Dealing with doubtful ballot papers

Supporting the Scottish council elections

November 2026

1 Introduction

1.1 This booklet is designed to assist Returning Officers and their deputes in adjudicating doubtful ballot papers at council elections in Scotland. The Returning Officer may delegate the final decision on adjudication to one or more deputes, but this must be done explicitly in writing.[1]

This booklet should be read in conjunction with our guidance for Returning Officers on managing the verification and count which is available on our website.

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

1.3 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.

1.4 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.

1.5 Returning Officers 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.

1.6 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.

1.7 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.

1.8 In addition, a statement must be prepared showing the number of ballot papers rejected under each of the following headings:[2]

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

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

- 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’)
- A number standing alone is not placed so as to indicate a first preference for some candidate
- The figure ‘1’ standing alone indicating a first preference is set opposite the name of more than one candidate
- Writing or mark by which the voter can be identified, except the printed number and other unique identifying mark on the back
- 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 Returning Officer for adjudication. The whole of the ballot paper needs to be considered when adjudicating doubtfuls in case the voter has made any marks outside of the voting boxes.

2.2 The Returning officer 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 must not be rejected because it is:

- 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 The following ballot papers will need to be passed to the Returning Officer 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

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

- any paper torn or damaged in any way
- any 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).

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

Want of Unique Identifying Mark (UIM)

2.5 Absence of the UIM must lead to an automatic rejection. The Returning Officer has no discretion.

2.6 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 Returning Officer has any concerns about the validity of such a paper then the Returning Officer can check that the paper bears the official mark so they may be satisfied that the ballot paper is genuine.

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

By-elections

2.8 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 Returning Officer has no discretion.

2.9 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

2.10 If the voter has not marked a number ‘1’ against any candidate, the Returning Officer 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.

2.11 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 for any candidate. 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

2.12 This is a matter for the Returning Officer’s judgement.

2.13 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

2.14 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

2.15 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

2.16 A ballot paper must 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

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

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

Unmarked ballot papers

2.19 Unmarked ballot papers must be rejected.

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

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

Void for uncertainty

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

2.23 The key phrase in the Rules is: 'A ballot paper […] shall not […] be deemed to be void if in the opinion of the Returning Officer the word or mark clearly indicates a preference or preferences.[3]

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

2.25 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).

2.26 The key question a Returning Officer 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

2.27 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 Returning Officer cannot be clear which candidate the fourth preference should be allocated to.

Decisions of the Returning Officer

2.29 The decision of the Returning Officer is final, subject only to review on election petition.

Summary

2.30 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 voter clearly appears on the ballot paper. As part of this, Returning Officers will need to:
  - consider the whole ballot paper
  - consider whether the way a ballot paper has been marked means that the voter's intention is clear

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

3 Examples

3.1 The examples provided here are based on the specific rules for council elections in Scotland.

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

Allowed votes

The following are examples of allowed votes.

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		X
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		XXXX
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		XXX
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		XX
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		X
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

Allow for Kumar, Hamilton, Cranston and Anderson as first, second, third and fourth preferences respectively – Rule 44(2)(b), otherwise than by means of a figure.

(Name of council) – (name of ward)

Four 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**.

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		X
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		3
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		4
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		2
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

Allow – ‘X’ is taken as first preference for Anderson. Rule 44(2)(b), otherwise than by means of a figure. Allow for Hamilton, Cranston and Fleming as second, third and fourth respectively.

