

Doubtful ballot papers – allowed votes

Suggested examples of allowed votes are provided here. All of these examples are based on previous case law or taken from the specific rules for this election. 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 case law.

Case references can be found in *Supporting the Scottish Parliament election – Dealing with doubtful ballot papers*. Other references are to the election rules (Schedule 2 of The Scottish Parliament (Elections etc.) Order 2015).

Election of Members of the Scottish Parliament for the [XXXXXXXXXXXXXXXXXX] Region		
Vote only once by putting a cross in the box next to your choice <input checked="" type="checkbox"/>		
A Party		<input type="checkbox"/>
B Party		<input checked="" type="checkbox"/>
C Party		<input type="checkbox"/>
Candidate D Independent		<input type="checkbox"/>
Candidate E Independent		<input type="checkbox"/>

Allow for party B – vote marked elsewhere than in the proper place. *Berwick upon Tweed case* [1880] 3 O'M&H 178 and Scottish Parliament Order 2015, rule 58 (2)(a)

Election of Members of the Scottish Parliament for the [XXXXXXXXXXXXXXXXXX] Region		
Vote only once by putting a cross in the box next to your choice <input checked="" type="checkbox"/>		
A Party		<input type="checkbox"/>
B Party		<input type="checkbox"/>
C Party		<input type="checkbox"/>
Candidate D Independent		<input type="checkbox"/>
Candidate E Independent		<input type="checkbox"/>

Allow for Party C- vote marked elsewhere than in the proper place and otherwise than by means of a cross. *Scottish Parliament Order 2015, rule 58 (2)(a) and(b)*

Election of Members of the Scottish Parliament for the [XXXXXXXXXXXXXXXXXX] Region		
Vote only once by putting a cross in the box next to your choice <input checked="" type="checkbox"/>		
A Party		<input type="checkbox"/>
B Party		<input type="checkbox"/>
C Party		<input type="checkbox"/>
Candidate D Independent		<input type="checkbox"/>
Candidate E Independent		<input checked="" type="checkbox"/>

Allow for Candidate E – vote marked otherwise by means of a cross. *Scottish Parliament Order 2015, rule 58 (2)(b)*

Election of Members of the Scottish Parliament for the [XXXXXXXXXXXXXXXXXX] Region		
Vote only once by putting a cross in the box next to your choice <input checked="" type="checkbox"/>		
A Party		<input checked="" type="checkbox"/>
B Party		<input type="checkbox"/>
C Party		<input type="checkbox"/>
Candidate D Independent		<input checked="" type="checkbox"/>
Candidate E Independent		<input type="checkbox"/>

Allow for Party A – vote marked by more than one mark. *Cirencester case, Lawson v Chester Master* [1983]; *Eley v Durant* [1990] 4 SJ 430; and *Scottish Parliament Order 2015, rule 58 (2)(c)*

Election of Members of the Scottish Parliament for the [XXXXXXXXXXXXXXXXXX] Region		
Vote only once by putting a cross in the box next to your choice <input checked="" type="checkbox"/>		
A Party		<input type="checkbox"/>
B Party	<i>Yes</i>	<input type="checkbox"/>
C Party		<input checked="" type="checkbox"/>
Candidate D Independent		<input type="checkbox"/>
Candidate E Independent		<input type="checkbox"/>

Allow for Party B – vote marked elsewhere than in the proper place and otherwise than by means of a cross. *Scottish Parliament Order 2015, rule 58 (2)(a) and(b)*

Election of Members of the Scottish Parliament for the [XXXXXXXXXXXXXXXXXX] Region		
Vote only once by putting a cross in the box next to your choice <input checked="" type="checkbox"/>		
A Party		<input checked="" type="checkbox"/>
B Party		<input type="checkbox"/>
C Party		<input type="checkbox"/>
Candidate D Independent		<input type="checkbox"/>
Candidate E Independent		<input type="checkbox"/>

Allow for Party A – marked otherwise than by means of a cross. *Rule Scottish Parliament Order 2015, rule 58 (2) (b)*

Doubtful ballot papers – rejected votes

Suggested examples of rejected votes are provided here. All of these examples are based on previous case law or taken from the specific rules for this election. 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 case law.

