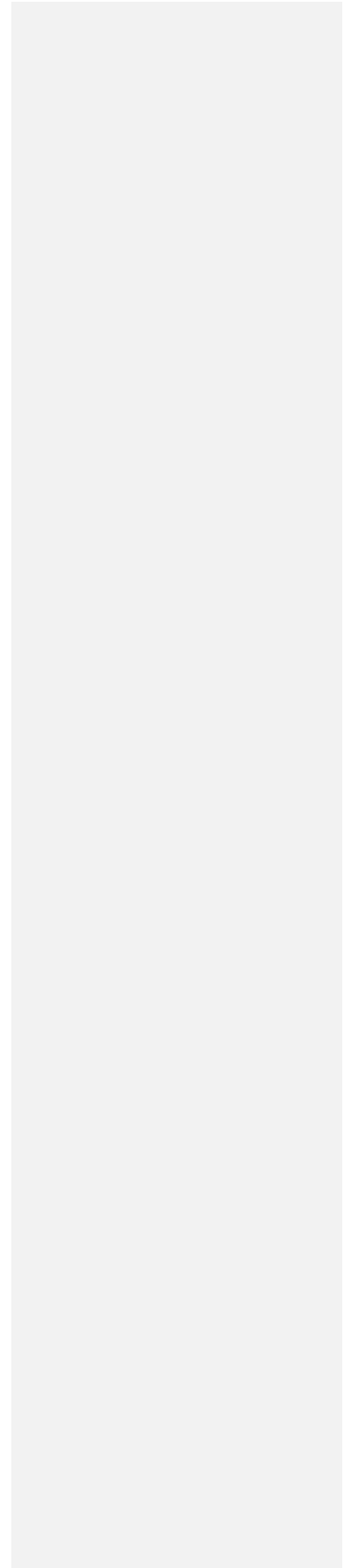


Part E – Verifying and counting the votes

Scottish Independence Referendum:
guidance for Counting Officers



Translations and other formats

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1 Principles for an effective verification and count

~~1.1 The Counting Officer at an ordinary Scottish local government election must, by law, procure an electronic counting system to undertake the verification and count. The law requires that the electronic system must be used unless and until it becomes impossible or impractical to conduct some or all of the processes by the electronic system. In such a case, the Counting Officer is permitted by law to make arrangements for the verification and count to be conducted by other means.~~

1.1 The Chief Counting Officer is responsible in law for certifying the overall referendum result, which will be one Scotland-wide result aggregated from all of the totals produced locally by Counting Officers.

1.2 The verification and count at the referendum are to be conducted manually, with totals of votes for each answer to the referendum question and rejected votes being calculated by each Counting Officer for their local government area before being reported to the Chief Counting Officer who will aggregate them to achieve the national result.

~~1.3 This guidance does not cover the detailed count processes to be followed at a Scottish local government election or the operation of electronic count systems. Instead, it aims to focus on supporting Counting Officers to deliver the key principles that should be achieved at any verification and count regardless of whether it is being conducted electronically or manually. This guidance aims to focus on supporting Counting Officers to deliver the verification and count effectively in accordance with the procedures required by the Chief Counting Officer.~~

~~1.21.4~~ You should ensure that your verification and count arrangements can deliver the key principles for an effective verification and count, which are as follows:

- All processes are transparent, with a clear and unambiguous audit trail. As a requirement to meet **performance standard – insert details** you must ensure that ~~all processes are transparent~~this is the case, with everything at the verification and count carried out in clear view of all those entitled to attend ~~with and~~ information provided to attendees on the processes to be followed.
- The verification produces an accurate result. This means that the number of ballot papers in each box either matches the number of ballot papers issued as stated on the ballot paper account or, if it does not, where possible, the source of the variance has been identified and can be explained. If no explanation can be found, the ballot papers should be recounted until the same figure is achieved on two consecutive occasions.

- ~~• The~~ The count produces an accurate result, where the total number of votes for each of the answers to the referendum question of first preferences cast for each candidate and plus the number of ballot papers rejected ~~at the first stage of the count~~ matches the total number of ballot papers counted for ~~the ward~~ the local authority area. Demonstrable accuracy of the count in each local authority area is essential for achieving confidence in the national result to be collated and declared by the Chief Counting Officer.
- As a requirement to meet **performance standard – insert details** you must ensure that your count processes are capable of producing an accurate result, with a clear audit trail.
- The verification and count are timely although accuracy is more important than speed. As a requirement to meet **performance standard – insert details**, you must ensure that appropriate resources are in place to ensure that the verification and count are timely while ensuring that accuracy is maintained.
- The secrecy of the vote is maintained at all times. You have a legal duty to take all proper precautions to prevent any person from seeing the unique identifying number printed on the back of the ballot papers during the verification and count process to ensure that no elector may be identified ~~from by the number or other unique identifying mark on the reverse of the ballot paper it~~. It is for this reason that the ballot papers should be verified and counted face up.
- You should be aware of the threat posed by the use of mobile phones and tablets in the counting area and, to protect the secrecy of the ballot, you should brief all attendees on your policy in respect of the acceptable use of mobile phones and tablets within the venue
- ~~•~~ The security of ballot papers and other stationery is maintained at all times.

2 Preparing for the count

2.1 You are required by law to make arrangements for the counting of the votes as soon as practicable ~~after the close of poll.~~

Comment [A2]: Confirm timing arrangements

2.2 As a requirement to meet **performance standard – insert details**, you must ~~ensure that the verification and count processes are fully addressed in your project plan and risk register and that these documents are kept under review. must include a plan to deliver key electoral processes, including the management of the verification and count arrangements.~~

A To demonstrate that you have met **performance standard – insert details**, you must ~~provide the Commission~~ be able to provide the Chief Counting Officer with confirmation that your project plan includes the management of the verification and count arrangements.

