

SCHEDULE 2

SCOTTISH PARLIAMENTARY ELECTION RULES

PART III

CONTESTED ELECTIONS

Counting of votes

Rejected ballot papers

58.—(1) Any ballot paper—

- (a) which does not bear the official mark and the unique identifying mark;
- (b) in the case of a constituency ballot paper, on which votes are given for more than one candidate;
- (c) in the case of a regional ballot paper, on which votes are given for more than one registered party or individual candidate, or for a registered party and an individual 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 the provisions of paragraphs (3), (4) and (5), be void and not counted.

(2) At a Scottish parliamentary general election, if the constituency ballot paper and regional ballot paper are printed on the same sheet, and either ballot paper is rejected on the ground set out in paragraph (1)(a) or (d), the other ballot paper on the sheet shall also be treated as void on the same ground and not counted.

(3) Where votes are counted manually, the constituency returning officer shall check that each ballot paper bears the official mark, and where votes are counted electronically he shall check that each ballot paper bears the unique identifying mark, but in neither case is he required to check that each ballot paper bears both the official mark and the unique identifying mark.

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

- (a) elsewhere than in the proper place;
- (b) otherwise than by means of a cross; or
- (c) by more than one mark,

shall not for such reason be deemed to be void if an intention that the vote shall be for one of the candidates (or in the case of a regional ballot paper, for one of the individual candidates or registered parties) clearly appears, and the way the paper is marked does not of itself identify the voter and it is not shown that he can be identified by it.

(5) Where different numbers have been written by a voter on a ballot paper apparently as a vote in a sequential order of preference, and the ballot would otherwise be rejected under this rule, the ballot shall be treated as a vote for the candidate (or in the case of a regional ballot paper, for the individual candidate or registered party) against whom the number 1 appears.

(6) The constituency returning officer shall record, by marking the ballot paper or an electronic copy thereof, the rejection of any ballot paper which under this rule is not to be counted, and shall also record any objection that is made by a counting agent to the decision to reject the ballot paper.

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(7) The constituency returning officer shall draw up a statement showing the number of constituency ballot papers and the number of regional ballot papers, respectively, rejected under each of sub-paragraphs (1)(a) to (e).