

# Doubtful ballot papers – allowed votes: Constituency

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 Constituency 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] Constituency		
Vote for <b>only one candidate</b> by putting a cross in the box next to your choice <input checked="" type="checkbox"/>		
<b>Candidate A</b> A Party		<input type="checkbox"/>
<b>Candidate B</b> B Party		<input type="checkbox"/>
<b>Candidate C</b> Independent		<input checked="" type="checkbox"/>
<b>Candidate D</b> D Party		<input type="checkbox"/>
<b>Candidate E</b> Independent		<input type="checkbox"/>

Allow for candidate C – Berwick-upon-Tweed case and Rule 58(2)(a).

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

Allow for candidate D – Rule 58(2)(c).

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

Allow for candidate B – Rule 58(2)(a) and (b).

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

Allow for candidate E – Rule 58(2)(a) and (b).

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

Allow for candidate E – Cirencester case, *Eley v Durant* and Rule 58(2)(c).

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

Candidate A

Allow for candidate A – *Ruffle v Rogers* and Rule 58(2)(a) and (b) [provided there is no other candidate by the name of A]).

Election of Members of the Scottish Parliament for the [XXXXXXXXXXXXXXXXXX] Constituency		
Vote for <b>only one candidate</b> by putting a cross in the box next to your choice <input checked="" type="checkbox"/>		
<b>Candidate A</b> A Party		<input type="checkbox"/> 4
<b>Candidate B</b> B Party		<input type="checkbox"/> 3
<b>Candidate C</b> Independent		<input type="checkbox"/> 1
<b>Candidate D</b> D Party		<input type="checkbox"/> 5
<b>Candidate E</b> Independent		<input type="checkbox"/> 2

Allow for candidate C – Rule 58(3).

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

Allow for candidate B – *Levers v Morris* and Rule 58(2)(c). See also Schofield's Election Law, Volume 5, Appendix E, E20 (Shaw and Sons, 2008, as updated by supplement issue no. 1).

# Doubtful ballot papers – rejected votes: Constituency

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 Constituency 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] Constituency		
Vote for <b>only one candidate</b> by putting a cross in the box next to your choice <input checked="" type="checkbox"/>		
<b>Candidate A</b> A Party		<input checked="" type="checkbox"/>
<b>Candidate B</b> B Party		<input type="checkbox"/>
<b>Candidate C</b> Independent		<input checked="" type="checkbox"/>
<b>Candidate D</b> D Party		<input type="checkbox"/>
<b>Candidate E</b> Independent		<input type="checkbox"/>

Reject – voted for more than one candidate. Rule 58(1)(b).

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

Reject – voter's intention uncertain. Buckrose case and Rule 58(1)(e).

Election of Members of the Scottish Parliament for the [XXXXXXXXXXXXXXXXXX] Constituency		
Vote for <b>only one candidate</b> by putting a cross in the box next to your choice <input checked="" type="checkbox"/>		
<b>Candidate A</b> A Party		<input type="checkbox"/>
<b>Candidate B</b> B Party		<input type="checkbox"/>
<b>Candidate C</b> Independent	R. Brown 77 Poppy Drive 	<input checked="" type="checkbox"/>
<b>Candidate D</b> D Party		<input type="checkbox"/>
<b>Candidate E</b> Independent		<input type="checkbox"/>

Reject – voter can be identified. *Woodward v Sarsons*, South Newington case and Rule 58(1)(d).

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

Reject – voted for more than one candidate. Rule 58(1)(b).

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

Reject – voter's intention uncertain. *Rowe v Cox* and Rule 58(1)(e).

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

Reject – Voting for more than one candidate. Rule 58(1)(b).

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

Reject – voter's intention uncertain. Rule 58(1)(e).

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

Reject – ballot paper unmarked. Rule 58(1)(e).