

Part E – Verifying and counting the votes

Scottish Parliamentary election:
guidance for Returning Officers

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In this guidance we use 'must' when we refer to a specific legal requirement. We use 'should' for items we consider to be recommended practice, but which are not legal requirements.

Translations and other formats

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Tel: 020 7271 0500

Email: publications@electoralcommission.org.uk

Updates to this document

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1 Principles for an effective verification, count and results collation

Verification and count

1.1 You should ensure that your verification and count arrangements can deliver the key principles for an effective verification and count, which are as follows:

- All processes are transparent, with a clear and unambiguous audit trail.
- The verification produces an accurate result. This means that the number of ballot papers in each box either matches the number of ballot papers issued as stated on the ballot paper account or, if it does not:
 - the source of the variance has been identified and can be explained, and/or
 - the box has been recounted at least twice, until the same number of ballot papers is counted on two consecutive occasions
- Each count produces an accurate result:
 - for the constituency count, the total number of votes cast for each candidate and rejected votes matches the total number of ballot papers given on the verification statement for the constituency
 - for the regional count, the total number of votes cast in the constituency for each party and individual regional candidate and the rejected votes matches the total number of ballot papers given on the verification statement for the regional contest within the constituency
- The verification and count are timely.
- The secrecy of the vote is maintained at all times.
- The security of ballot papers and other stationery is maintained at all times.
- The communication of information at the verification and count is clear and timely.

1.2 In addition to considering how to ensure that your processes will enable you to meet the key principles, you will need to consider other relevant practical factors that will affect the organisation and timing of the verification and count, such as:

- the geography of the constituency
- the size of the constituency
- size and capacity of venues
- cost
- transparency for candidates, agents and observers

Results collationⁱ

1.3 If you are also the RRO, the same principles of transparency, accuracy, timeliness, integrity and communication set out above should underpin the planning for and delivery of the results collation.

1.4 The figures to be used for the allocation of regional seats will provide the basis for an accurate result where: the sum of the votes cast for each party and individual candidate and the rejected votes for all constituencies in the region, matches the sum of the total number of ballot papers given on the verification statement for the regional contest in each constituency.

1.5 The allocation of regional seats will be accurate where: correct constituency and regional figures are received from CROs across the region, and you as RRO carry out the d'Hondt calculation based on these figures. Once the d'Hondt calculation has been completed, you as RRO will allocate seats to the correct parties and individual regional candidates.

1.6 The time it will take for all CROs in the region to complete their election counts will directly impact on the timing of the results collation. When developing your assumptions for the timing of the results collation you will need to consider relevant practical factors such as:

- the geography of the electoral region as a whole
- the number of constituencies within the electoral region
- the impact of any other polls taking place in the electoral region



Further guidance for RROs on results collation can be found in in paragraphs 7.1 – 7.16.

ⁱ Unless otherwise stated, we use 'results collation' throughout this guidance to refer collectively to the processes the Regional Returning Officer (RRO) will follow to receive and collate results from Constituency Returning Officers (CROs) and the subsequent calculation and allocation of regional seats.

2 Preparing for the verification and count

2.1 This chapter covers the general considerations you will need to make when preparing for the verification and count in your area.

2.2 There are a variety of methods for arranging verification and count processes and it is for you as CRO, in discussion with the RRO to decide which approach is most appropriate for your local circumstances.

2.3 If you are also the RRO, you should be satisfied that the verification plans in your region are designed and managed sufficiently to secure an accurate result in which everyone can have confidence.

2.4 In either case, your project plan should include your arrangements for the management of the verification and counts.



This guidance should be read alongside our [verification and count toolkit](#), which covers the more practical aspects of running the verification and count, as well as the decisions you will need to make on how best to manage these processes.

We recognise that there is no ‘one-size-fits-all’ approach which can be applied to running the verification and count process at an election. Every area has its own set of local circumstances that will influence the decisions that you must make in running the verification and count processes. The toolkit we have developed has been designed to ensure consistency of outcomes, following the principles set out in Chapter 1, while providing flexibility in recognition of varying local circumstances.

2.5 As CRO, you are responsible for the counting of votes for both the constituency contest and that part of the regional contest that is included within the constituency.

2.6 If you are also the RRO, you are responsible for collation and calculation of the number of votes given for each individual candidate and political party in the regional contest, and calculation of the allocation of seats for the electoral region and declaration of the regional result



Information about roles and responsibilities can be found in [Part A – Role and responsibilities](#) of the Commission’s guidance

Planning for the verification and count

2.7 As set out in [Part B – Planning and Organisation](#), to plan effectively for the election you should prepare a project plan that is treated as a ‘living document’, keeping it under regular review, and using it to monitor progress.



If you are also the RRO, your plan should additionally cover the resourcing and management of the results collation, including the development of a protocol for the transmission and receipt of the election results from CROs. Guidance on results collation is contained in paragraphs **6.30 – 6.71**.

2.8 You should keep your plan for the resourcing and delivery of the verification and count under review, taking into account the particular context of the election, particularly given that some constituencies are likely to see closely fought contests.

2.9 You should review your assumptions to ensure they continue to be realistic and robust, including your assumptions on turnout, the number of parties and candidates, speed and capability of count staff and expected timing for completing the various count stages. Such a review will help inform a realistic assessment of whether you will be able to deliver your overall plan, and whether and when it may be necessary to implement contingency plans. In all cases your plan should be flexible enough to allow you to respond if any of your assumptions change, covering what contingency actions you will take in such circumstances.

2.10 To help build confidence in your plans for the verification and count, you should, as a minimum, share information on your plan with local political parties, elected representatives and prospective candidates. To help manage expectations you should also identify in advance those decisions about the management of the count to be taken in consultation or agreement with parties, candidates and agents, and make clear to them on what basis you will be making decisions. This may include, for example, decisions on recounts¹ and the suspension of the count.² While you should seek input from those affected or interested to inform your decision-making, ultimately the responsibility for making decisions remains with you.

2.11 The following sections in this chapter set out the legal requirements and provide general guidance on:

- the timing of the verification and count
- staffing and training
- equipment and layout of venues
- managing attendees
- communicating during the verification and count
- security of ballot papers

Timing of the verification and count

2.12 Our [timing of election counts report](#) sets out the overarching principle that should underpin decision-making in relation to the timing of election counts, that is, the need to ensure accurate results in which voters, candidates and political parties have confidence.

2.13 You are required to make arrangements for the verification and counting of the votes as soon as practicable after the close of poll.³

2.14 You should engage with local political parties, candidates and agents as part of your decision-making process, so that there is a well-informed local dialogue about the timing of the count in the context of the local circumstances. The Election Management Board (EMB) may also provide guidance on the timing of the count. Decisions on the timing of the count should be taken before the notice of election is published and those with an interest, including local political parties and broadcasters, should be informed at an early stage.

2.15 There may well be an expectation among parties, candidates and the media that the results will be declared as soon as possible after the close of poll. Working closely with the RRO, where you are not also the RRO, you will need to plan carefully how to manage the expectations of parties, candidates and the media.

