

SCHEDULE 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

PART III

CONTESTED ELECTIONS

The poll

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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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 13(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 13(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 13(3B) or (3D) of the 1983 Act."