For further information on planning for ~~an election~~ the referendum see **Part B – Planning and organisation.**

Staffing and training

2.3 As a requirement to meet **performance standard – insert details**, you must ensure appropriate resources are in place to ensure the verification and count ~~is~~ are timely.



To demonstrate that you have met **performance standard – insert details**, you must ~~provide the Commission~~ be able to provide the Chief Counting Officer with the total number of verification and count staff.

2.4 Further guidance on staffing the verification and count and the training of verification and count staff can be found in **Part B – Planning and organisation.**

Layout of verification and count venue

A Guidance on the identification of a suitable venue for the verification and count can be found in **Part B – Planning and organisation.**

2.5 Layout plans of your verification and count venue should be prepared at an early stage. A good layout will be informed by the verification and count workflows you intend to follow and the space you will have available.

2.6 You must, as a requirement to meet performance standard – insert details, ensure that all your processes are transparent, with everything at the verification and count carried out in clear view of all those entitled to attend.



To demonstrate that you have met performance standard – insert details, you must ~~provide the Commission~~ be able to provide the Chief Counting Officer with confirmation that you have in place a count layout plan and workflows that you intend to follow.

2.7 In considering how to organise the verification and count, the following factors should also be taken into account:

- The layout of the count venue – this should allow easy viewing by all of those entitled to be present. You must, as a requirement to meet performance standard – insert details ensure that that everything at the verification and count is carried out in clear view of all those entitled to attend.
- Circulation areas and the amount of space available around the count area – this space should be maximised, and any obstructions, such as stored furniture, should be removed.
- Seating – sufficient seating should be provided for those entitled to attend the proceedings.
- Access – the room should be laid out in a way that ensures that all of the proceedings are accessible to anyone entitled to attend, including disabled people.
- Public address systems – these should be tested in advance of referendum day ~~in order~~ to ensure that they are in working order and ~~to find out the~~ to establish their effective range ~~of the system~~ so that ~~candidates and observers and~~ agents can be informed of the reach of the system.
- Arrangements for communication with the Chief Counting Officer – you should ensure that you will be able to communicate with the Chief Counting Officer throughout the verification and count processes. Accordingly, you should ensure that internal and external communication systems are conveniently located, working, tested and suitable for purpose.
- Media requirements – consider providing a separate area for the media as they are likely to require space for their specialist equipment, which may be bulky.
- Health and safety – you have a responsibility for the health and safety of all persons present and this responsibility should be kept in mind when deciding on the layout of the venue. For example, any cabling from equipment or media cameras should not present a trip hazard to anyone at the proceedings and free access to emergency exits should not be obstructed in any way. Maximum venue capacity should not be exceeded, and there should be appropriate security to ensure that only those eligible to attend actually do so.

2.8 Areas should be designated for different functions and then appropriately furnished and equipped. The areas you will need will vary depending on how you are organising your count but the following are some general areas that will be appropriate in most cases and which you should consider designating:

Outside the venue

2.9 Car parking and vehicle access – The organisation of vehicle access around the verification and count venue should be considered carefully. It is advisable to designate different parking areas for ~~candidates,~~ agents and ~~observers,~~ and than observers than for staff. It can also be helpful to have a designated entrance and exit to the car park, which may help to avoid congestion, such as when ballot boxes are arriving from the polling stations.

2.10 It may be useful to have staff supervising the car park at this time. Any staff working in the car parking area should be equipped with appropriate safety wear such as high-visibility jackets, and should be trained to deal with a large volume of traffic including, for example, counting agents arriving at the proceedings and polling station staff or council transport arriving with ballot boxes depending on your local arrangements.

Inside the venue

2.11 Receiving area – This area is where ballot boxes, ballot paper accounts and other polling station stationery and equipment will arrive for checking in and sorting. Ideally, this area should have an entrance separate from that used by other staff, ~~candidates,~~ counting agents and observers, with direct access from the car park or loading area. Staff should be positioned here to receive the materials and should be equipped with a checklist to mark off the ballot boxes and associated items as they arrive. It is also useful to mark the time each ballot box delivery arrives for future use in your lessons learned exercise after the referendum.

2.12 Postal voting – Where postal votes are to be opened and verified at the verification and count venue, a separate area should be allocated for processing unopened postal votes received from polling stations. The opening of postal votes must by law be carried out in full view of the ~~candidates,~~ agents and observers present. Adequate space should be allocated to receive and verify these postal votes, and to allow observation of this process. Where the personal identifier verification is to be undertaken via an automated system, network and cabling arrangements should be considered. Your preparations should take into account the likelihood that the number of postal votes at the referendum may be greater than at previous electoral events and that, notwithstanding efforts made to process as many postal votes as possible during referendum day, the number which will have to be opened and processed at the count may still be greater than usual.

2.13 Area for ~~candidates,~~ agents, observers and guests – It may be beneficial to have a separate area set aside for ~~candidates,~~ agents, observers and guests. If space permits, a television set could be provided in an adjacent room.

2.14 Area for refreshments – Consider providing an area where counting assistants and other staff can get drinks and snacks. It is important to have adequate refreshments available to help to maintain staff energy and concentration levels throughout the process. You should not allow counting assistants to eat or drink in

the area where the ballot papers are being verified and counted in order to avoid the possibility of any spillages. You should consider whether to provide refreshments for ~~candidates~~, agents, observers and other attendees, and whether ~~or not~~ to charge for them.