2.16 The period of time specified for the count to take place should be such that you can resource and conduct well-run processes within it, ensuring accurate results in which voters, candidates and agents can have confidence. You will need to take this into account when identifying the options for the timing of the verification and counting of the votes.

2.17 Your plan should identify key points during the count process at which you will review progress against the expected schedule. This progress review should be used to keep candidates and agents, as well as the RRO where appropriate, informed of progress at the count.

Staffing

2.18 In order to ensure that voters can have confidence that their votes will be counted in the way they intended, you will need to put in place appropriate resources to ensure the verification and count are timely.

2.19 It is important you ensure there are the right number of competent, skilled and knowledgeable staff – and that each member of staff is clear about their role – so that the count is run efficiently and effectively and according to the principles in **Chapter 1 - Principles for an effective verification, count and results collation**. You should also ensure there is an appropriate number of reserve staff in case of staff absence on the day of the count.

2.20 You should ensure that staff receive appropriate training and instructions to allow them to carry out their duties effectively and in accordance with the law. Training should include what staff should look for when examining ballot papers to determine which should be included in the count.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to put in place appropriate resources to ensure the verification and count are timely.

To demonstrate that the outcome can be met you will need to set out how the verification and count is to be organised and managed, including the process you followed to arrive at your decision.



Further guidance on staffing the verification and count and the training of verification and count staff can be found in [Part B – Planning and organisation](#).

Layout and equipment at the venue(s)

2.21 So that those attending the count can have confidence that the count process is well-managed and can have confidence in the results, you should ensure that all your processes are transparent, with everything at the verification and count carried out in clear view of all those entitled to attend.

2.22 Layout plans of your verification and count venue(s) should also be prepared. A good layout will be informed by the verification and count model you decide to adopt, consideration of the workflows you intend to follow and the space you will have available.

2.23 You should ensure that all equipment, including the equipment to be used to transmit information and results to the RRO as appropriate, is set up and tested in advance of the verification and count. You should also ensure that you have contingency arrangements in place in case of equipment or power malfunction.



Further guidance on selecting verification and count venues can be found in [Part B – Planning and organisation](#). For practical guidance on how to lay out your verification and count venue and a checklist of useful materials, see our verification and count resource '[Planning for an effective verification and count: a toolkit for Returning Officers](#)'.



To be able to achieve the outcome set out in [performance standard 2](#), you will need to ensure count processes are transparent, with everything at the verification and count carried out in clear view of all those entitled to attend, with information provided to attendees on the processes to be followed.

To demonstrate that the outcome can be delivered you will need to have in place a layout plan of the count and have in place information to be provided to attendees at the count.

Communicating during the verification and count

2.24 Good communication, both at party, candidate and agent briefings in advance of the verification and count and at the event itself, allows those present to properly scrutinise all of the processes and will help to build confidence in the administration of the verification and count. Providing information on the process can also help to lower the number of queries raised by parties, candidates and agents – in particular from new or inexperienced parties, candidates or agents – thus reducing the pressure on staff.

2.25 You should produce and distribute an [information pack](#) to anyone attending the count containing, for example, information on the facilities, the processes and what those in attendance can expect to see. A checklist of key information to include can be found at Appendix 5 of our [verification and count toolkit](#). You should liaise with the RRO as appropriate to ensure that the pack also includes relevant information on how the regional result will be calculated and declared.

2.26 You should also ensure that there are timely and co-ordinated communications throughout the verification and count, for example by using a public address system, to ensure that information is communicated in a way that allows those in attendance to fully understand what is happening where and when and alerts candidates and agents to any particular processes at which their attendance is required (e.g. the adjudication of doubtful ballot papers).

2.27 To ensure transparency of communication between counting staff and other attendees at the count (including counting agents) you should make clear in instructions to those attending the count that any questions should be communicated via count supervisors rather than counting assistants.

2.28 Also, if agents or observers are dissatisfied in any way with the manner in which the proceedings are being carried out, the opportunity should always be available for them to make direct representations to you at the earliest opportunity so that any concerns may be considered, explanations and reassurances given, and any corrective action taken if necessary.



To be able to achieve the outcome set out in [performance standard 2](#), you will need to ensure that count processes are transparent, with everything at the verification and count carried out in clear view of all those entitled to attend, with information provided to attendees on the processes to be followed.

To demonstrate that the outcome can be delivered you will need to have a layout plan of the count and have in place information to be provided to

attendees at the count and arrangements to communicate progress at the count.

2.29 You should consider the following when determining what information you will provide to anyone attending the verification and count on the processes to be followed, and how you will provide it:

- Placing information posters and boards throughout the verification and count venue, which show the key members of staff and provide an overview of the procedures to be followed in order to help attendees identify what is happening and where. You may wish to provide pictures of yourself and your key staff to help attendees identify you at the count. This information could also be provided in advance of the count, for example, as part of an information pack.
- Providing a layout plan of the venue, indicating the key areas of interest for counting agents and observers.
- Appointing a member of staff to respond to queries and to act as liaison between candidates, agents, observers and key staff.
- Providing a hand-out listing all ballot box numbers and the names of the polling stations they relate to.
- Providing a copy of the template verification and count paperwork that will be used to communicate the outcome of the verification and count, with an indication of the level at which the information will be provided (e.g. ward level / polling district level) – to be followed by provision of the actual verification statements and statements of results.
- You should distribute an information pack to everyone attending the count.



For practical guidance on communicating information at the verification and count venue, see our verification and count resource '[Planning for an effective verification and count: a toolkit for Returning Officers](#)'.

Managing attendees

2.30 Your plans should include mechanisms for managing the expectations of those attending the verification and count, so all attendees know what to expect and what their role is. They should also cover how you will maintain the secrecy of the vote throughout the verification and count.

2.31 You should ensure that all attendees at the count, including candidates, their guests, election agents, counting agents, observers and the media, are briefed on and fully understand the process for conducting the count and the standards of behaviour which are expected of them at all times. You should make clear in both written and face-to-face briefings for attendees that you will

be excluding attendees from the count venue if their behaviour interferes with the effective conduct of the count. This should help count staff to carry out verification and count activities without interference from counting agents and other observers.

2.32 You should also decide on a policy for the use of mobile phones and photography / filming in the verification and count venue and provide this information in advance to those who are entitled to attend.

2.33 Tickets or admission passes should be issued to everyone entitled to attend the count, except for accredited observers and Commission representatives who will be wearing pink or silver accreditation badges. You should give consideration to issuing different-coloured tickets or passes to identify the different categories of attendees. This may be helpful for distinguishing who can attend specific verification and count processes.

2.34 You should liaise with the police to check that their plans for managing the public space outside the count venue will enable people entitled to attend the count to enter and leave the venue freely and without obstruction.



See **Chapter 3 – Attendance at the verification and count** for further guidance on who is entitled to attend the verification and count.

Ensuring the security of ballot papers



To be able to achieve the outcome set out in [performance standard 1](#), you will need to maintain the secure storage of ballot papers at all times.

