

Dealing with doubtful ballot papers

Supporting the Scottish council elections

Translations and other formats

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Contents

1	Introduction	1
	Managing the adjudication at council elections in Scotland.....	1
2	Principles of adjudication	3
	Want of Unique Identifying Mark (UIM).....	4
	By-elections	4
	Not indicating a first preference	4
	Indicating more than one first preference	4
	Writing or mark by which the voter can be identified.....	5
	Writing or mark which, of itself, identifies the voter	5
	The voter can be indirectly identified by any writing or mark on the ballot paper	5
	Unmarked ballot papers.....	5
	Void for uncertainty.....	5
	Partially accepted ballot papers	6
	Decisions on ballot papers.....	6
3	Summary	7
4	Examples	8
	Allowed votes	9
	Rejected votes.....	28
	Annex - Legislation	39
	The election rules.....	39

1 Introduction

1.1 This booklet is designed to assist Returning Officers (ROs) and their deputies in adjudicating doubtful ballot papers at council elections in Scotland.

This booklet should also be read in conjunction with our general guidance for ROs on managing the verification and count which can be found on [our website](#).

1.2 The RO may delegate the final decision on adjudication to one or more deputies, but this must be done explicitly in writing.¹

1.3 Because the RO discharges a statutory function in adjudicating doubtful votes, the RO or authorised Depute RO, and not other staff employed by the RO at the count, should carry out this function.

1.4 One of the aims of this booklet is to help to ensure consistency of approach across Scotland. The examples in this booklet have been developed in consultation with the Electoral Management Board for Scotland and the Electoral Commission is grateful for their assistance.

1.5 When undertaking the adjudication of ballot papers it is important to ensure that the process is carried out in full view of all candidates and agents present, as well as in the presence of any Commission representatives and accredited observers in attendance. This is a legal requirement and will also assist with providing transparency of decision making.

Managing the adjudication at council elections in Scotland

1.6 ROs should not wait until towards the end of the count before starting the adjudication process; this should be carried out regularly throughout the count process in clear view of those entitled to be present.

1.7 Once any doubtful ballot papers have been dealt with, those deemed to be allowed must be included in the count. Those ballot papers that have been rejected should be stamped with the word 'rejected' and dealt with accordingly.

1.8 A ballot paper can be accepted in part if there is a break in the numbered sequence or the same number is used to mark more than one subsequent preference. Those ballot papers should be marked 'accepted in part' with a note indicating which preferences can be counted.

1.9 In addition, a statement must be prepared showing the number of ballot papers rejected under each of the following headings - any ballot paper:²

¹ Section 35(4), Representation of the People Act 1983.

² Rule 44(4), Scottish Local Government Election Rules 2011.

- Which does not bear a unique identifying mark in a form that is capable of being read by electronic or other means? (In the case of a by-election that is counted manually, this category will be replaced with 'Want of official mark').
- On which a number standing alone is not placed so as to indicate a first preference for some candidate.
- On which the figure '1' standing alone indicating a first preference is set opposite the name of more than one candidate.
- 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.
- Which is unmarked or void uncertainty.

2 Principles of adjudication

2.1 Any doubtful ballot papers should be placed in a tray for the supervisor to take to the RO for adjudication. The whole of the front of ballot paper needs to be considered when adjudicating doubtful votes and the front of the ballot papers should be carefully checked for any marks, in case the voter has made any marks outside of the voting boxes.

2.2 The RO may only reject a ballot paper on the following grounds:

- it does not contain a unique identifying mark that can be read electronically or by other means (or, where a by-election is being counted manually, absence of an official mark)
- it indicates more than one first preference
- it does not indicate a first preference
- it contains a mark or writing by which the voter can be identified (except the printed ballot paper number or other unique identifying mark)
- those where the voter's intention is uncertain

2.3 A ballot paper should not be rejected because it is:³

- not marked in the proper place
- marked other than by a figure indicating a first or subsequent preference
- marked by more than one mark

2.4 Therefore, the following ballot papers will need to be passed to the RO for adjudication:

- those that appear to have no unique identifying mark that can be read electronically (or, where a by-election is being counted manually, those ballot papers that do not contain an official mark)
- those appearing to contain more than one first preference
- those appearing not to contain a first preference
- those where there is no mark or uncertainty as to the voter's intention

2.5 In addition, in order to help maintain the integrity of the election, the following ballot papers should be passed to the RO for further consideration:

- any ballot paper torn or damaged in any way
- any ballot paper with anything unusual about it (for example, any paper that appears to have been altered, either with a clearly different writing instrument or with correction fluid)

2.6 In the case of ballot papers that appear to have been altered, ROs may consider packaging them separately in case of later challenge or investigation.

