidates;
- (c) the number “1” has been marked opposite the name of more than one candidate;
- (d) anything is written or marked by which the elector can be identified except the unique identifying number; or
- (e) it is unmarked or is marked in a way that does not indicate a clear choice as to the elector’s first (or sole) preference.

(2) A ballot paper on which a number is marked elsewhere than in a proper place is not deemed to be void for that reason alone.

(3) If a ballot paper is marked with the same number (other than the number “1”) opposite the name of more than one candidate, that number (each time it appears) and any numbers after the repeated numbers are ignored for the purposes of regulation 42.

(4) If—

- (a) one or more preferences are validly marked on a ballot paper; and
- (b) other marks are made on the paper which do not indicate a clear intention as to the elector’s next preference,

those other marks are ignored for the purposes of regulation 42.

(5) A ballot paper on which the elector makes any mark which—

- (a) is clearly intended to indicate a particular preference for a particular candidate; but
- (b) is not a number (or is a number written otherwise than as an arabic numeral),

is treated in the same way as if the appropriate number (written as an arabic numeral) had been marked instead.

(6) In paragraph (5), a reference to a mark includes a reference to more than one mark.

(7) Paragraphs (4) and (5) apply only if the way the paper is marked does not itself identify the elector and it is not shown that the elector can be identified by it.

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

(9) The returning officer must draw up a statement showing the number of ballot papers rejected under each sub-paragraph of paragraph (1).