To demonstrate that the outcome can be delivered you will need to have in place arrangements for securely storing ballot papers.

2.35 You should take all necessary steps to ensure the security of ballot papers and relevant stationery from the close of poll through to the declaration of the results, particularly where ballot papers need to be transported from the verification to the count or where a break in proceedings means the ballot papers need to be stored between the conclusion of the verification and the commencement of the count.⁴

2.36 You should ensure the security of the ballot papers at all times. If you need to store ballot papers, you must store them in sealed ballot boxes in a secure place, allowing agents to attach their seals to the ballot boxes⁵. You should always open the sealed ballot boxes in clear view of any candidates and agents present, so they can satisfy themselves that nobody has interfered with the ballot papers and the ballot boxes.

2.37 You should liaise with your police Single Point of Contact (SPOC) when deciding on the most appropriate method for ensuring secure storage.

2.38 You should also brief candidates and agents about your arrangements, so that they can have confidence in the integrity of the count.



For practical information on ensuring the security of ballot boxes and ballot papers see our verification and count resource '[Planning for an effective verification and count: a toolkit for Returning Officers](#)'.

3 Attendance at the verification and count



To be able to achieve the outcome set out in [performance standard 2](#), you will need to ensure count processes are transparent, with everything at the verification and count carried out in clear view of all those entitled to attend, with information provided to attendees on the processes to be followed.

To demonstrate that the outcome can be delivered you will need to have a layout plan of the count, and have in place information to be provided to attendees at the count and arrangements to communicate progress at the count.

Who can attend?

3.1 The following people are entitled by law to attend the verification and count:

- you and your staff
- the RRO and their staff
- candidates (and one other person chosen by each of them)
- election agents (or a sub-agent on their behalf⁶)
- counting agents
- Commission representatives
- accredited observers
- any other person permitted by you, as CRO, to attend (see paragraph 3.6 below)⁷

3.2 As CRO, you must give notice in writing to the RRO of the time and place at which the counting of the votes will start. You must also give notice in writing to counting agents of the time and place at which the verification and counting of the votes will start.⁸



Paragraph 7.10 below provides details of who can attend the collation of regional results.

3.3 You must give counting agents reasonable facilities for overseeing the verification and counting of the votes⁹. You should also ensure that anyone else who is entitled to attend has an unrestricted view of the proceedings, while also ensuring that they will not be able to interfere with the work of your staff.

3.4 You should take all necessary steps to ensure that anyone attending does not interfere with or compromise the secrecy of the vote. You must make

such arrangements as you think fit to ensure that all attendees are provided with a copy of the [secrecy requirements](#).¹⁰

3.5 There is no requirement for those attending to arrive by a certain time, and so those entitled to attend should be admitted whenever they arrive. Also, a procedure should be in place so that any attendee who wishes to leave and return later is not prevented from doing so.

3.6 You can, at your discretion, permit other people to attend the proceedings if you are satisfied that it will not impede the efficient verification or counting of votes and, in the case of the count, you have either consulted the election agents in advance or thought it impracticable to do so.¹¹

Controlling admission

3.7 You should provide lists of those people entitled to attend the verification and count to those on duty at the entrance, and instruct security staff to check the tickets or passes of anyone seeking to attend.

3.8 However, security staff should also be briefed that Commission representatives and accredited observers do not need to provide advance notification of where they intend to observe and therefore may not appear on their list but are nevertheless entitled to access the verification and count venue on production of their observer or Commission representative identification badge.

3.9 You should, for health, safety and security reasons, record the names of everyone who actually attends the verification and count.



Further guidance on accredited observers and Commission representatives, including a quick guide to the observer badge types, can be found in [Part B – Planning and organisation](#).

Counting agents



Guidance on the appointment of counting agents can be found in [Part C – Administering the poll](#).

3.10 You must give counting agents reasonable facilities for overseeing the verification and counting of the votes, and provide them with relevant information¹². In particular, where votes are counted by sorting the ballot papers according to candidate (or, in the case of the regional contest, by registered party and individual regional candidate), and then by counting each set of ballot papers, the counting agents are entitled to satisfy themselves that the ballot papers are correctly sorted.¹³

Accredited observers

3.11 Electoral observation is a legitimate and valuable part of the electoral process, and care should be taken not to hinder or obstruct any observers. While you are permitted to limit the number of observers who may be present at any one time during the verification and count, you should exercise caution in doing so. You are not entitled to bar all observers from the verification and count, only to limit the number of observers present at any one time, and this discretion must be exercised reasonably.

3.12 Should you suspend access, or remove an accredited observer from the verification or count, you should ensure there is an audit trail to support your decision. A template [observer access restriction log](#) is available for this purpose.

3.13 You must have regard to the [Commission's Code of practice for observers](#) when managing the attendance of observers.¹⁴ Should you experience any issues with observers attending the count, contact your [local Commission team](#) at the earliest opportunity.



Further guidance on accredited observers can be found in [Part B – Planning and organisation](#).

Commission representatives

3.14 Commission representatives are entitled to attend the verification and count and to observe your working practices.¹⁵ They can ask questions of your staff and of agents, but will not do so if this would obstruct or disturb the conduct of proceedings. You are not allowed to limit the number of Commission representatives at the verification and count.

The media

3.15 You should include space and opportunity for the media to report on the results of the election. You have discretion to decide which representatives of the media you allow to attend.¹⁶ As with all attendees, you must ensure that media representatives do not interfere with the process or compromise the secrecy of the vote.¹⁷

3.16 You should ensure that your public relations team are present to deal with media enquiries. You should make sure that they know who to approach if they are asked any technical electoral questions.

3.17 In addition to making practical arrangements for their attendance, any early contact with the media should also include an explanation of the processes to be followed and the expected finish and declaration.

3.18 If media representatives are accredited by the Commission as observers and are attending in such a capacity, they have the same rights and obligations as any other accredited observer. Like any other observers, they are required to have regard to the [Commission's Code of practice for observers](#) and should abide by any decision that you make on the use of mobile telephones, cameras and other recording equipment.

3.19 To assist you and your public relations team we have produced, jointly with the national TV broadcasters, some '[tips for managing the media at the count](#)'.



For practical guidance on liaising with the media, see our verification and count resource '[Planning for an effective verification and count: a toolkit for Returning Officers](#)'.



If you are also the RRO, your plan should cover attendance during the results collation. Further guidance on results collation is contained in paragraphs **7.1 – 7.16**.

4 Receipt of polling station materials and sealed boxes of postal ballot papers



To be able to achieve the outcome set out in [performance standards 1 and 2](#), you will need to ensure count processes are designed and managed to secure an accurate result, with a clear audit trail.

To demonstrate that the outcome can be delivered you will need to have in place arrangements to maintain a clear audit trail of the count processes.

4.1 In preparation, you should produce templates of all documents which will be completed at the verification and count to provide a clear audit trail. Further guidance on maintaining a clear audit trail of the count processes can be found throughout this part, in **Chapter 5 - Verification** and in **Chapter 6 - The count**.