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		two
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		one
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		three
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		four
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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

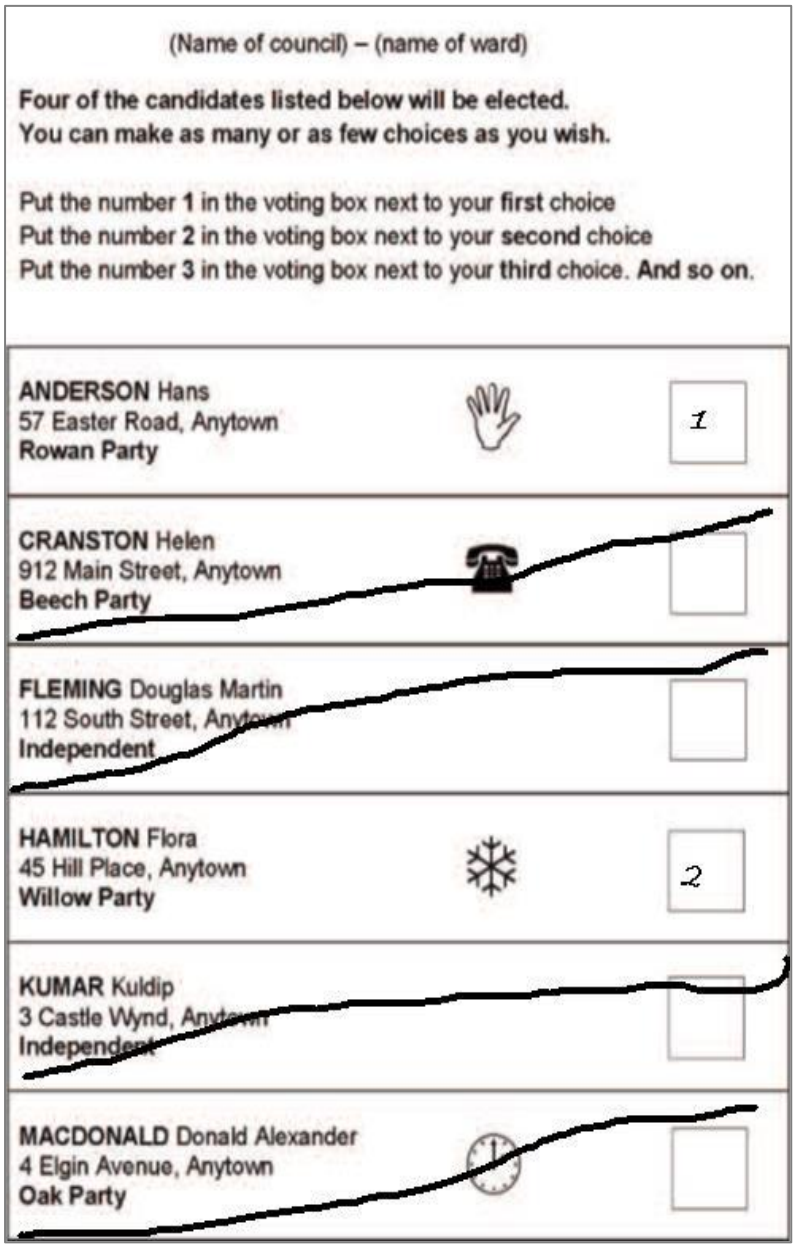
(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		X
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		2
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		4
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		6
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		8
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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


(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans
57 Easter Road, Anytown
Rowan Party
1

CRANSTON Helen
912 Main Street, Anytown
Beech Party

FLEMING Douglas Martin
112 South Street, Anytown
Independent

HAMILTON Flora
45 Hill Place, Anytown
Willow Party
2

KUMAR Kuldip
3 Castle Wynd, Anytown
Independent

MACDONALD Donald Alexander
4 Elgin Avenue, Anytown
Oak Party

Allow Anderson as first preference and Hamilton as second preference only.

