



Counting the votes at the Scottish
Parliament election 6 May 2021

Introduction

This 'easy guide' is for the election to the Scottish Parliament on 6 May 2021. It will provide you with an overview of the verification and count process for counting both the constituency and regional votes.

Who's who at the count

Many people are involved in running an election count, but you are most likely to come across the following:

- **The Constituency Returning Officer (CRO)** – is the person in charge of the election for constituency members in the local area and for counting the constituency and regional votes cast in each constituency area. They will inform the RRO of the constituency result and the regional totals.
- **The Regional Returning Officer (RRO)** – is the person in charge of the election of the regional members and will collate the regional votes from the CROs and declare the regional result.
- **Depute ROs (DROs)** – they assist the CRO throughout the count and the RRO at the collation of regional votes.
- **Supervisors** – they supervise the count teams and report to the CRO and his/her deputs.
- **Counters** – they will be divided into count teams and will count the ballot papers.

Constituencies and regions

Voters at a Scottish Parliamentary election will receive two ballot papers – one for the constituency and one for the region. When votes are cast the ballot paper for the constituency will be stored in one ballot box and the ballot paper for the region in another ballot box. The votes will be counted at the same venue, but separately.

Timing of the count

The CRO must take reasonable steps to begin counting the votes as soon as practicable after the close of poll. It is expected that all CROs will commence the verification no earlier than 9am and no later than 10am on Friday 7 May 2021. A number of factors might impact on the length of time it takes to count the votes, for example the geography of the voting area and how long it takes to get the ballot boxes in from the polling stations and the number of other polls taking place in that area on the same day.

There are different stages to the count: first, count staff will count the number of ballot papers at the count (this is referred to as 'the verification'), then, they will count the votes on the ballot papers.

What happens at a count?

Arrival of ballot boxes

Staff deliver the ballot boxes containing postal votes and the ballot boxes from the polling stations to the count venue. Each ballot box will be either for the constituency contest or the regional contest and will have been allocated a specific number and will be checked in on arrival.

First stage of the count: counting the number of ballot papers (the verification)

The first step of the count is to verify the number of ballot papers for both the constituency and regional contest.

Depending on the space available at the count centre, ballot boxes for both the constituency and regional contests might be opened at the same time, or the CRO may open the ballot boxes for one contest first and then open the ballot boxes for the other contest.

Ballot boxes are opened and emptied onto tables. The empty boxes are shown to everyone present.

Count teams will check that there are no constituency ballot papers mixed with regional ballot papers (and vice versa).

The verification begins with the count staff comparing the actual numbers of ballot papers in each ballot box against the ballot paper account. This is a form completed by the Presiding Officer at each polling station and accounts for the ballot papers they have issued. Postal votes are accounted for in a similar way.

Count teams count and record the number of ballot papers in each ballot box. Where the number of ballot papers matches the number expected, the ballot papers are ready to go to the second stage of the count. Where they don't, the count team will be asked to recount the ballot papers until the numbers match or until the same number of ballot papers is arrived at twice in a row.

Any discrepancies between the numbers on the ballot paper account and those in the ballot box are recorded.

The CRO will prepare a statement showing how many ballot papers were received in each ballot box against how many ballot papers were expected.

This statement will be provided to any agents and observers present.

Before proceeding to the counting of the votes, the CRO will verify both the constituency and regional ballot papers.

Second stage of the count: counting the votes on the ballot papers

Ballot papers from different ballot boxes but of the same contest are mixed to preserve the secrecy of the vote. This includes those ballots cast by post.

Ballot papers are then allocated to count teams who will sort ballot papers by candidate (at the constituency contest) and party or independent candidate (at the regional contest). Again, depending on the space available, the counting for both contests may happen at the same time or in sequence.

The CRO must reject a ballot paper if the voter has voted on it more than once or the voter can be identified from the ballot paper.

Ballot papers that are not marked in accordance with the instructions are given to the CRO (or a DRO) to adjudicate. These ballot papers are called 'doubtful' ballot papers.

If it is not possible for the CRO to be satisfied that the voter's intention is clear, the 'doubtful' ballot paper is rejected and marked with the reason for the rejection. These are called 'rejected' votes. Where in the CRO's opinion the intention is clear, the 'doubtful' ballot paper is included back in the count.

After the sorting is complete, count teams will count the number votes cast for each candidate or party.

Once all of the valid votes and any rejected votes have been added together and checked against the total number of ballot papers from the first stage of the count (the verification), the CRO will share the provisional result for the constituency and the regional total for the constituency with the parties, candidates and agents present.

At this point a re-count can be requested. The CRO can refuse the request if they think it's unreasonable.

Once satisfied that their figures are accurate, the CRO will transmit the constituency result and local totals to the RRO, who will collate these for the purposes of allocating the regional seats.

Announcement of the constituency result and regional total for the constituency

After consulting with the candidates and agents for the constituency contest and the party representatives and independent candidates and their agents for the regional contest, and after any recount, the CRO will announce:

The constituency result

The candidate who obtains the most votes in the constituency will be declared elected.

The regional total

Once the constituency result has been declared and the regional votes have been counted, the CRO will announce the regional totals for the constituency and inform the RRO of the constituency result and the totals for the regional election in the constituency.

Allocation of regional seats and announcement of regional result

The RRO will use the constituency results and the totals for the regional election from the constituencies across the region to calculate the regional result and allocate the seats.

Each region is allocated seven seats to be filled. A mathematical formula, called 'modified d'Hondt', determines who obtains those seats.

This formula sees the number of votes cast in the regional election for each party or individual candidate divided by the number of constituency seats they have gained, plus one.

After the allocation the RRO will announce the votes cast for all parties and individual regional candidates in the region and declare the candidates elected for the region.

Equality of votes

In the case that there is a tie between the number of votes cast for two or more constituency candidates, or regional parties or independent candidates, the CRO or RRO must do the following to determine who has been elected.

Constituency

If two or more candidates have the same number of votes, and a further vote would see one of those candidates elected, the CRO must decide between them by drawing lots. The CRO will decide the method of drawing lots.

Region

If two or more parties and/or individual regional candidates are tied with the highest total at any stage where a seat is allocated in the region it will depend

how many regional seats are left. If there are enough seats yet to be allocated all tied parties and independent candidates must be allocated a seat. If only one seat is left the RRO must restart the whole calculation for the region from the beginning, but before doing so must add one vote to the number of votes given for each party or individual regional candidate who were tied.

For more information on the voting system used at Scottish Parliament election, including how the regional seats are allocated, go to <https://www.electoralcommission.org.uk/i-am-a/voter/types-elections/scottish-parliament>