4.2 The correct and orderly receipt of ballot boxes and materials from polling stations is a key component of an accurate verification process. Your team of staff receiving materials from polling stations should use a checklist to ensure that all ballot boxes and ballot paper accounts are accurately accounted for as well as any packets containing postal votes handed in at polling stations.

4.3 Where Presiding Officers are required to transport the ballot boxes to the verification and count venue, it should be made clear to the staff receiving the ballot boxes that no Presiding Officer should be allowed to leave until their ballot box(es) and all of the documents and packets have been received and checked off by the designated staff member and, wherever possible, a cursory check of the ballot paper account has been made. Staff receiving ballot boxes should be instructed to ensure that they have the ballot paper account for each ballot box.

4.4 Following receipt, the ballot paper accounts can be taken to the staff dealing with the management of the ballot box verification process and all of the materials received back from polling stations can be released by receiving staff to the relevant teams, which allows the process of the verification of the unused ballot papers and the opening of postal votes to commence.

4.5 The sacks containing the documents that need to be stored, such as sealed corresponding number lists, should be separated from those containing items that will be reused, such as general stationery items. The packets and parcels from polling stations should be organised in such a way as to enable easy location of any packet.

4.6 All packets of spoilt and unused ballot papers must be opened and counted and then resealed, with the numbers counted supplied to those staff

members responsible for the verification process. You are prohibited from opening the sealed packets of tendered ballot papers, but you must open and then reseal the packet containing the tendered votes list in order to check the list against the ballot paper accounts.¹⁸

4.7 You are not permitted to open the sealed packets containing the corresponding number lists and certificates of employment, the marked copies of the register and the lists of proxies. You should ensure that the materials that you must keep sealed are placed in a designated and secure area for the duration of the verification and count.

Receipt of sealed boxes of postal ballot papers

4.8 Postal ballot papers previously received and opened will have been processed and should be brought to the verification and count venue in sealed ballot boxes, with an accompanying ballot paper account for each postal ballot box. Staff receiving the postal ballot boxes should use a checklist to ensure that all postal ballot boxes and postal ballot paper accounts are accurately accounted for.

4.9 All packets and ballot boxes containing postal ballot papers must also be subject to verification in the same way as any ballot box from a polling station.¹⁹ As these will often be some of the first boxes being verified, they present an opportunity to create confidence in the process and in the count as a whole.

5 Verification

5.1 Verification has two main purposes - to ensure and demonstrate that all ballot papers issued at polling stations and all returned postal ballot papers have been brought to the count, and to provide the figure with which the count outcome should reconcile. You should keep both purposes in mind when conducting the verification process.

5.2 The training of Presiding Officers in the completion of ballot paper accounts, coupled with ballot paper accounts produced in a clear, easy-to-complete format, should help to provide a firm foundation for the verification process.



Information on the training of polling station staff is provided in [Part B – Planning and organisation](#).

5.3 The verification of the used, unused and spoilt ballot papers is a legal requirement²⁰, and is central to the declaration of accurate results.

5.4 You must verify each ballot paper account and draw up a statement as to the result of the verification.²¹ This is a record of the number of ballot papers expected and the number of ballot papers counted, along with an explanation for any variances.

5.5 Any agent present at the verification may make a copy of the statement, you should make available copies for the agents present once the verification has been completed and you must, on request, supply a copy of the statement to any agent present²². The verification statement is a key communication tool that will help to ensure that candidates and agents are confident that the processes at the verification and count are transparent and that they will produce an accurate result.

5.6 Where separate ballot boxes have been used for each contest, the ballot boxes from the same polling station should be verified either simultaneously at adjacent tables or one after the other at the same table.

5.7 The law provides that a ballot paper shall not be rendered invalid simply because it has been put in the 'wrong' box. You should therefore ensure that you have in place a procedure to move transparently any ballot papers which have been placed in the 'wrong' ballot box by electors to the correct ballot box during verification.

5.8 If electors have been asked to place all of their ballot papers in the same box:

- a. the ballot papers must be sorted into their respective contests

- b. the verification procedure should be completed for each separate contest, although only one verification statement is required for the election as a whole.
- c. the verification statement must include the total number of postal ballot papers separately from the total number verified for each contest as a whole

5.9 If electors have been asked to use different ballot boxes for each contest:

- a. the different ballot boxes should be verified at the same time, either at adjacent tables simultaneously or one after the other at the same table
- b. any ballot paper placed in the 'wrong' box should be moved to the correct ballot box
- c. the verification statement must include the total number of postal ballot papers separately from the total number verified for the contest as a whole

5.10 As with all aspects of the verification and count process, transparency is key and the process followed should be clear to all present.

5.11 The candidates and agents for each of the contests may be in attendance at the verification of ballot boxes. If there is a break in the proceedings and containers of verified ballot papers are sealed for storage to be counted later, candidates and agents have the right to add their own seals.

5.12 The key stages of the verification process are as follows:

- a. Staff must open the packets of unused ballot papers and ascertain the number of ballot papers that were not issued by noting the number of books and number of ballot papers remaining in any part book of ballot papers inside the packet.²³ The packets of spoilt ballot papers must also be opened and the number of papers must be counted²⁴. Both unused and spoilt ballot paper packets must be resealed after they have been counted.²⁵
- b. Staff must break the seals and open the ballot boxes in the presence of the counting agents and observers that are present.²⁶ When a box has had a seal attached by an agent at the close of the poll, particular care should be taken to show to any agents and observers present that this seal is still intact prior to it being broken. The ballot papers should be carefully tipped onto the table, ensuring that none have fallen onto the floor and that the box is empty.
- c. The ballot papers must be kept face up at all times during the verification and count.²⁷

- d. You should ensure that the empty box is shown to the agents so that they can be satisfied that it is indeed empty. The counting assistants should then unfold the ballot papers and count them into bundles. Accuracy at this stage is vital, so bundles should be passed to another assistant for rechecking. Any tendered ballot papers that have been mistakenly placed in the ballot box should be removed and handed to the supervisor.
- e. The total given on the ballot paper account must be compared against the number of ballot papers counted and recorded as being present inside the ballot box.²⁸ You must compare the unused and spoilt ballot papers, as well as the tendered votes list, against the figures on each ballot paper account.²⁹ The total number of ballot papers in the ballot box should agree with the total on the ballot paper account, and reconcile with the total number of unused ballot papers.

5.13 If a ballot paper account does not reconcile, you should undertake the following procedure and document the outcome on the verification statement:

- a. Make a full check of the arithmetic on the ballot paper account and the number of unused ballot papers. Check the other packets of returned materials and any polling station logbook to try to identify any reason for missing or additional ballot papers. Ensure that returned postal ballots have not been added to the number of votes cast in the polling station. You should consider contacting the Presiding Officer to ask them to try to explain any discrepancies.
- b. Check the record of issued ballot boxes to see if more than one ballot box was issued to the polling station and ensure that all boxes allocated to the station are opened and accounted for.
- c. Check the ballot boxes for both contests for all polling stations within the same polling place. The verification of the ballot paper accounts for the other polling stations within that location may indicate a compensating error due to electors placing their ballot paper in the 'wrong' box or in a box from the wrong polling station. If the compensating errors all balance, the verification can be deemed to be successful.
- d. If the ballot box is from a single polling station or if there is no compensating error in the figures from the other polling station(s) in that polling place, recount the ballot papers in the box at least twice or until the same figure is achieved on two consecutive occasions.
- e. If, after following the procedures outlined above, any discrepancy still remains, use the number of ballot papers counted and recounted by the count staff as the verified figure and make an appropriate note on the ballot paper account.