2.15 Media area – The requirements for the media area will depend upon the types of media represented and their respective needs. For example, if television cameras are present, any lighting should not cause undue heat or glare which might impair the efficiency of the count and cameras must not be allowed to film close-ups of the ballot papers. In addition, it is important that there are no trailing cables for count attendees to trip over, and that any equipment installed is safely positioned.

Equipment and set-up

2.16 You should ensure that all equipment is tested in advance of the verification and count, including:

- IT (hardware and software)
- public announcement systems
- telephone lines
- if the final opening of postal votes is to take place at the verification and count venue, equipment for verifying personal identifiers

2.17 Contingency plans should be in place in case of an equipment or power malfunction.

2.18 You should prepare a checklist of all materials, including stationery and equipment, that will be needed at the verification and count venue, which could include:

- signing-in sheets for staff
- list of all staff
- spare copies of instructions for staff
- sample entrance passes, including samples of the identification badges held by Commission representatives and accredited observers
- postal ballot boxes and related envelopes
- electoral law reference books
- Electoral Commission ~~this~~ guidance together with any directions or other information issued by the Chief Counting Officer in relation to the verification and count
- the written procedures for reporting the local verification and count totals to the national Count Centre
- Doubtful ballot paper booklets and placemats
- letter openers and scissors
- sacks and ties for counted ballot papers
- packets or envelopes for rejected ballot papers

Comment [A3]: The Commission don't do placemats any more. Will we?

- ~~hundred cards for counted bundles~~
- assorted stationery items, including marker pens, pencils, rulers, adhesive tape, notepaper, string, rubber thimbles, paper clips and rubber bands
- calculators
- ~~materials to be used in the event of equality of votes (e.g. an unused pack of cards, slips of paper, etc.)~~

Ensuring the security of ballot boxes

2.19 You ~~should~~**must** take all necessary steps to ensure the security of ballot boxes and relevant stationery from close of poll through to the declaration of the result, particularly [in any circumstances](#) where there [might be](#) a break in proceedings.

A Further guidance on security arrangements can be found in [Part B – Planning and organisation](#).

3 Managing attendance at the verification and count

3.1 The following people are entitled by law to attend the verification and count:

- you and your staff
- the Member of Parliament for any constituency which contains all or part of your council area
- the Member of the Scottish Parliament for any constituency which contains all or part of your council area
- Members of the Scottish Parliament for any region which contains all or part of your council area
- Members of the council
- Members of the European Parliament for the electoral region of Scotland
- the Chief Counting Officer and members of her staff
- constables on duty—
- ~~staff performing duties under a contract for services entered into in connection with the conduct of or the administration of the election~~
- candidates
- ~~one guest per candidate~~
- ~~election agents~~
- Electoral Commission representatives
- accredited observers
- referendum agents
- counting agents appointed to attend at the count; and
- any other person permitted by you, as Counting Officer, to attend

3.1 (a) As Counting Officer, you are entitled to exclude persons from the counting of the votes if you consider that the efficient counting of the votes would be impeded, however, you are not permitted to exclude the Chief Counting Officer, her staff or representatives of the Electoral Commission.

3.2 You must, as a requirement to ***performance standard – insert details***, ensure that all your processes are transparent, with everything at the verification and count carried out in clear view of all those entitled to attend, with information provided to attendees on the processes to be followed.



To demonstrate that you have met ***performance standard – insert details***, you must ~~provide the Commission~~ be able to provide the Chief Counting Officer with confirmation that information is provided to attendees.

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Further information on the appointment of agents can be found in [Part C – Administering the poll](#).

3.3 You should take all necessary steps to ensure that anyone attending does not interfere with or compromise the secrecy of the vote. You are legally required to make such arrangements as are reasonably practicable to ensure that all attendees are provided with a copy of the relevant [secrecy requirements](#).

3.4 There is no requirement for those eligible to attend to arrive by a certain time, and so those entitled to attend should be admitted whenever they arrive. Also, a procedure should be in place so that any attendee who wishes to leave and return later should not be prevented from doing so.

3.5 The legislation provides that you can, at your discretion, permit other people to attend the proceedings if you are satisfied that it will not impede the efficient counting of votes.

- ~~• you are satisfied that it will not impede the efficient counting of votes, and~~
- ~~• you have consulted the election agents (if any) or thought it impracticable to do so.~~

Comment [A4]: I can see no provision for this in SIRA

Controlling admission

3.6 ~~Excluding~~ You should issue tickets or entrance passes to everyone entitled to attend the count with the exception of accredited observers and Electoral Commission representatives, tickets or entrance passes should be issued to everyone entitled to attend the count who will show identification issued by the Commission.

You should give consideration to issuing different-coloured tickets or passes to identify the different categories of attendees.

3.7 You should provide lists of those persons entitled to attend at the entrance to the verification and count, and instruct security staff/door attendants to check the passes of anyone seeking to attend. However, security staff should also be briefed that Commission representatives and accredited observers do not need to provide advance notification of where they intend to observe and therefore may not appear on their list but are nevertheless entitled to access the count venue on production of their observer or Commission representative identification badge.

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Further guidance on accredited observers and Commission representatives, including a quick guide to the observer badge types, can be found in [Part B – Planning and organisation](#).

3.8 You should, for health, safety and security reasons, record the names of everyone who actually attends the verification and count.

Counting agents

A Guidance on the appointment of agents can be found in [Part C – Administering the poll](#).

3.9 As Counting Officer, you decide how many counting agents each referendum agent can appoint. This number should not be less than the number obtained by dividing the number of counting clerks employed by the number of referendum agents. It is important that the number that may be appointed by each referendum agent is the same. (The Chief Counting Officer has developed a template form for the appointment of polling and counting agents and this can be downloaded from the EMB website.)

