

Scottish Parliament election

REQUIREMENT OF SECRECY: THE COUNT

The Scottish Parliament (Elections etc.) Order 2015

Article 31(3), (7), (8) and (9)

(1) ...

(2) ...

(3) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not:

(a) ascertain or attempt to ascertain at the counting of the votes the unique identifying number on the back of any ballot paper;

(b) communicate any information obtained at the counting of the votes as to the candidate for whom or, as the case may be, registered party for which, any vote is given on any particular ballot paper.

(4) ...

(5) ...

(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.

(9) In this article:

(a) a voter with disabilities is a voter who has made a declaration under rule 48 of the Scottish Parliament 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.