- f. Add the verified total and the variance between that and the number on the ballot paper account to the statement as to the result of the verification, if possible with an explanation of why that variance has occurred, and discuss this with any agents and observers present.

5.14 Verification can only be completed once postal ballot papers, including those received at polling stations have been opened and processed, and have been through the verification process.³⁰

5.15 You must ensure that the verification statement containing the result of the verification of each ballot box is completed³¹. The statement must in each case include the total number of postal ballot papers verified and the total number of ballot papers verified for the poll.³² You should sign the statement and any agent present may make a copy of the statement as to the result of the verification. You should make copies available for the agents present once verification has been completed and you should, on request, supply a copy of the statements to any agent present.

5.16 If, on completion of the verification, you do not proceed immediately to the counting of the votes, you should place the ballot papers and other documents for each contest in secure packets under your own seal and the seals of any agents present who wish to affix their own seals.

5.17 You should take all necessary steps to ensure the security of the ballot papers and the relevant stationery during any break in the verification and count proceedings.

5.18 Further guidance on ensuring the security of ballot boxes can be found in paragraph **2.35** above and our verification and count resource '[Planning for an effective verification and count: a toolkit for Returning Officers](#)'.

6 The count

Counting the votes

6.1 The counting of votes must begin as soon as practicable after the close of the poll.³³ You do not have to wait until you have completed the verification before you can start counting the votes.

6.2 Where there has been a break in proceedings – for example, where the counting of votes does not immediately follow verification – all sealed boxes should be opened in full view of any candidates and agents that are present.³⁴ When a box has had a seal attached by an agent, particular care should be taken to show to any agents present that this seal is still intact prior to it being broken.

6.3 All count processes should be transparent. You should provide appropriate opportunities for those who are entitled to observe and to object to doubtful ballot paper adjudication decisions. This should include ensuring that bundles of counted ballot papers are stored in full sight of counting agents in a way which allows them to monitor progress throughout the count.

Mixing

6.4 You must mix the ballot papers so that ballot papers from each ballot box are mixed with ballot papers from at least one other ballot box, and mix the postal ballot papers with ballot papers from at least one ballot box before sorting and counting the votes.³⁵

6.5 You should keep the ballot papers for each contest separate from each other.

6.6 In addition, If you are starting the counting of votes before the completion of the verification process, you should ensure that you always have one box containing verified ballot papers available at the end of the verification process for that contest, so that you can comply with the requirement for mixing the ballot papers from one ballot box with the contents of another.

Sorting and counting

6.7 Ballot papers must be kept face upwards throughout the counting process in order to prevent the ballot paper number and unique identifying number (UIN) on the back of the ballot paper being seen.³⁶ The ballot papers should be visible at all times to any candidates, agents and observers present.

6.8 Counting assistants should sort the ballot papers into votes for each candidate or registered political party (as appropriate). Any doubtful ballot papers should be placed aside for adjudication.

6.9 The number of votes given for each candidate or registered political party should then be counted and placed into bundles of a predetermined number, e.g. bundles of 20, 25, 50 or 100. A slip bearing the candidate's name, or the name of the political party, together with the number in the bundle, should be attached to the front. It may be helpful to colour-code the slips. The bundles should then be re-counted by another counting assistant in order to ensure the accuracy of the bundle.

6.10 Before removing any bundles from the counting assistants, supervisors should flick through the bundles in order to ensure that all of the votes in the bundle are marked in the same way.

6.11 It is unlikely that the number of votes in the final bundle will equal the predetermined bundle number, and so a note should be made of the number of votes in those incomplete bundles and attached to the front of the bundle.

Doubtful ballot papers

6.12 You should adjudicate doubtful ballot papers regularly as the count proceeds: the adjudication of doubtful ballot papers should not be left until the end of the count.

6.13 You should have regard to the Commission's [booklet on doubtful ballot papers](#). The booklet contains examples of allowed and rejected votes and the key principles to be followed in the adjudication of doubtful ballot papers.

6.14 Examples of allowed and rejected ballot papers are also set out on the doubtful ballot paper placemats which you should have on display at the count for candidates, agents and observers to refer to. There are different versions of the doubtful ballot paper placemat to be used at the election, one for [constituency contest](#) and one for the [regional contest](#).

6.15 When adjudicating doubtful ballot papers, you should:

- always be clear and consistent
- take time to ensure that a considered decision is given in every case
- determine whether the intention of the voter clearly appears on the ballot paper

6.16 As part of this, you will need to:

- consider the whole of the ballot paper
- consider whether the way a ballot paper has been marked means that:
 - at the constituency contest, a vote for one candidate is clearly apparent
 - at the regional contest a vote for one party or individual regional candidate is clearly apparent

6.17 The legislation provides that you must reject a ballot paper:³⁷

- that does not bear the official mark (not the unique identifying number)
- on which votes are given:
 - at the constituency contest, for more than one candidate
 - at the regional contest, for more than one registered party or individual regional candidate, or for a registered party and an individual regional candidate
- on which anything is written or marked by which the voter can be identified (except the printed ballot paper number or other unique identifying number)
- that is unmarked or void for uncertainty

6.18 However, the legislation states that unless the way the ballot paper is marked identifies the voter, a ballot paper on which the vote is marked in the following ways must not be rejected if the voter's intention is clear:

- elsewhere than in the proper place
- otherwise than by means of a cross, or
- by more than one mark³⁸

6.19 In addition, ballot papers displaying any of the following may require further consideration:

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

6.20 Ballot papers that appear to be altered, either with a clearly different writing instrument or with correction fluid, should be treated as 'doubtful' and put forward for adjudication, where you must decide on their validity in the presence of candidates, agents and observers. Those that are subsequently declared as valid must be counted and included in the total number of votes cast for the appropriate candidate or party (as applicable)³⁹.

6.21 Your decision on any question arising in respect of a ballot paper is final and can only be challenged by way of an election petition⁴⁰. You must draw up a statement for each contest showing the number of ballot papers rejected and for what reason.⁴¹

6.22 You should therefore have a system in place throughout the adjudication process for sorting the rejected ballot papers into the following headings:

- want of official mark
- writing by which the voter can be identified
- unmarked or void for uncertainty
- at the constituency contest, voting for more than one candidate

- at the regional contest, voting for more than one registered party or individual regional candidate, or for a registered party and an individual regional candidate

6.23 You should have regard to the Commission's guidance and any additional guidance issued by the RRO or the Electoral Management Board for Scotland (EMB) to ensure accurate and consistent categorisation of rejection for reporting on the statements.

