

Scottish Parliamentary election

REQUIREMENT OF SECRECY: POSTAL VOTING

The Scottish Parliament (Elections etc.) Order 2015

Article 31(5), (7), (8) and (9)

(1) ...

(2) ...

(3) ...

(4) ...

(5) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of voting and shall not:

(a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark;

(b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the unique identifying number on the back of any ballot paper sent to any person;

(c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the unique identifying number on the back of any ballot paper; or

(d) attempt to ascertain at the proceedings in connection with the receipt of ballot papers the name of the candidate for whom or the registered party for which, any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.

(6) ...

(7) No person may publish before the close of the poll:

(a) any statement relating to the way in which voters have voted in the poll where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted; or

(b) any forecast or estimate as to the result of the election which is (or might reasonably be taken to be) based on information so given.

(8) If a person acts in contravention of this article that person shall be liable on summary conviction to a fine not exceeding the amount specified as level 5 on the standard scale or to imprisonment for a term not exceeding six months.

[continued over]

(9) In this article:

(a) a voter with disabilities is a voter who has made a declaration under rule 48 of the Scottish Parliamentary Election Rules that the voter is so incapacitated by blindness or other disability or by inability to read, as to be unable to vote without assistance;

(b) “publish” means make available to the public at large (or any section of the public), in whatever form and by whatever means; and

(c) the reference to the result of the election is a reference to the result of the election either as a whole or so far as any particular candidate, candidates, registered party or parties at the election are concerned.