

## SCHEDULE 1

### SCOTTISH LOCAL GOVERNMENT ELECTIONS RULES

#### 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 in the order of their surnames;
- (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, subject to paragraphs (7) and (8), 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) or (6) 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) If a candidate who is the subject of an authorisation under rule 4(7) so requests, the ballot paper shall contain, against the candidate's particulars, the registered emblem (or, as the case may be, one of the registered emblems) of one of those parties.

(5) The request referred to in paragraphs (3) and (4) 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.

*Status: This is the original version (as it was originally made).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

(6) For the purposes of paragraph (5), 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.

(7) Where the returning officer thinks—

- (a) that showing a candidate's commonly used name on the ballot paper is likely to mislead or confuse electors; or
- (b) that the commonly used name is obscene or offensive,

the returning officer may refuse to show the commonly used name on the ballot paper.

(8) Where paragraph (7) applies, the returning officer shall give notice in writing to the candidate of the returning officer's reasons for refusing to allow the commonly used name to be shown on the ballot paper.

### **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 21(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 25(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(1); and
- (b) a room the expense of maintaining which is payable out of local authority funds,

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

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(1) 1980 c.44. Section 135 was amended by section 3 of the School Education (Ministerial Powers and paragraph 3(9) of schedule 2 to the Independent Schools) (Scotland) Act 2004 (asp 12) and the Standards in Scotland's Schools etc. Act 2000 (asp 6).

(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.

### **Supply of free copy of register, lists and notices**

**19.**—(1) Each electoral registration officer must, on the request of the relevant returning officer, supply free of charge to the returning officer as many printed copies of—

- (a) the latest version of the register of electors published under section 13(1) or (3) of the 1983 Act<sup>(2)</sup>, as the case may be;
- (b) any notice setting out an alteration to that version of the register issued under—
  - (i) section 13A(2) of that Act,
  - (ii) section 13B(3), (3B) or (3D) of that Act, or
  - (iii) section 13BB(4) or (5) of that Act; and
- (c) any record of anonymous entries,

as the returning officer may reasonably require for the purposes of the poll.

(2) Each electoral registration officer must, as soon as practicable, supply free of charge to the relevant returning officer as many printed copies of—

- (a) the postal voters list;
- (b) the list of proxies; and
- (c) the proxy postal voters list,

as the returning officer may reasonably require for the purposes of the poll.

(3) If, after supplying copies of the register and notices in accordance with paragraph (1), any further notices of the kind referred to in paragraph (1)(b) are issued by an electoral registration officer, the electoral registration officer must, as soon as reasonably practicable after issuing the notices, supply the relevant returning officer with as many printed copies as the returning officer may reasonably require for the purposes of the poll.

(4) The duty under paragraph (1) to supply as many printed copies of the register and notices as the returning officer may reasonably require includes a duty to supply one copy in data form.

(5) For the purposes of this rule—

“data” means information which is recorded with the intention that it should be processed by means of equipment operating automatically in response to instructions given for that purpose; and

“data form” means data which is in a form which is capable of being processed by means of equipment operating automatically in response to instructions given for that purpose.

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(2) Sections 13, 13A and 13B were substituted by the Representation of the People Act 2000 (c.2), Schedule 1, paragraph 6 and are amended by the Electoral Administration Act 2006 (c.22), section 11 and Schedule 1(2) paragraph 32 and by the Political Parties and Elections Act 2009 (c.12), section 23 and Schedule 6, paragraphs 2 and 3. Section 13BB was inserted by the Political Parties and Elections Act 2009, section 23(1). There are other amendments that are not relevant for the purposes of this Order.