6.24 Each rejected ballot paper must have the word 'rejected' marked on it⁴² and the words 'rejection objected to' must be added if a counting agent objects to your decision.⁴³ Although observers should be able to observe this process, unlike agents, they do not have the right to object to the rejection of a ballot paper.

6.25 A copy of the statement of rejected ballot papers should be placed in the package for rejected ballot papers.

Cut ballot papers

6.26 You may come across instances where voters have cut or torn off part of the ballot paper. Whether or not such an extract of a ballot paper can be counted will depend on whether it contains the official mark.

6.27 If it does, the ballot paper can be accepted as a valid vote, provided you are satisfied that:

- the intention of the voter is clear
- none of the grounds for rejection apply



See Chapter 6 of [Part D: Absent voting](#) for guidance on how to deal with cut ballot papers at postal vote openings.

Reconciliation

6.28 Once all of the ballot papers have been sorted and any doubtful ballots adjudicated, the key task of reconciliation can begin.

6.29 You should be satisfied that any result reflects the ballots received and so if the figures do not reconcile as set out below, the following procedure should be undertaken in order to try to identify and rectify the discrepancy:

- check the storage area and check to ensure that all ballot boxes have been opened and are empty
- check all floors and surfaces for ballot papers that may have been dropped in the count venue
- re-check the verification figures and reconciliation for calculation mistakes
- ensure that all rejected ballot papers have been accounted for

- check that all bundles and part bundles have been counted
- consider recounting the ballot papers in the bundles

6.30 You should also carry out any other checks you deem necessary.

6.31 All of the bundles and part bundles of ballot papers showing a valid vote for each candidate or party (depending on the contest) must be counted⁴⁴. The total for each candidate or party (as appropriate) should then be added to the total number of rejected ballot papers, and this figure should match exactly the figure giving the total number of ballot papers obtained at the end of the verification process.

6.32 If the two figures agree you should proceed to the process of consulting the candidates and agents who are present on the provisional result. If the figures do not agree, you should follow the procedure in paragraphs **6.28** and **6.29** above.

Provisional result and recounts

6.33 You should be satisfied that the number of votes for each candidate or party (as appropriate) is accurate before proceeding to a provisional result.

6.34 All processes should be undertaken within the framework of maximum openness and transparency implemented throughout the various stages of the count so that all candidates and agents can have confidence in the processes and the provisional result provided.

6.35 Once satisfied, you should advise candidates and agents of the provisional result and seek their agreement on the announcement of the result. You should make it clear that candidates and agents are entitled to request a recount.⁴⁵ In addition, for the regional contest, you should make it clear that it is not possible to request a recount at the regional level, only at the constituency level.

6.36 You must give the candidates and agents sufficient time to digest the provisional result before proceeding with the declaration⁴⁶. It is at this point that candidates and agents may request to have the votes recounted, or following a recount, recounted again.

6.37 You must consider any recount request but may refuse if, in your opinion, the request is unreasonable.⁴⁷ You may, however, consider offering the candidates and agents the opportunity to inspect the bundles of the ballot papers as a means of reassuring them that the result is accurate.

6.38 If you agree to re-count the votes, the candidates and agents present should be informed before the recount commences and briefed on the processes you are going to follow. As with the original count, any recount should be carried out in full view of those present. You are entitled to reconsider which ballot papers should be rejected during the recount (or any further recount).⁴⁸ In addition, you should inform the RRO that a constituency

recount is taking place. Making the RRO aware will ensure that they can communicate what is happening to those present at the allocation of regional seats.

6.39 The candidates and agents should be consulted on the revised provisional result in the same way as they were consulted on the provisional result at the conclusion of the original count.

6.40 It is possible to have more than one recount. Again, it is for you to consider any request, and you may refuse if in your opinion the request is unreasonable.

Equality of votes

6.41 At the constituency contest, when two or more candidates have the same number of votes and the equality of votes is between candidates who are in first place, you must decide between the candidates by lot.⁴⁹

6.42 Whichever candidate wins the lot is treated as though they had received an additional vote that enables them to be declared elected.⁵⁰

6.43 There is no requirement to draw lots where one candidate is elected by a majority of votes and the equality of votes is between other candidates who are not in first place and therefore cannot be elected.

6.44 The method of drawing lots is for you to decide. Examples of types of lot include:

- ballot papers, each marked with a vote for one of the candidates with the same number of votes, placed in a container, such as an empty ballot box, mixed around, and then one drawn by you
- slips of paper with the candidates' names on them, placed in sealed envelopes, shuffled and then drawn by you

6.45 You should make an announcement that you intend to proceed with the drawing of lots between the candidates having an equal number of votes, explaining precisely what is about to happen and the method to be used. Candidates, agents, Commission representatives and accredited observers should be present during any preparation and the actual drawing of lots.

6.46 If you use the first method described above, you should, in full view of any candidates and agents, and in the presence of Commission representatives and accredited observers, fold and place a previously counted ballot paper for each of the candidates with the same number of votes in an empty ballot box. An assistant should raise the box to a height where you are unable to see the papers inside the box, but are still able to reach inside to pick one. After mixing, you should draw one of the ballot papers from the box, open it, and read out loud the name of the candidate with the vote marked against their name. That candidate is then adjudged to have been allotted an additional vote.

6.47 Similar preparations should be made should you decide to use any other method of drawing lots.

6.48 A statement should be added to the notice of result to the effect that: 'Following an equality of votes, lots were drawn and, as a consequence, an additional vote was allotted to candidate [*insert candidate's name*]'.

6.49 At the regional contest, if two or more parties and/or individual regional candidates have polled the same number of votes in the constituency, there is no requirement for the CRO to draw lots. You should explain to the candidates and agents that the totals for the constituency will be transmitted to the RRO for inclusion in the calculation to allocate the regional seats.

Declaring the results

Constituency contest

6.50 As CRO, you must prepare a statement setting out the total number of votes given for each candidate, the description (if any) of each candidate and the number of rejected ballot papers given under each heading⁵¹. Once the statement is prepared you must declare the result of the constituency contest⁵² and then notify the RRO of the result⁵³.

Regional contest

6.51 As CRO, you must prepare a statement, setting out the total number of votes given for each party and individual candidate and the description (if any) of each party or individual candidate, you should also include the total number of rejected ballot papers given under each heading⁵⁴. Once the statement is prepared and after submitting the results for the regional contest in your constituency to the RRO, you must then announce the local result for the regional contest in your constituency⁵⁵.

6.52 The following factors should be taken into account when making declarations:

- Decide on the exact location in the count venue where public announcements and declarations will take place and who will be on the platform at these times. The platform should be accessible for all those who need to get up on it. You could make use of display boards to provide a suitable backdrop for the announcement of results.
- Any announcement equipment should be in place and checked before the proceedings begin.
- Double-check that the result is accurate, and that it is written in the form of words for oral delivery in order to avoid any errors. You may need to repeat the declaration so that those in attendance are able to hear the detail clearly, particularly where there is noise from those attending.