Case references can be found in *Supporting the Scottish Parliament election – Dealing with doubtful ballot papers*. Other references are to the election rules (Schedule 2 of The Scottish Parliament (Elections etc.) Order 2015).

Election of Members of the Scottish Parliament for the [XXXXXXXXXXXXXXXXXX] Region		
Vote only once by putting a cross in the box next to your choice		<input checked="" type="checkbox"/>
A Party		<input checked="" type="checkbox"/>
B Party		<input type="checkbox"/>
C Party		<input type="checkbox"/>
Candidate D Independent		<input type="checkbox" value="yes"/>
Candidate E Independent		<input type="checkbox"/>

Reject – voting for more than one registered party or individual candidate. Scottish Parliament Order 2015, rule 58(1)(c)

Election of Members of the Scottish Parliament for the [XXXXXXXXXXXXXXXXXX] Region		
Vote only once by putting a cross in the box next to your choice		<input checked="" type="checkbox"/>
A Party		<input type="checkbox"/>
B Party		<input type="checkbox"/>
C Party		<input checked="" type="checkbox"/>
Candidate D Independent		<input type="checkbox"/>
Candidate E Independent		<input checked="" type="checkbox"/>

Reject – voting for more than one registered party or individual candidate. Scottish Parliament Order 2015, rule 58(1)(c)

Election of Members of the Scottish Parliament for the [XXXXXXXXXXXXXXXXXX] Region		
Vote only once by putting a cross in the box next to your choice		<input checked="" type="checkbox"/>
A Party		<input type="checkbox"/>
B Party		<input type="checkbox"/>
C Party		<input type="checkbox"/>
Candidate D Independent		<input checked="" type="checkbox"/>
Candidate E Independent		<input checked="" type="checkbox"/>

Reject – voter’s intention uncertain. Buckrose case, Sykes v McArthur [1986] 5 O’M&H 110 and Scottish Parliament Order 2015, rule 58(1)(e)

Election of Members of the Scottish Parliament for the [XXXXXXXXXXXXXXXXXX] Region		
Vote only once by putting a cross in the box next to your choice		<input checked="" type="checkbox"/>
A Party		<input type="checkbox"/>
B Party		<input type="checkbox"/>
C Party		<input type="checkbox"/>
Candidate D Independent	J Smith AT 1234	<input type="checkbox" value="yes"/>
Candidate E Independent		<input type="checkbox"/>

Reject – voter can be identified. Woodward v Sarsons [1875] LR 10 CP 733 and Scottish Parliament Order 2015, rule 58(1)(d)

Election of Members of the Scottish Parliament for the [XXXXXXXXXXXXXXXXXX] Region		
Vote only once by putting a cross in the box next to your choice		<input checked="" type="checkbox"/>
A Party		<input type="checkbox"/>
B Party		<input type="checkbox"/>
C Party		<input type="checkbox"/>
Candidate D Independent		<input type="checkbox"/>
Candidate E Independent		<input type="checkbox"/>

Reject – voter’s intention uncertain. Scottish Parliament Order 2015, rule 58(1)(e)

Election of Members of the Scottish Parliament for the [XXXXXXXXXXXXXXXXXX] Region		
Vote only once by putting a cross in the box next to your choice		<input checked="" type="checkbox"/>
A Party		<input type="checkbox"/>
B Party		<input type="checkbox"/>
C Party		<input type="checkbox"/>
Candidate D Independent		<input type="checkbox"/>
Candidate E Independent		<input type="checkbox" value="None of the Above"/>

Reject – voter’s intention uncertain. Scottish Parliament Order 2015, rule 58(1)(e)