Comment [A5]: hyperlink

3.10 While you must, by law, give counting agents reasonable facilities for overseeing the verification and counting of the votes, and provide them with information about the proceedings, you are able to take into account the need for an orderly count and the need to carry out your duties effectively.

3.11 The law requires that referendum agents must notify you not later than the 5th day before the referendum – namely by Thursday 11 September 2014 – of the particulars of the counting agents to be appointed.

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Accredited observers

3.93.12 Legislation allows you to limit the number of observers who may be present at any one time during the count. However, you should use caution in doing so. Electoral observation is a legitimate and valuable part of the electoral process, and care should be taken not to hinder or obstruct the conduct of any observations. You are not entitled to bar all observers from a count, only to limit the number of observers present at any one time, and this discretion should be exercised reasonably.

3.103.13 You have a legal duty to have regard to the [Commission's Code of practice for observers](#) when managing the attendance of observers.

A Further guidance on accredited observers can be found in [Part B – Planning and organisation](#).

Commission representatives

3.113.14 Commission representatives are also entitled to attend the verification and count and to observe your working practices. They can ask questions of your staff and of agents, but will not do so if this would obstruct or disturb the conduct of

proceedings. You are not allowed to limit the number of Commission representatives at the verification and count.

The media

3.123.15 You should include space and opportunity for the media to report on results. You have discretion to decide which representatives of the media you allow to attend. ~~As with all attendees, you~~ You must ensure that media representatives, like other attendees, do not interfere with the process or compromise the secrecy of the vote.

3.133.16 You should consider doing the following in preparation for representatives of the media attending your verification and count:

- Contact principal broadcast organisations in advance.
- Outline the press facilities available.
- Provide an opportunity for media representatives to inspect the verification and count venue to see what space and facilities are available, and give them the opportunity to raise any issues or requirements with you.
- Make arrangements for the declaration procedures.
- Arrange for sound systems to be used for the announcements and for live feeds.
- Make accreditation arrangements for journalists, technicians and photographers attending.
- Designate an area of the count venue for media use.
- Provide media passes.
- Ensure that there is a nominated media spokesperson in place for the count, ~~and~~ that everyone is aware who this is and that all media questions should be directed to that person.
- Make sure that the media are aware of any restricted areas and procedures – for example, ensure that camera operators are aware that they must not overview sensitive information (such as close-ups of ballot papers) or obstruct count staff.

3.143.17 You should ensure that one or more members of the local authority's public relations team are present to deal with media enquiries. You should brief them ahead of the verification and count and make sure that they know who to approach if they are asked any technical electoral questions.

3.153.18 In addition to making practical arrangements for their attendance, any early contact with the media should also include an explanation of the processes to be followed and the expected finish and declaration times insofar as you may be able to estimate these.

3.163.19 If media representatives are accredited by the Commission as observers and are attending in such a capacity, they have the same rights and obligations as any other accredited observer. Like any other observers, they are required by law to have

regard to the *Commission's Code of practice for observers* and must abide by any decision that you make on the use of cameras and other recording equipment.

4 Communicating during the verification and count

4.1 As a requirement to meet *performance standard – insert details*, you must provide information to attendees on the processes to be followed.



To demonstrate that you have met *performance standard – insert details*, you must ~~provide the Commission~~ be able to provide the Chief Counting Officer with confirmation that information is provided to attendees.

4.2 You should consider the following when determining what information you will provide to anyone attending the verification and count on the processes to be followed, and how you will provide it:

- Placing information posters and boards throughout the verification and count venue, which show the key members of staff and provide an overview of the procedures to be followed in order to help attendees identify what is happening and where. You may wish to provide pictures of yourself and your key staff to help attendees identify you at the count. This information could also be provided in advance of the count, for example as part of an information booklet.
- Providing a layout plan of the venue, indicating the key areas of interest for counting agents and observers.
- Appointing a member of staff to respond to queries and to act as liaison between ~~candidates~~, agents, observers and key staff.
- Using a public address system to make announcements about what is happening where and when throughout the verification and count processes.
- Providing a hand-out listing all ballot box numbers and the names of the polling stations they relate to.

4.3 You should distribute an information pack to everyone attending the count. A *checklist of information to be provided in a pack for attendees* has been developed by the ~~Commission~~ Chief Counting Officer and is available on the EMB website.

4.4 Before the verification and count begin, you should address ~~candidates~~, agents and all others in attendance to explain the different processes that you are going to follow and how agents can observe and participate in the adjudication of doubtful ballot papers. Your prior testing of the public address system will identify where the announcements can be heard and you should inform those present of the range of the equipment. If some ~~candidates and~~ agents arrive after the verification or count has commenced you should offer to brief them or ~~alternatively~~ make a further public announcement.

4.5 Good communication, both at ~~candidate and referendum~~ agent briefings in advance of the count and at the event itself, allows those present to ~~properly~~

scrutinise all of the processes properly and will help to build confidence in the administration of the verification and count. Providing information on the process can also help to lower the number of queries raised by ~~candidates and~~ agents, thus reducing the pressure on staff.

4.6 You should also remind attendees that smoking is not allowed within the building and advise on any policy regarding drinking ~~and using mobile phones~~, any health and safety issues such as evacuation procedures and fire drills, and any other relevant information. In particular, you should ensure that attendees are fully aware of the legal requirements in relation to the use of mobile phones and tablets.

