

**Midlothian Council By-Election
Thursday 25 March 2021
Ward No 5 – Midlothian East**

**Midlothian
VOTES**

**Notes for Candidates & Agents on Polling
Procedures**

1 For the purpose of these Notes:

“Polling Place” is the building used for polling, the grounds of and any buildings ancillary to such building and the walls, railings or fences surrounding such building.

“Polling Station” is the room or hall in a polling place where polling takes place.

2 In terms of The Scottish Local Government Elections Order 2011 the following applies in relation to admission to a polling station:-

*“28.—(1) The presiding officer shall exclude all persons from the polling station **except—***

- (a) voters;*
- (b) persons under the age of 16 who accompany voters to the polling station;*
- (c) the candidates and their election agents;*
- (d) the polling agents appointed to attend at the polling station;*
- (e) the clerks appointed to attend at the polling station;*
- (f) the constables on duty;*
- (g) the companions of voters with disabilities;*
- (h) the returning officer and the returning officer’s staff; and*
- (i) persons entitled to attend in accordance with sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000.*

(2) The presiding officer shall regulate the total number of voters and persons under the age of 16 who accompany them to be admitted to the polling station at the same time.

(3) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.

- (4) *A constable or person employed by a returning officer shall not be admitted to vote in person elsewhere than at the polling station allotted under these rules, except on production and surrender of a certificate as to such employment*
- (5) *Any certificate surrendered under this rule shall forthwith be cancelled."*

NO OTHER PERSON WILL BE ADMITTED

Candidates, Election Agents and Polling Agents, etc are reminded that they must have the appropriate admission card (otherwise admission to polling stations will be delayed until credentials have been verified). Admission cards will be requested on each occasion a candidate, agent, etc enters a polling station – this will be strictly enforced.

- 3 The Electoral Commission has developed a set of election objectives with the UK's governments, political parties and electoral administrators, to ensure the elections can be delivered safely and successfully. This has been done with the input of all political parties and governing bodies. The assessment of risk in relation to the coronavirus pandemic is an ongoing process and the position will be kept under review in accordance with the latest national and local guidance in relation to Covid-19 restrictions and public health guidance.

Should the Returning Officer (or a Depute) become concerned that an activity is not being carried out in a way compliant with public health, that activity will be suspended until the situation is resolved

- 4 **The offering of literature or any attempt by whatever means to influence voters as to how they cast their votes within a polling place is strictly forbidden.**
- 5 Poll cards are the property of voters. They are not required to surrender them to agents and must not be pressurised to do so. Any cards surrendered to Presiding Officers will be destroyed forthwith.
- 6 Marked registers or lists of electors who have or have not voted may not be taken out of polling stations before the close of poll.
- 7 Tellers
- (a) Tellers must not give the impression that they are employed by the Returning Officer. They should concern themselves ONLY with checking who has voted. **They must not ask voters who they intend to vote for or how they have voted; and**
- (b) **Voters must not be approached until after they have left the polling station.**

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The usual means of telling is to ask voters for the poll card (but see paragraph 4 above) or electoral number. If a voter does not have a poll card and does not know his or her electoral number, tellers may ask the voter's name and address but must not give the impression that the information must be provided for official purposes.

- 8 Candidates, Election Agents and Polling Agents must not publish before the poll is closed -

- (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 as to the result of the election which is (or might reasonably be taken to be) based on information so given.*

(For further clarification see Rule 27 of The Scottish Local Government Elections Order 2011 – 'Requirement of Secrecy').

- 9 The fixing of bills, banners, etc to any part of a polling place, ie walls, railings, fences, etc is not allowed. Bills on 'A' Boards will normally be allowed on the pavements outside a polling place provided that they are positioned so as not to cause any obstruction to pedestrian or vehicular traffic.
- 10 **Insignia ie - a Badge or Rosette** may be worn within the external curtilage of a POLLING PLACE (but **not** displayed within a POLLING STATION).
- 11 Cars displaying election material are not normally allowed within the polling place except where there is suitable discreet parking away from the general ingress of electors.

However, cars which bring disabled or infirm persons to the poll may, where local conditions permit, be allowed to bring those persons to the door of the polling place. In such circumstances the cars should not wait in a conspicuous place while the persons are voting and should leave the polling place without delay as soon as the persons have voted.

- 12 While there is no specific entitlement to Candidates, Election Agents and Polling Agents to be informed of the number of persons who have voted, it will be permissible for Presiding Officers to give Agents a note of the actual number of persons who have voted from time to time throughout the day.

Information as to whether or not a particular person has or has not voted shall not be given. The Presiding Officers shall ensure that meeting these requests does not interfere with their official duties.

- 13 Smoking in Polling Stations is not allowed.

Dr Grace Vickers
Returning Officer
15 February 2021