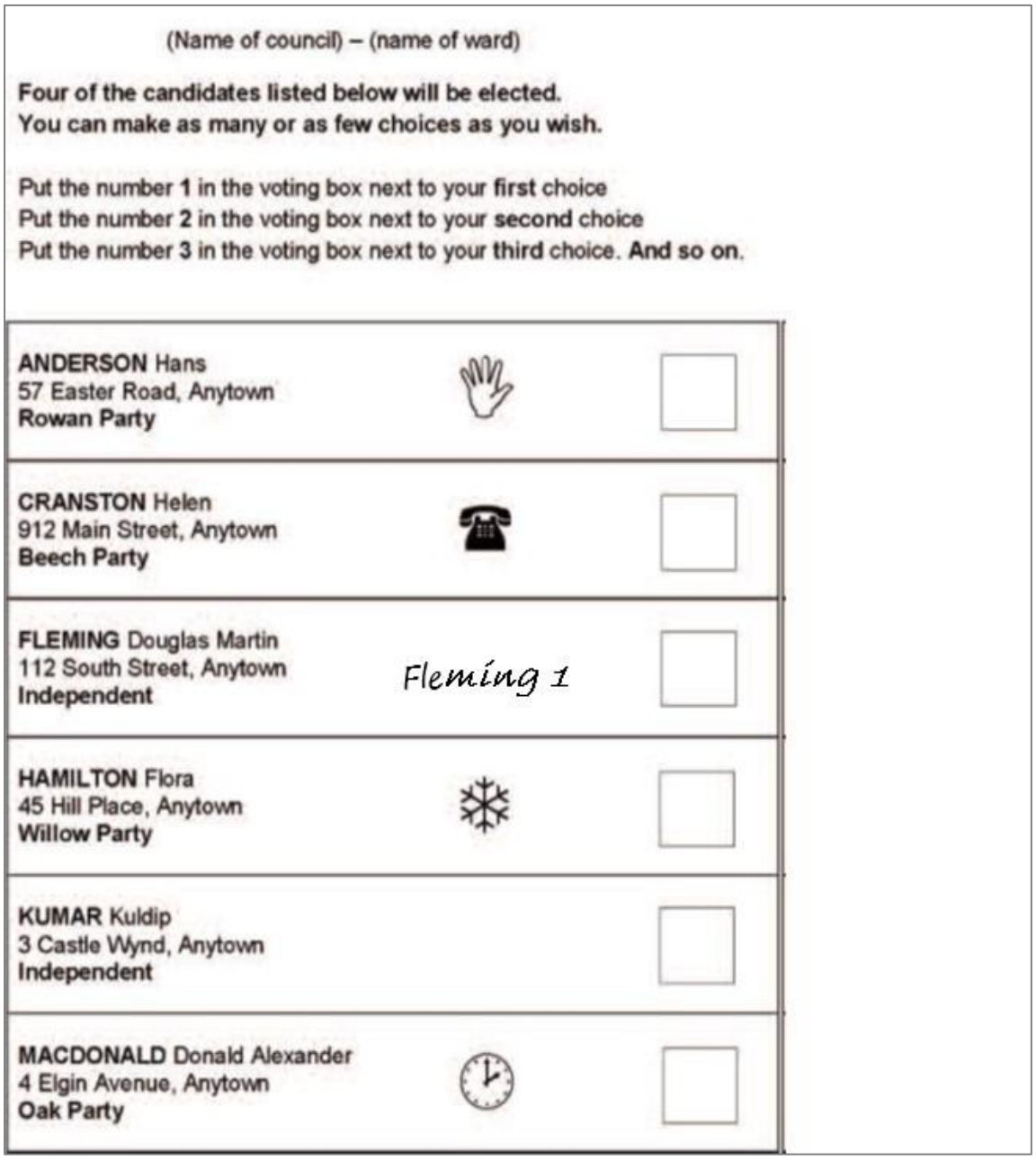
(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		✓
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		2
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		3
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		4
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

Allow – tick is taken as first preference for Cranston. Rule 44(2)(b), otherwise than by means of a figure. Allow for Fleming, Hamilton, and Kumar as second, third and fourth respectively.



(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		
FLEMING Douglas Martin 112 South Street, Anytown **Independent**	*Fleming 1*	
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**	3 	
CRANSTON Helen 912 Main Street, Anytown **Beech Party**	4 	
FLEMING Douglas Martin 112 South Street, Anytown **Independent**	2	
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**	1 	
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**	5	
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		0
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		1
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		2
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		0
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		3
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		0

Allow for Cranston, Fleming and Kumar as first, second and third preference respectively.