4.7 Further announcements should be made throughout the verification and count, setting out what parts of the process are being carried out where and when: for example, to let everyone know when verification has been completed, what the turnout figure is and when and where the adjudication of doubtful ballot papers is to be carried out.

4.8 If agents or observers are dissatisfied in any way with the manner in which the proceedings are being carried out, the opportunity should always be available for them to make direct representations to you at the earliest opportunity so that any concerns may be considered, explanations and reassurances given and any corrective action taken if necessary.

5 Receipt of polling station materials and sealed boxes of postal ballot papers

5.1 As a requirement of *performance standard – insert details*, you must ensure that your count processes are capable of producing an accurate result, with a clear audit trail. In preparation, you should produce templates of all documents which will be completed at the verification and count to provide a clear audit trail.



To demonstrate that you have met *performance standard – insert details*, you must ~~provide the Commission~~ be able to provide the Chief Counting Officer with confirmation that arrangements are in place to maintain a clear audit trail of the count processes.

Further guidance on maintaining a clear audit trail of the count processes can be found throughout this section, and in [Section 6 – Verification](#) and in [Section 7 – The count](#).

5.2 The correct and orderly receipt of ballot boxes and materials from polling stations is a key component of an accurate verification process. Your team of staff receiving materials from polling stations should use a checklist to ensure that all ballot boxes ~~and~~, ballot paper accounts, [unused ballot papers and other associated items](#) are accurately accounted for, as well as any packets containing postal votes handed in at polling stations.

5.3 Where Presiding Officers are required to transport the ballot boxes to the count venue, it should be made clear to the staff receiving the ballot boxes that no Presiding Officer should be allowed to leave until their ballot box and all of the documents and packets have been received and checked off by the designated staff member and, if possible, a cursory check of the ballot paper account has been made. Staff receiving ballot boxes should be instructed how to ensure that they have the ballot paper account for each ballot box.

5.4 Following receipt, the ballot paper accounts can be taken to the staff dealing with the management of the ballot box opening process and all ~~of~~ the materials received back from polling stations can be released by receiving staff to the relevant teams.

5.5 The sacks containing the ~~election referendum~~ documents that need to be stored, such as sealed corresponding number ~~lists, sealed lists, sealed packets of tendered ballot papers, certificates of employment, the marked copies of the Polling List and the lists of proxies~~ should be separated from those containing items that will be reused, such as general stationery items. The packets and parcels from polling stations should be organised in such a way as to enable easy location of any packet.

5.6 It is a legal requirement to verify the unused ballot papers, the spoilt ballot papers and the tendered votes list ~~if you are requested to do so by a candidate or election agent. You should also verify these items if you are unable to reconcile the ballot paper account with the number of ballot papers in the ballot box.~~ All packets of spoilt and unused ballot papers ~~should must~~ therefore be ~~available to be~~ opened, and counted ~~as required,~~ and then resealed, with the numbers counted supplied to those staff members responsible for the verification process. You are prohibited from opening the sealed packets of tendered ballot papers, but ~~if the candidate or election agent has requested verification~~ you must, by law, open the packet containing the tendered votes list and then reseal it. ~~The information gained from this exercise should be recorded on a verification statement. A style for this statement has been prepared by the Chief Counting Officer and is available on the EMB website.~~

Comment [A6]: [hyperlink](#)

5.7 By law, you are **not** permitted to open the sealed packets containing the ~~tendered ballot papers,~~ corresponding number lists and certificates of employment, the marked copies of the ~~register-Polling List~~ and the lists of proxies. You should ensure that the materials that you are legally required to keep sealed are placed in a designated and secure area.

Receipt of sealed boxes of postal ballot papers

5.8 Postal ballot papers previously received and opened will have been processed and should be brought to the verification and count venue in sealed ballot boxes, with an accompanying ballot paper account for each postal ballot box. Staff receiving the postal ballot boxes should use a checklist to ensure that all postal ballot boxes and postal ballot paper accounts are accurately accounted for.

5.9 All packets and ballot boxes containing postal ballot papers must, by law, be subject to verification in the same way as any ballot box from a polling station, ~~with the results being recorded on the verification statement for turnout purposes.~~ As these will ~~often~~ be some of the first boxes being verified, they present an opportunity to create confidence in the process and in the count as a whole.

6 Verification

Purpose of the verification

6.1 Verification has two main purposes – to ensure and demonstrate that all ballot papers issued at polling stations and all returned postal ballot papers have been brought to the count, and to provide the figure with which the count outcome must reconcile. You should keep both purposes in mind when conducting the verification process.

6.2 The training of Presiding Officers in the completion of ballot paper accounts, coupled with ballot paper accounts produced in a clear, easy-to-complete format, should help to provide a firm foundation for the verification process. [The Chief Counting Officer has developed a template for this purpose and it is recommended that you use this style in your polling stations and training. The template is available on the EMB website.](#)

Comment [A7]: [hyperlink](#)

A Guidance on the training of polling station staff, including [a sample ballot paper account exercise](#), is provided in [Part B – Planning and organisation](#).

The verification process

6.3 [As described in Paragraph 5.6 above, you must first verify the ballot paper account by comparing it with the number of ballot papers recorded, the unused and spoilt ballot papers and the tendered votes list \(unsealing and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list.\) You must record the results of this exercise on a verification statement. \(A template form for this statement has been developed by the Chief Counting Officer and is available on the EMB website.\)](#)

Comment [A8]: [hyperlink](#)

6.4 You must, ~~by law~~, in the presence of the counting agents, open each ballot box and count and record the number of ballot papers in it and check that number against the ballot paper account. [As mentioned in paragraph 5.9 above, the postal voters' ballot boxes must also be verified against their ballot paper accounts and the results recorded on the verification statement.](#)

~~6.36.5~~ [While you may be carrying out your verification on the basis of local constituencies or wards, the totals to be reported to the Chief Counting Officer should be aggregated for the local authority area as a whole.](#)

6.46.6 The key stages of the process are as follows:

- Open the ballot boxes in the presence of any counting agents and observers ~~that are~~ present. When a box has had a seal attached by an agent at the close

of the poll, particular care should be taken to show to any agents and observers present that this seal is still intact prior to it being broken.