³ Rule 44(2), Scottish Local Government Election Rules 2011.

Want of Unique Identifying Mark (UIM)

2.7 Absence of the UIM must lead to an automatic rejection. The RO has no discretion.

2.8 However, if the UIM has been defaced or erased so that it cannot be read electronically but can be physically read, the ballot paper can be accepted. The UIM should then be entered into the electronic counting system. If the RO has any concerns about the validity of such a paper then the RO can check that the paper bears the official mark so they may be satisfied that the ballot paper is genuine.

2.9 If however, the UIM cannot be read electronically or physically by a person, the ballot paper must be rejected.

By-elections

2.10 At a by-election where ballot papers are counted manually, any ballot paper which does not contain an official mark (not the UIM) must lead to an automatic rejection. The RO has no discretion.

2.11 However, where instead of a pre-printed official mark a stamping instrument has been used, a partial piercing or embossing of the ballot paper should not in itself result in a rejection. As long as it is clear that the ballot paper has been stamped by polling station staff, the fact that not all the pins have stamped through the ballot paper or that the perforation is not wholly on the paper is immaterial.

Not indicating a first preference

2.12 If the voter has not marked a number '1' against any candidate, the RO will need to adjudicate the ballot paper. It may be that the voter has put a single 'X' or some other word or symbol, instead of a figure, on the ballot paper which can be interpreted as a first preference. Other logical sequences such as A, B, C, D, E etc. could be accepted if the voter's intention is clear.

2.13 There may be cases where a number other than a '1' is the only mark made on the ballot paper, for example a '3' next to the candidate who is third from the top of the ballot paper. In this case, this should be rejected for not indicating a first preference because the saving in Rule 44(2) which allows words or any other marks to be accepted, specifically excludes the use of a figure other than a '1'.

Indicating more than one first preference

2.14 This is a matter for the ROs judgment.

2.15 If a voter puts the number '1' against two or more candidates, it must be rejected as indicating more than one preference.

Writing or mark by which the voter can be identified

2.16 There are two aspects to this:

- either any writing or mark on the ballot paper which, of itself, identifies the voter, or
- the voter can be identified by such writing or mark

2.17 It is important to bear in mind that the legislation states that the voter **can be**, not may be or might possibly be, identified (which does not include the ballot paper number and unique identifying mark).

Writing or mark which, of itself, identifies the voter

2.18 A ballot paper should be rejected if:

- the electoral number of the voter written on the ballot paper unequivocally identifies the voter
- it may reasonably be held to bear the name (or signature) or unique address of the voter on its front

The voter can be indirectly identified by any writing or mark on the ballot paper

2.19 The RO is not required to investigate the matter or require evidence to be produced to identify the writing or mark. But, the RO should consider any evidence that is given to them at the time.

2.20 Where there is doubt about the identity of the person who marked the ballot paper, the RO should allow rather than reject the ballot paper.

Unmarked ballot papers

2.21 Unmarked ballot papers should be rejected.

2.22 A ballot paper marked by means other than a pencil should not be rejected simply because of that.

2.23 Marks other than a cross, however faint, may still be valid.

Void for uncertainty

2.24 Establishing voter intention is crucial when determining doubtful ballot papers.

2.25 The key phrase in the Rules is: 'A ballot paper [...] shall not [...] be deemed to be void if in the opinion of the RO the word or mark clearly indicates a preference or preferences.'⁴

2.26 Each ballot paper should be considered on its own merits and decisions should be taken on a case-by-case basis.

2.27 Ballot papers can be accepted in part if the first one or more preferences are clear but subsequent preferences are not. The preferences up to the point of uncertainty should be included in the count. (See 'Partially accepted ballot papers' below)

2.28 The key question an RO should ask is whether the voter has, on the face of the paper, indicated a reasonably clear intention to express a preference for any particular candidate or candidates.

Partially accepted ballot papers

2.29 A ballot paper can be partially accepted if some preferences are expressed validly, but not all. For example, if a voter marked their ballot paper 1, 2, 3, 4, 6 (i.e. no fifth preference) the ballot paper should be adjudicated as good for the first four preferences and thereafter becomes a non-transferable ballot paper.