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		B
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		A
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		D
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		C
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

Allow for Cranston, Anderson, Kumar and Fleming as first, second, third and fourth preference respectively. Rule 44(2)(b), otherwise than by means of a figure.

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		yes
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		Kumar
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		V
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		I
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		II
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		IV
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		III
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		3
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		1
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		2
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

Allow for Hamilton, Kumar and Cranston as first, second and third preference respectively. Rule 44(2)(c), by more than one mark.

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		5
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		6
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		2
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		1
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		3
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

Partially accept – allow for Hamilton, Fleming and Kumar as first, second and third preference respectively.

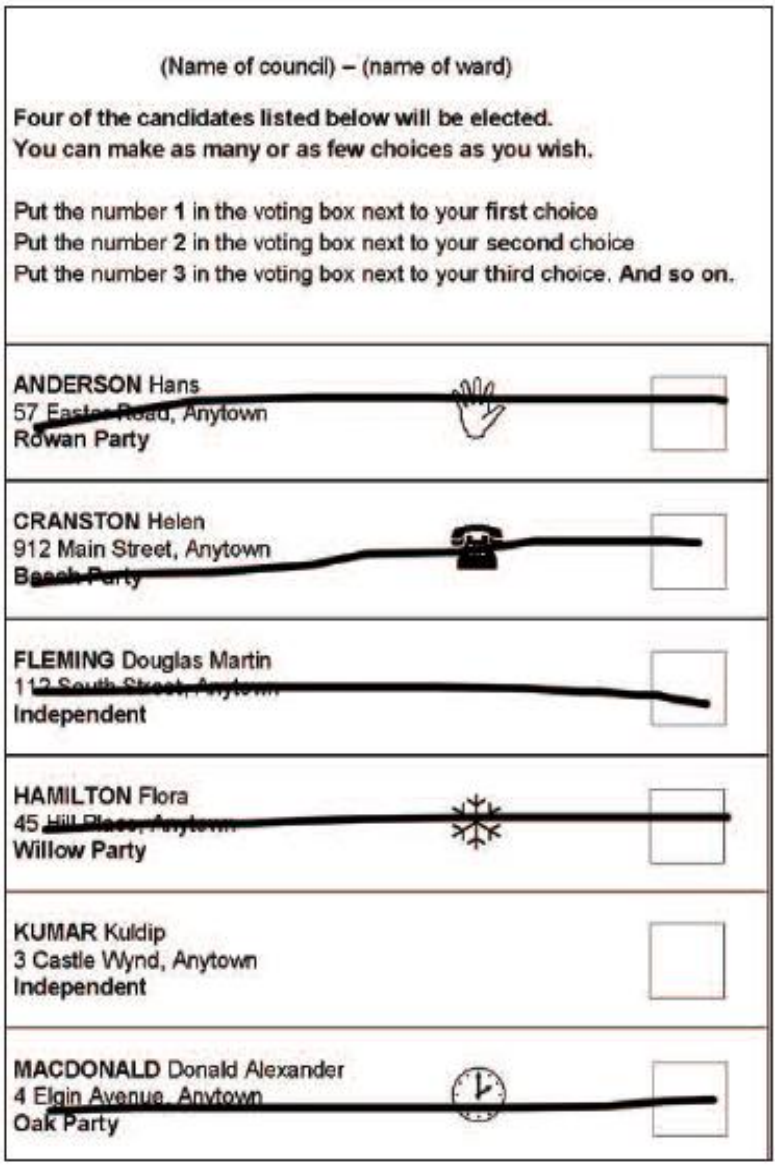
(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		3
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		1
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		2
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		3
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		3
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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



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

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		4
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		3
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		2
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		x 1
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		5
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

Allow – ‘x1’ is taken as a first preference for Hamilton. Rule 44(2)(c), by more than one mark. Allow for Fleming, Cranston, Anderson and Kumar as second, third, fourth and fifth respectively.

Rejected votes

The following are examples of rejected votes.