- The ballot papers should be removed from the ballot box, ensuring that none have fallen onto the floor and that the box is totally empty. Show the empty box to the agents and observers so that they can be satisfied that it is indeed empty.
- (Note that you have a legal duty to keep the ballot papers face up at all times during the verification and count process. This is to ensure that no elector may be identified from the unique identifying number on the back of the ballot paper.)
- The totals given on the ballot paper account should be compared against the number of ballot papers counted and recorded as being present inside the ballot box.
- You must, by law, record ~~of~~ the total number of postal ballot papers and the total number of ballot papers counted in ~~the ward~~ the local government area.

6.56.7 If the total number of ballot papers counted does not reconcile with the ballot paper account, you should undertake the following procedure and document the outcome:

- a) Make a full check of the arithmetic on the ballot paper account. Check the other packets of returned materials and any polling station logbook to try to identify any reason for missing or additional ballot papers. Ensure that returned postal ballots have not been added to the number of votes cast in the polling station. You should consider contacting the Presiding Officer to ask them to try to explain any discrepancies.
- b) Check the record of issued ballot boxes to see if more than one ballot box was issued to the polling station and ensure that all boxes allocated to the station are opened and accounted for.
- c) Check whether the ballot box has come from a multiple polling station location and, if it has, count the ballot papers for the other polling stations within that location to see if there is a compensating error.
- d) If the ballot box is from a single polling station or if there is no compensating error in the figures from the other polling station(s) in that polling place, recount the ballot papers in the box until the same figure is achieved on two consecutive occasions.
- e) If, after following the procedures outlined above, any discrepancy still remains, use the number of ballot papers counted and recounted as the final figure and make a note of the discrepancy.
- f) Record, if possible, an explanation of why that variance has occurred and discuss this with any agents and observers present.

6.8 You must prepare a verification statement. [A template for this statement has been prepared by the Chief Counting Officer. Once the verification is complete and the statement has been prepared, you must advise the Chief Counting Officer of the result of the process. When she is satisfied with the information you have sent her, she will authorise you to announce the turnout percentage and to proceed to the count phase. Detailed reporting procedures will have been advised to Counting Officers in advance of referendum day.](#)

~~Any candidate or election agent may require you to verify each ballot paper account and to draw up a statement as to the result of the verification. In such a case, you are required by law to compare the ballot paper account with the number of ballot papers counted, the number of unused and spoilt ballot papers and the tendered votes list from the polling station.~~

6.9 By law, any agent may make a copy of your verification statement and you should make available copies of this for the agents present once the verification has been completed. It is recommended that you prepare this statement as a matter of course and good practice and offer it to agents rather than wait until asked. ***A template form for this purpose*** has been drawn up by the Forms Working Group for the Chief Counting Officer and is available on the [EMB website](#).

~~6.6 — Any agent may make a copy of the statement as to the result of this verification, and indeed you should make available copies of this for the agents present once any verification has been completed. — ***A template form for this purpose***~~

6.76.10 You must, by law, take proper precautions to ensure the security of the ballot papers and the relevant stationery during any break in the verification and count proceedings. This includes sealing the ballot papers and allowing the counting agents to attach their own seal if they wish.

Comment [A19]: [hyperlink](#)

Comment [A10]: [hyperlink](#)

7 The count

Overview

7.1 You ~~must, by law, carry~~must carry out the count in accordance with ~~the legislation for Scottish local government elections provisions~~the provisions of the Scottish Independence Referendum Act 2013, with this guidance and with any directions or other advice issued by the Chief Counting Officer.

Doubtful ballot papers

7.2 You should adjudicate doubtful ballot papers regularly as the count proceeds: ~~the~~The adjudication of doubtful ballot papers should not be left until the end of the count. You should have regard to the ~~Commission~~Chief Counting Officer's booklet on doubtful ballot papers throughout the adjudication process. Examples of allowed and rejected ballot papers are also set out on a doubtful ballot paper placemat and a ~~doubtful ballot paper booklet in the booklet itself~~, which you should have on display at the count for ~~candidates~~campaigners, agents and observers to refer to.

Comment [A11]: The Commission no longer does these. Do we want them?

7.3 When adjudicating doubtful ballot papers, you should:

- Take time to ensure that a considered decision is given in every case.
- Always be clear and consistent.
- Attempt to discern the intention of the voter.
- Attempt to allow, not reject.