2.28 If, for example, a voter marks their ballot paper 1, 2, 3, 4, 4, 5, 6, 7 etc. (i.e. there are two fourth preferences indicated), the ballot paper shall be partially accepted and adjudicated as good for the first three preferences and therefore becomes a non-transferable ballot paper. The RO cannot be clear which candidate the fourth preference should be allocated to.

Decisions on ballot papers

2.30 The decision of the RO is final, but may be subject to review on election petition.

⁴ Rule 44(2), Scottish Local Government Election Rules 2011

3 Summary

3.1 The principles to be applied are set out above. In practical terms, the **general approach** can be summarised as follows:

- Always be clear and consistent.
- Take time to ensure that a considered decision is given in every case.
- Determine whether the intention of the vote clearly appears on the ballot paper. As part of this, ROs will need to:
 - consider the whole of the ballot paper
 - consider whether the way a ballot paper has been marked means that the voters intention is clear

4 Examples

4.1 The examples provided here under 'allowed' and 'rejected' are based on the specific rules for council elections in Scotland.

4.2 Ultimately, the decision on any particular ballot paper rests with the RO and it is for them to determine their own view of the application of the law.

Allowed votes






The following are suggested examples of allowed votes.

Example 1

(NAME OF COUNCIL) - (NAME OF WARD)

(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="checkbox"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input checked="" type="checkbox"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="checkbox"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="checkbox"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="checkbox"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="checkbox"/>

Allow for Boots as first preference – Rule 44(2)(b), other than by means of a figure.

Example 2






(NAME OF COUNCIL) - (NAME OF WARD)

(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.

Put the number **1** in the voting box next to your **first** choice

Put the number **2** in the voting box next to your **second** choice

Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text" value="XXXX"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text" value="XXX"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="text"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text" value="XX"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text" value="X"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text"/>

Allow for Hood, Grey, Boots and Barber as first, second, third and fourth preferences respectively – Rule 44(2)(b), otherwise than by means of a figure.

Example 3






(NAME OF COUNCIL) - (NAME OF WARD)

(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.

Put the number 1 in the voting box next to your **first** choice

Put the number 2 in the voting box next to your **second** choice

Put the number 3 in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text" value="X"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text" value="3"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="text" value="4"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text" value="2"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text"/>




Allow – 'X' is taken as first preference for Barber. Rule 44(2)(b), otherwise than by means of a figure.

Example 4

(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text" value="two"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text" value="one"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="text"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text" value="three"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text" value="four"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text"/>

Allow – Rule 44(2)(b), otherwise than by means of a figure.

Example 5






(NAME OF COUNCIL) - (NAME OF WARD)

(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.

Put the number **1** in the voting box next to your **first** choice

Put the number **2** in the voting box next to your **second** choice

Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text" value="X"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text" value="2"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="text" value="4"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text" value="6"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text" value="8"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text"/>







Partially accept – allow Barber as first preference and Boots as second preference only. Thereafter it becomes a non-transferable ballot paper. Rule 44(2)(b), otherwise than by means of a figure.

Example 6

(NAME OF COUNCIL) - (NAME OF WARD)

(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text" value="1"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 5Z1 Independent		<input type="text"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text" value="2"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text"/>






Allow Barber as first preference and Grey as second preference only.

Example 7

(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="checkbox"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input checked="" type="checkbox"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="checkbox" value="2"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="checkbox" value="3"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="checkbox" value="4"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="checkbox"/>






Allow – tick is taken as first preference for Boots. Rule 44(2)(b), otherwise than by means of a figure.

Example 8

(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="checkbox"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="checkbox"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent	<i>Clover 1</i>	<input type="checkbox"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="checkbox"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="checkbox"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="checkbox"/>





Allow as first preference for Clover. Rule 44(2)(a), elsewhere than in the proper place.

Example 9

(NAME OF COUNCIL) - (NAME OF WARD)

(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party	3		<input type="checkbox"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers	4		<input type="checkbox"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent	2		<input type="checkbox"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party	1		<input type="checkbox"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party	5		<input type="checkbox"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum			<input type="checkbox"/>






Allow – Rule 44(2)(a), elsewhere than in the proper place.

Example 10

(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text" value="0"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text" value="1"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="text" value="2"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text" value="0"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text" value="3"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text" value="0"/>






Allow for Boots, Clover and Hood as first, second and third preference respectively.