- You should take steps to provide media representatives in attendance with a written copy of the results at the time the announcement is made as this will help them to ensure that their transmission of results is accurate.

6.53 When a candidate has used their commonly used name to stand in an election, you should use both their full name and their commonly used name when declaring the result.

6.54 Once the result is declared, it is final and cannot be amended. The power to correct procedural errors does not empower you to correct an incorrect result once it has been declared.

Notification of the result to the Scottish Parliament

6.55 The Scottish Parliament Information Office has requested that Constituency Returning Officers provide them with a copy of, or link to, the declaration of results from constituency and regional contests respectively. This information should be provided as soon as possible after the declarations have been made, to spice@parliament.scot.



Further guidance on giving public notice, including delivery of certificates to the Clerk of the Scottish Parliament, is provided in [Part F – After the declaration of results](#).

7 Collation of the regional result and allocation of the seats

7.1 As RRO, you should ensure that you put in place a results collation process to enable you to collate the information you need from CROs across the region in order to be able to calculate the regional result and allocate the seats.⁵⁶ Throughout this chapter we use 'you' to refer to the RRO.

7.2 It is for you to determine how best to manage this process in your region. Your project plan should include plans to deliver the calculation of the result and the allocation of seats. Whatever processes and systems you use, you should ensure that they meet the principles set out in **chapter 1**.

7.3 You should decide on the process and mechanism you will use to collate constituency and regional results from CROs in order to calculate the regional result and carry out the allocation of seats. You should also consider what you may need to put in place to support these processes, including protocols, mechanisms and systems, and ensure that they are followed consistently and build contingencies into your plans in case any facility, building or technology that you intend to use becomes unavailable.

7.4 You should develop and implement protocols as necessary for the communication of information between CROs and you as RRO, including the communication of the constituency and regional results.

7.5 You should liaise with CROs in planning and developing the process for collating constituency and regional results, and provide them with guidance on how this will work in practice. You should produce and share in advance with CROs templates of all documents which you will require them to complete during the collation of results (whether electronically or in hard copy) to ensure that all information is recorded and transmitted in a consistent way and to provide a clear audit trail. Any system used should have a contingency in case of any problems or system failures.

7.6 You should also make arrangements for testing the process and any supporting systems you intend to use, which should include at least one rehearsal of the process involving your staff and CROs and their staff in order to ensure that everyone involved understands and is familiar with how the process works and what their responsibilities are, and to enable any issues to be identified and resolved before the event itself.

Timing of the results collation

7.7 You cannot start the allocation of regional seats until you have received both the constituency and regional results from all CROs in your region. You

should liaise with the CROs in your region to develop an estimate of their expected finishing times. This information will feed into your planning assumptions about the timing of the allocation of regional seats and declaration of the regional result and will therefore help you to manage expectations of parties, candidates, agents and the media.

7.8 You should ensure that you have in place the appropriate resources to enable the results collation to be administered effectively, with the allocation of regional seats completed in a timely way once you have received the constituency and regional results from all CROs in your region.

Who can attend?

7.9 You should ensure that all processes are transparent and carried out in full view of those who are entitled to attend, with information provided to attendees on the processes to be followed.

7.10 The following people are entitled by law to attend:

- you and your staff
- individual regional and party list candidates (and one person chosen by each of them)
- election agents (or a person acting on the election agent's behalf)
- the Nominating Officer for a party list
- counting agents
- Commission representatives
- accredited observers
- any other person permitted by you, as RRO, to attend (see paragraph **7.15** below)

7.11 You must give notice in writing to the election agents and to each CRO in your region of the place and time at which you will carry out the results collation, together with any such other information as you consider appropriate⁵⁷.

7.12 There is no requirement for those attending to arrive by a certain time, and so those entitled to attend should be admitted whenever they arrive. Also, a procedure should be in place so that any attendee who wishes to leave and return later is not prevented from doing so.

7.13 You should provide lists of those persons entitled to attend to those on duty at the entrance to the results collation and instruct security staff to check the tickets or passes of anyone seeking to attend.

7.14 However, security staff should also be briefed that Commission representatives and accredited observers do not need to provide advance notification of where they intend to observe and therefore may not appear on their list but are nevertheless entitled to attend on production of their observer or Commission representative identification badge.

7.15 You can, at your discretion, permit other people to attend the proceedings if you are satisfied that it will not impede any part of the process and you have consulted the election agents in advance or thought it impracticable to do so.

7.16 For health, safety and security reasons, you should record the names of everyone who actually attends the results collation.

7.17 In addition to the information provided in those paragraphs, you should include an explanation of the processes to be followed and the expected finish and declaration time for the final regional result.

Communicating during the results collation

7.18 Good communication, both at candidate and agent and media briefings in advance of the event and at the event itself, will allow those present to properly scrutinise the proceedings and will help to build confidence that the result is accurate. Providing information on the processes to be followed can also help to lower the number of queries raised by candidates and agents, the media and other attendees.

7.19 You should ensure that you have prepared appropriate information to explain the processes you are going to follow to any candidates, agents, observers and media who are present. As a minimum you should explain your role as RRO and identify, where appropriate, your deputies and key staff and explain their roles. You should also explain how the process will work, including how this relates to the verification and counting of votes across the region, and set out the key stages in the process.

7.20 You should keep attendees informed about what is happening throughout the process. You should consider at what stages in the process you will provide updates and information to those present, and put in place processes to ensure that you are able to do this in practice.

7.21 You should have in place a media plan for the calculation of the regional result and the allocation of seats. In addition to making practical arrangements for their attendance, your early contact with the media should include an explanation of the processes to be followed and the expected time of the result declaration. You should include space and opportunity for the media to report on the result. You have the discretion to decide which representatives of the media you allow to attend.

Calculating the regional result⁵⁸

7.22 You must make arrangements for calculating and allocating the regional seats as soon as practicable after you receive the statement of regional results and notification of the elected constituency candidate from each CRO.⁵⁹

7.23 You must calculate the total number of votes given for each political party and individual regional candidate by adding together the votes given for each registered party or individual regional candidate in all constituencies in the region⁶⁰. You must also calculate the number of constituency seats won in the region by each party⁶¹.

7.24 You must allocate the seats within the region based on a calculation using the modified d'Hondt formula⁶².

7.25 The modified d'Hondt formula sees the number of votes cast in the regional contest for each party or individual regional candidate divided by the number of constituency seats they have gained **plus one**.

7.26 The first regional seat is allocated to the party or candidate who has the largest figure after you have performed this calculation. To allocate the second to seventh regional seats, the calculation is repeated, but each time the number that the regional vote figure must be divided by will be the total number of seats already won (regional and constituency), **plus one**⁶³.

7.27 The seats each party is entitled to are filled by the candidates in the order in which their names appear on their party list.

7.28 Individual regional candidates will win a seat if their total is the highest at any stage in the calculation. If they win, they are removed from the rest of the calculation as they cannot win a second seat

7.29 Once an individual candidate has been allocated a seat, or a party has been allocated as many seats as there are candidates on its list, they are removed from the calculation for the allocation of the remaining seats.