7.4 The legislation provides that you must reject a ballot paper:

- ~~which does not bear the official mark~~
- ~~which indicates a vote in favour of both answers to the referendum question~~
- ~~that does not bear a unique identifying mark in a form that is capable of being read by electronic means (for an electronic count only)~~
- ~~that does not bear the official mark (for a manual count only)~~
- ~~on which a number standing alone is not placed so as to indicate a first preference for some candidate~~
- ~~on which the figure '1' standing alone indicating a first preference is set opposite the name of more than one candidate~~
- on which anything is written or marked by which the voter can be identified (other than by the unique identifying number), or (except the printed ballot paper number or other unique identifying mark)
- ~~that which~~ is unmarked or void for uncertainty

7.5 However, the legislation states that unless the way the ballot paper is marked identifies the voter, a ballot paper on which the vote is marked in the following ways must not be rejected if the voter's intention is clear:

- elsewhere than in the proper place
- ~~otherwise than by means of a cross, otherwise than by means of a figure indicating a first or subsequent preference, or~~
- by more than one mark

~~7.6—A ballot paper can be accepted in part if the voter has marked the ballot paper but there is a repetition in the sequence (e.g., 1, 2, 3, 4, 4, 6). In such a case, you should accept the preferences as valid up until the point in which there is a repetition in the sequence (in the example given, you should accept the first three preferences only). If the ballot paper contains a break in the sequence (e.g. 1, 2, 3, 5, 6), the preferences are only valid up until the break (in the example given, you should accept the first three preferences only).~~

~~7.7.6~~ In addition, ballot papers displaying any of the following may require further consideration:

- any ballot paper with anything unusual about it (for example, any ballot paper that appears to have been altered, either with a clearly different writing instrument or with correction fluid)
- any ballot paper torn or mutilated in any way

~~7.8.7~~ Ballot papers that appear to be altered, either with a clearly different writing instrument or with correction fluid, should be treated as 'doubtful' and put forward for adjudication, where you must decide on their validity in the presence of ~~candidates~~, agents and observers. Those that are subsequently declared as valid must, by law, be counted.

~~7.9.8~~ Your decision on any question arising in respect of a ballot paper is final and can only be challenged by way of an ~~election~~ petition ~~for judicial review~~. You have a legal duty to draw up a statement showing the number of ballot papers rejected ~~and~~ for what reason. You should therefore have a system in place throughout the adjudication process for sorting the rejected ballot papers into the headings listed above. The breakdown of the numbers of rejected votes under each heading will be included provisional count totals to be reported to the Chief Counting Officer.

~~7.10.9~~ The legislation requires that each rejected ballot paper must have the word 'rejected' marked on it ~~as appropriate~~, and the words 'rejection objected to' must be added if a counting agent objects to your decision. Although observers should be able to observe this process, unlike agents, they do not have the legal right to object to the rejection of a ballot paper.

Reconciliation

~~7.117.10~~ Once all of the ballot papers have been counted and any doubtful ballots adjudicated, the key task of reconciliation can begin.

~~7.127.11~~ You should be satisfied that the results reflect the votes on the ballots received, so if the figures do not reconcile, the following procedure should be undertaken in order to try to identify and rectify the discrepancy:

- Check the storage area and check to ensure that all ballot boxes have been opened and are empty.
- Check all floors and surfaces for ballot papers that may have been dropped in the count venue.
- Re-check the figures for calculation mistakes.
- Ensure that all rejected ballot papers have been accounted for.

~~7.137.12~~ You should also carry out any other checks you deem necessary.

Provisional ~~result~~ totals

~~7.13~~ At the referendum, there is only one result – the national result. As Counting Officer, you are responsible for calculating the total number of votes for each answer to the referendum question and the number of rejected votes and reasons for their rejection in your local authority area, and for relaying those totals ~~for the local authority area~~ to the Chief Counting Officer who will check ~~those totals~~ them against the verification figures which you supplied to her earlier in the process and will aggregate them with others to achieve the national result.

~~7.14~~ Once you are satisfied that the calculations are complete and accurate, you should advise referendum agents of the provisional totals. ~~You should be satisfied that the result calculation is accurate before proceeding to a provisional result. Once satisfied, you should advise candidates and election agents of the provisional result and seek their agreement to proceed on that basis. on the announcement of the result.~~ You should make clear that the ~~candidates and election~~ referendum agents are entitled to request a recount ~~at this stage~~. This process should be undertaken within the framework of maximum openness and transparency implemented throughout the various processes so that all ~~candidates and election~~ agents can have confidence in the processes and the result.

~~7.15~~ You should give the ~~candidates~~ campaigners and ~~election~~ referendum agents sufficient time to digest the provisional result before ~~proceeding with the declaration. It is at this point that any candidate or election agent may request to have the votes recounted or, following a recount, recounted again. proceeding further.~~

~~7.16~~ Once you have consulted on the provisional ~~result~~ totals, which includes considering any requests for and undertaking any recount(s), you can ~~proceed to~~

Comment [AL12]: Fix paragraph numbers

~~declaring the result~~ report your totals to the Chief Counting Officer in accordance with the detailed reporting procedure which will have been advised to you in advance of referendum day.

Recounts

~~7.177.16~~ As Counting Officer, you may have the votes re-counted if you consider it appropriate to do so. You must consider any request for a recount but by law may refuse if, in your opinion, the request is unreasonable. You may, however, consider offering the ~~candidates and~~ agents a recalculation of the ~~result totals~~ or a full re-count of all ballot papers for the ~~ward~~ local authority area if you consider it appropriate.

~~7.187.17~~ If you agree to re-count the votes, the ~~candidates and~~ agents present at the count should be informed before the recount commences and briefed on the processes you are going to follow. As with the original count, any re-count should be carried out in full view of those present. You are entitled to reconsider which ballot papers should be rejected during the recount (or any further recount).

~~7.197.18~~ The ~~candidates and~~ agents must be consulted on the revised provisional ~~result totals~~ in the same way as they were consulted on the provisional ~~result totals~~ at the conclusion of the first count.

~~7.207.19~~ It is possible to have more than one recount. Again, it is for you to consider any request, and you may refuse if in your opinion the request is unreasonable.

~~7.217.20~~ The Chief Counting Officer may direct a recount in any local authority area if, in her opinion, the accuracy of the result as reported to her is in question, for example, by reason of a disparity between the verification and count figures which has not been satisfactorily explained.