Example 11

(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text" value="B"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text" value="A"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="text" value="D"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text" value="C"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text"/>






Allow for Boots, Barber, Hood and Clover as first, second, third and fourth preference respectively. Rule 44(2)(b), otherwise than by means of a figure.

Example 12

(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="checkbox"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="checkbox"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="checkbox" value="yes"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="checkbox"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="checkbox"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="checkbox"/>

Allow – ‘yes’ is taken as first preference for Clover. Rule 44(2)(b), otherwise than by means of a figure.

Example 13






(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice

Put the number **2** in the voting box next to your **second** choice

Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="checkbox"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="checkbox"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="checkbox"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="checkbox"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="checkbox" value="Hood"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="checkbox"/>






Allow for Hood as first preference (provided no other candidate called Hood). Rule 44(2)(b), otherwise than by means of a figure.

Example 14

(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="checkbox" value="1"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="checkbox" value="1"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="checkbox" value="11"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="checkbox" value="14"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="checkbox" value="111"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="checkbox"/>






Allow in Roman numerical order. Rule 44(2)(b), otherwise than by means of a figure.

Example 15

(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text" value="3"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="text"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text" value="1"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text" value="2"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text"/>

Allow for Grey, Hood and Boots as first, second and third preference respectively.
Rule 44(2)(c), by more than one mark.

Example 16






(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice

Put the number **2** in the voting box next to your **second** choice

Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text" value="5"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text" value="6"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="text" value="2"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text" value="1"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text" value="3"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text"/>

Partially accept – allow for Grey, Clover and Hood as first, second and third preference respectively.

Example 17






(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice

Put the number **2** in the voting box next to your **second** choice

Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text" value="3"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text" value="1"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="text" value="2"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text" value="3"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text" value="3"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text"/>






Partially accept – allow for Boots and Clover as first and second preference respectively. Thereafter the ballot paper becomes non-transferable as the next preference is not clear.

Example 18

(NAME OF COUNCIL) - (NAME OF WARD)

(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT24 881 Bullock Party		<input type="checkbox"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT35 5XZ League of Line Dancers		<input type="checkbox"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="checkbox"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="checkbox"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="checkbox"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT66 7RR Alternative Power Forum		<input type="checkbox"/>

Allow as first preference for Hood only. Rule 44(2)(b), otherwise than by means of a figure..

Example 19






(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice

Put the number **2** in the voting box next to your **second** choice

Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text" value="4"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text" value="3"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="text" value="2"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text" value="x1"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text" value="5"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text"/>

Allow – 'x1' is taken as a first preference for Grey. Rule 44(2)(c), by more than one mark.

Rejected votes

The following are suggested examples of rejected votes.

Example 20






(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice

Put the number **2** in the voting box next to your **second** choice

Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text" value="3"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text" value="2"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="text" value="4"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text" value="6"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text" value="5"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text"/>




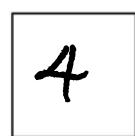
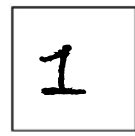

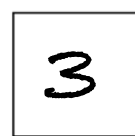

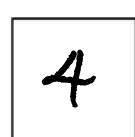


Reject – Rule 44(1)(b), no first preference.

Example 21

(NAME OF COUNCIL) - (NAME OF WARD)

(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

<p>BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party</p>	<p><i>L Smith</i> <i>24 Any Lane</i> <i>Anytown</i></p>		
<p>BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers</p>			
<p>CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent</p>			
<p>GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party</p>			
<p>HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party</p>			
<p>MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum</p>			






Reject – Rule 44(1)(d), voter can be identified.

Example 22

(NAME OF COUNCIL) - (NAME OF WARD)

(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text" value="4"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text" value="1"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="text" value="1"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text" value="2"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text" value="3"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text"/>

Reject – Rule 44(1)(c), more than one first preference.

Example 23






(NAME OF COUNCIL) - (NAME OF WARD)

(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.

Put the number **1** in the voting box next to your **first** choice

Put the number **2** in the voting box next to your **second** choice

Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text" value="1"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text" value="1"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="text" value="2"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text" value="3"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text" value="4"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text"/>






Reject – Rule 44(1)(e), void for uncertainty.

Example 24

(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="checkbox"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input checked="" type="checkbox"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="checkbox"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input checked="" type="checkbox"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="checkbox"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="checkbox"/>






Reject - Rule 44(1)(c), more than one first preference.