7.30 The following table gives a worked example:

	Party 1	Party 2	Party 3	Party 4	Result
Constituency seats won across the region	4	0	2	2	
Total votes cast at the regional contest	116,151	63,769	61,777	56,479	
1 st Regional seat	÷ 5 = 23,230	÷ 1 = 63,769	÷ 3 = 20,592	÷ 3 = 18,826	Party 2 is allocated a seat
2 nd Regional seat	÷ 5 = 23,230	÷ 2 = 31,884	÷ 3 = 20,592	÷ 3 = 18,826	Party 2 is allocated a seat

3 rd Regional seat	÷ 5 = 23,230	÷ 3 = 21,256	÷ 3 = 20,592	÷ 3 = 18,826	Party 1 is allocated a seat
4 th Regional seat	÷ 6 = 19,358	÷ 3 = 21,256	÷ 3 = 20,592	÷ 3 = 18,826	Party 2 is allocated a seat
Total Regional Members	1	3	0	0	
Total representation	5	3	2	2	

7.31 If two or more parties and/or individual candidates are tied at any stage where a seat is being allocated, the rules set out in paragraph **7.12** below must be applied⁶⁴.

7.32 Seats won by each political party are allocated to candidates in the order in which their names appear on the list submitted by that party at nomination.

7.33 Where every candidate on a party list is allocated a seat, that party is removed from any further calculations of the remaining seats.

7.34 You must show each individual regional candidate and their election agent and the election agent for a party standing in the region (or, in their absence, a candidate on the party's list) who are present on conclusion of the calculation, the provisional result of the allocation and offer them the opportunity to request that you make a recalculation before you declare the result⁶⁵. You may refuse any such request if, in your opinion, the request is unreasonable⁶⁶. You should be transparent in showing your working and should explain the way the calculation works to the candidates and agents present. You should also explain that candidates and agents are not permitted to request a recount of votes at this stage⁶⁷.

Equality of votes

7.35 If two or more parties and/or individual regional candidates are tied with the highest totals at any stage where a seat is being allocated, the following rules must be applied⁶⁸:

- If there are enough seats yet to be allocated, all the tied parties and/or individual regional candidates must be allocated a seat⁶⁹.
- If there are not enough seats, you must restart the whole calculation for the region from the beginning, but before doing so you must add one vote to the number of votes given for each party or individual regional candidate who were tied. You should record this fact in your result notice⁷⁰.

7.36 If this would still result in two or more parties or individual candidates having the highest regional figure you must decide between them by lot. Examples of types of lot are suggested at **6.45** above⁷¹.

Declaration of the regional result⁷²

7.37 Having completed all of the above processes for the calculation and allocation of seats, you must make a declaration stating which political parties and individual regional candidates have been allocated seats. In the case of political parties, you must also give the name of the party list candidate who will fill each seat. As soon as practicable, following the declaration you must also provide public notice as to the result of the election.

7.38 The factors detailed in paragraph **6.53 - 6.55** should be taken into account by you when making the declaration of the result.

7.39 You must give public notice that includes the following information:

- the name of any individual candidate elected
- the name of any candidate elected who was included on a party's list together with the name of the candidate's party
- the total number of votes given for each individual candidate or party
- the number of rejected ballot papers under each head as shown in the statement of rejected ballot papers
- in the case of a party, the names of any candidates remaining on the party's list who have not been declared elected ⁷³.

Notification of the result to the Scottish Parliament

7.40 The Scottish Parliament Information Office has requested that Regional Returning Officers provide them with a copy of, or link to, the declaration of results from constituency and regional contests respectively. This information should be provided as soon as possible after the declarations have been made, to spice@parliament.scot .”



Guidance on giving public notice and on informing the Clerk of the Parliament of the candidates who have been elected is provided in [Part F – After the declaration of results](#)

¹ Rules 56 and 57 of the Scottish Parliament (Elections etc.) Order 2015 (Schedule 2). All subsequent references to 'rules' in these endnotes are references to the rules in Schedule 2 to this draft Order.

² Rule 55(8) and (9).

³ Rule 54(1).

⁴ Rule 55(10)

⁵ Rule 53(1)

⁶ Article 33(4).

⁷ Rule 54(3).

⁸ Rule 54(2).

⁹ Rule 54(5).

¹⁰ Rule 40.

¹¹ Rule 54(4).

¹² Rule 54(5).

¹³ Rule 54(6).

¹⁴ Section 6F(7)(c) PPERA.

¹⁵ Sections 6A and 6B PPERA; rules 54(3)(e) and 63(2)(f).

¹⁶ Rule 54(3).

¹⁷ Rule 54(3) and (4)(a).

¹⁸ Rule 55(7).

¹⁹ Rule 55(1)(c).

²⁰ Rule 55(1) and (7).

²¹ *Ibid.*

²² Rule 55(7).

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ Rule 55(1)(a).

²⁷ Rule 55(6).

²⁸ Rule 55(7).

²⁹ *Ibid.*

³⁰ Rule 55(1) to (3).

³¹ Rule 55(7).

³² Rule 55(1)(c) and (7).

³³ Rule 54(1).

³⁴ Rule 55

³⁵ Rule 55(5).

³⁶ Rule 55(6).

³⁷ Rule 58(1).

³⁸ Rule 58(2).

³⁹ Rule 58.

⁴⁰ Rule 59.

⁴¹ Rule 58(5).

⁴² Rule 58(4).

⁴³ *Ibid.*

⁴⁴ Rule 55.

⁴⁵ Rules 56(1) and 57(1) and (2).

⁴⁶ Rule 56(2).

⁴⁷ Rules 56(1) and 57(1) and (2).

⁴⁸ *Fermanagh and South Tyrone*, [2010] NIQB 113 (Morgan LCJ at paragraph 43).

⁴⁹ Rule 60.

⁵⁰ *Ibid.*

⁵¹ Rule 62(1)(c).

⁵² Rule 62.

⁵³ Rule 61.

⁵⁴ Rule 61(1)

⁵⁵ Rule 61(3)

⁵⁶ Rules 63 and 64.

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- ⁵⁷ Rule 54(2).
⁵⁸ Section 7(2) and 8(1) Scotland Act 1998
⁵⁹ Rule 63(1).
⁶⁰ Section 7 Scotland Act 1998.
⁶¹ Ibid.
⁶² Section 8 Scotland Act 1998.
⁶³ Section 8 Scotland Act 1998.
⁶⁴ Section 8(9) Scotland Act 1998.
⁶⁵ Rule 57(1).
⁶⁶ Rule 64(2).
⁶⁷ Rule 64(2).
⁶⁸ Section 8(9) Scotland Act 1998.
⁶⁹ Section 8 Scotland Act 1998.
⁷⁰ Section 8 Scotland Act 1998.
⁷¹ Section 8(9).
⁷² Rule 65(1)(d).
⁷³ Rule 65(1)(d).