Equality of votes

~~7.22~~ There are two stages at which you may need to break an equality of votes between candidates. These are where two or more candidates have an identical surplus of votes, or where two or more candidates have the same number of votes and one of them must be excluded.

~~7.23~~ If two or more candidates have an identical surplus of votes, you should look back to the most recent stage of the count at which they had an unequal number of votes. The surplus of the candidate who had the highest vote at that stage should be transferred first. If they have had the same number of votes at every preceding stage, you must decide between the candidates by lot. Whichever candidate is chosen by the lot will have their surplus transferred first.

~~7.24~~ Similarly, if you need to exclude a candidate and those with the fewest votes have the same number of votes, you should look back to the most recent stage of the

count at which they had an unequal number of votes. The candidate who had the fewest votes at that stage should be excluded first. If they have had the same number of votes at every preceding stage, you must decide between the candidates by lot. Whichever candidate is chosen by the lot will be excluded and have their votes transferred first.

~~7.25 The method of drawing lots is for you to decide. Examples of types of lot include:~~

- ~~• ballot papers, each marked with a first preference vote for one of the relevant candidates, placed in a container, such as an empty ballot box, mixed around, and then one drawn by you~~
- ~~• slips of paper with the candidates' names on them, placed in sealed envelopes, shuffled and then drawn by you~~

~~7.26 You should make an announcement that you intend to proceed with the drawing of lots between the candidates having an equal surplus/number of votes, explaining precisely what is about to happen, the method to be used and what will happen to the candidate chosen by the drawing of the lot. Candidates, agents, Commission representatives and accredited observers should be present during any preparation and the actual drawing of lots.~~

~~7.27 If you use the first method described above, you should, in full view of any candidates and agents, and in the presence of Commission representatives and accredited observers, fold and place a previously counted ballot paper showing a valid first preference vote for each of the candidates with an identical surplus/number of votes, in an empty ballot box. An assistant should raise the box to a height where you are unable to see the papers inside the box, but are still able to reach inside to pick one. After mixing, you should draw one of the ballot papers from the box, open it, and read the name of the candidate with the vote marked against their name out loud. That candidate is then adjudged to have been chosen by the lot.~~

~~7.28 If the equality was between candidates with the same surpluses, the candidate who is chosen by the lot has their surplus transferred first.~~

~~7.29 If the equality was between candidates with the lowest number of votes, then the candidate who is chosen by the lot is excluded. The votes for the candidate who was excluded are then transferred.~~

~~7.30 Similar preparations should be made should you decide to use any of the other methods outlined above.~~

~~7.31 A statement should be added to the result sheet to the effect that:~~

~~'Following an equality of votes, lots were drawn and, as a consequence, candidate X's surplus was transferred first/candidate X was excluded first.'~~

Declaring the ~~election~~ local totals results

~~7.21 The Chief Counting Officer will check each Counting Officer's local totals as they are reported to her and will compare them with the verification statements received earlier. When she is satisfied of the accuracy of the local totals, she will authorise the Counting Officer to declare these at the local count centre.~~

~~7.22 No local declaration can be made until this authorisation is received.~~

~~7.23~~ 7.23 The following factors should be taken into account when ~~considering~~ preparing for the declaration of ~~results~~ the local totals:

- Decide on the exact location in the count venue where the ~~result~~ declaration will be ~~declared-made~~ and who will be on the platform at this time. The platform should be accessible for all those who need to get up on it. ~~Some local authorities make use of display boards to provide a backdrop for the announcement of results.~~
- Any announcement equipment should be in place and checked before the count begins.
- ~~Double-check that the result is accurate, and that it is the totals are~~ written in the form of words for the oral delivery in order to avoid any errors. ~~The Chief Counting Officer has prepared a template form of declaration which is available on the EMB website.~~
- Media representatives will be keen to ensure that their transmission of ~~results~~ the local totals is accurate and so may ask for a written copy to be issued at the time the announcement is made.
- ~~When a candidate has used their commonly used name to stand in an election, you should use both their full name and their commonly used name when declaring the result.~~
- ~~It is a requirement to provide public notice of:~~
 - ~~a. the names of the candidates elected~~
 - ~~b. the number of first and subsequent preferences given to each candidate~~
 - ~~c. the numbers of ballot papers transferred and their transfer values at each stage of the count~~
 - ~~d. the number of votes credited to each candidate at each stage of the count~~
 - ~~e. the number of non-transferable ballot papers and the number of non-transferable votes at each stage of the count, and~~
 - ~~f. the number of rejected ballot papers under each heading.~~

Comment [A13]: [hyperlink](#)

~~7.33 Once a result is declared, it is final and cannot be amended. The power to correct procedural errors does not empower you to correct an incorrect result once it has been declared.~~

~~7.34 You are required by law to inform the Proper Officer of the council of the name of each candidate elected.~~

7.24 You must declare the following:

the number of ballot papers counted in the area
the number of votes cast in the area in favour of each answer to the referendum question; and
the number of rejected ballot papers

7.25 As soon as practicable you must give public notice of those matters together with the number of rejected ballot papers under each head as shown in the statement of rejected ballot papers. (The Chief Counting Officer has prepared a template notice for this purpose which is available on the EMB website.)

7.26 Once all the local totals have been reported to and accepted by the Chief Counting Officer, the national result will be calculated and declared by the Chief Counting Officer.

Comment [A14]: [hyperlink](#)

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For more information on giving notification of the result and other post-~~election~~referendum procedures see *Part F – After the declaration of results.*