Example 25

(NAME OF COUNCIL) - (NAME OF WARD)

(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="checkbox"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="checkbox"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="checkbox"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="checkbox"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="checkbox"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input checked="" type="checkbox"/>
<i>None of the above</i>		






Reject – Rule 44(1)(e), void for uncertainty.

Example 26

(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="checkbox"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="checkbox"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E3 Independent		<input type="checkbox"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="checkbox"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="checkbox"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="checkbox"/>






Reject – Rule 44(1)(e), void for uncertainty.

Example 27

(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text" value="x"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="text" value="2"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text" value="1"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text"/>





Reject – Rule 44(1)(e), void for uncertainty.

Example 28

(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text" value="1"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="text"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text" value="1"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text"/>






Reject - Rule 44(1)(c), more than one first preference.

Example 29

(NAME OF COUNCIL) - (NAME OF WARD)

(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="text"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="text"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="text"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="text" value="3"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="text"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="text"/>






Reject - Rule 44(1)(b), no first preference.

Example 30

(NAME OF COUNCIL) - (NAME OF WARD)

**(Number to be elected) of the candidates listed below will be elected.
You can make as many or as few choices as you wish.**

Put the number **1** in the voting box next to your **first** choice
Put the number **2** in the voting box next to your **second** choice
Put the number **3** in the voting box next to your **third** choice. **And so on.**

BARBER, Ali 5 Anytown Close, Anytown, AT34 6CY Pelican Party		<input type="checkbox"/>
BOOTS, Dusty 63 Acacia Avenue, Anytown, AT33 5XZ League of Line Dancers		<input type="checkbox"/>
CLOVER, Elizabeth Mary 9 Seymour Court, Anytown, AT12 E34 Independent		<input type="checkbox"/>
GREY, Earl 2 Cedar Lane, Anytown, AT23 4YD Mad Hatter's Tea Party		<input type="checkbox"/>
HOOD, Robin 64 Purple Road, Anytown, AT12 7HT Forest Party		<input type="checkbox"/>
MILLER, Windy 7 Daisy Drive, Anytown, AT98 7RK Alternative Power Forum		<input type="checkbox"/>

Reject - Rule 44(1)(e), unmarked.

Annex - Legislation

The election rules

The relevant rules for council elections in Scotland are as follows:

Rejected ballot papers

Rule 44 –

(1) Any ballot paper –

- (a) which does not bear a unique identifying mark in a form that is capable of being read by electronic or other means
- (b) on which a number standing alone is not placed so as to indicate a first preference for some candidate
- (c) on which the figure '1' standing alone indicating a first preference is set opposite the name of more than one 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 (2) and (3), be void and not counted.

(2) A ballot paper on which the vote is marked –

- (a) elsewhere than in the proper place
- (b) otherwise than by means of a figure indicating a first or subsequent preference
- (c) by more than one mark

shall not for such reason be deemed to be void by reason of only of indicating a preference by the use of words (or any other mark) instead of figures, if in the opinion of the Returning Officer the word or mark clearly indicates a preference or preferences, and the way the paper is marked does not itself identify the voter and it is not shown that such voter can be identified by it.

(3) The Returning Officer shall mark as rejected any ballot paper which under this rule is not to be counted, and shall add to that mark that the rejection is objected to if any counting agent objects to the rejection

(4) The Returning Officer shall draw up a statement showing the number of ballot papers rejected under each of the sub-paragraphs (a) to (e) of paragraph (1).

Decisions on ballot papers

Rule 45 – The decision of the Returning Officer, whether express or implied, on any question arising in respect of a ballot paper, the exclusion of a candidate or the transfer of votes shall be final, but shall be subject to review on an election petition.

By-elections

The Returning Officer may count the ballot papers at a council by-election manually rather than electronically. In this situation, Rule 55 amends Rule 44(1)(a) to read:

- a) which does not bear or contain an official mark

Interpretation

Article 2 of the Order provides some definitions which may assist the Returning Officer when considering doubtful ballot papers:

- 'next available preference' means a preference which is the second or, as the case may be, subsequent preference in consecutive order for a continuing candidate (any preferences for any candidate who is deemed to be elected or excluded from the list of candidates under rule 51 being ignored.)
- 'non-transferable paper' means a ballot paper on which there is no next available preference
- 'transferable paper' means a ballot paper on which a next available preference is given