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		3
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		2
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		4
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		6
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		5
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**	L Smith 24 Any Lane Anytown 	2
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		4
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		1
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		3
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		5
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		4
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		1
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		1
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		2
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		3
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		1
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		2
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		3
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		4
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		X
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		X
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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

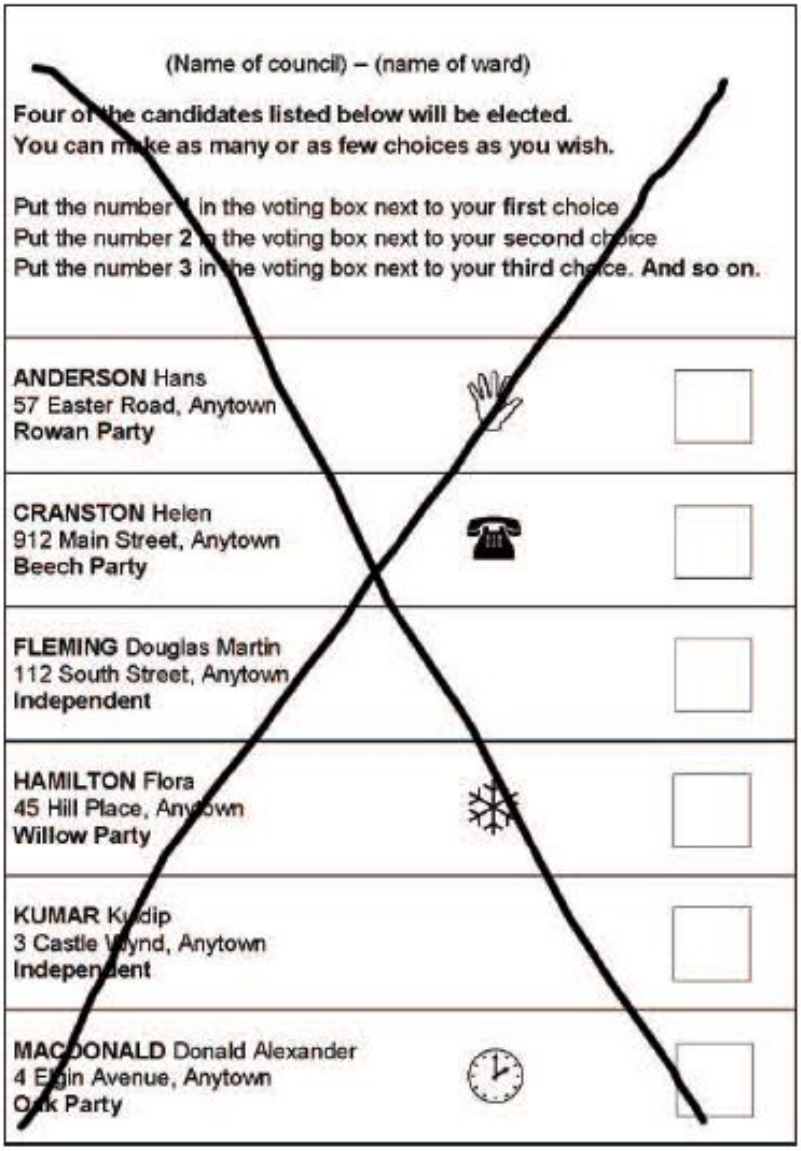
(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		☐
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		☐
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		☐
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		☐
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		☐
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**	 none of the above	1

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



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

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		X
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		2
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		1
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		1
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		1
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		3
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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

(Name of council) – (name of ward)

Four 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.**

ANDERSON Hans 57 Easter Road, Anytown **Rowan Party**		
CRANSTON Helen 912 Main Street, Anytown **Beech Party**		
FLEMING Douglas Martin 112 South Street, Anytown **Independent**		
HAMILTON Flora 45 Hill Place, Anytown **Willow Party**		
KUMAR Kuldip 3 Castle Wynd, Anytown **Independent**		
MACDONALD Donald Alexander 4 Elgin Avenue, Anytown **Oak Party**		

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 be subject to paragraph (2), 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 by 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

3.3 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

3.4 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.