

Scottish Independence Referendum Act 2013

Requirement of Secrecy

You must read and understand the secrecy provisions below

- 7(1) Every person (other than one mentioned in sub-paragraph (2)) attending at a polling station in the referendum must maintain and aid in maintaining the secrecy of voting in the referendum and must not, except for a purpose authorised by law, communicate to any person before the close of the poll the information described in sub-paragraph (3).
- (2) Sub-paragraph (1) does not apply to—
 - (a) a person attending at the polling station for the purpose of voting,
 - (b) a person under the age of 16 accompanying a voter or a proxy for a voter,
 - (c) a companion of a voter with disabilities,
 - (d) a constable on duty at the polling station.
- (3) The information referred to in sub-paragraph (1) is any information as to—
 - (a) the name of any voter or proxy for a voter who has or has not applied for a ballot paper or voted at a polling station,
 - (b) the number on the Polling List of any voter who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station,
 - (c) the official mark being used in accordance with rule 6 of the conduct rules.
- (4) Every person attending at the counting of the votes in the referendum must maintain and aid in maintaining the secrecy of voting in the referendum and must 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 outcome for which any vote is given on any particular ballot paper.
- (5) A person must not—
 - (a) interfere with or attempt to interfere with a voter when recording the voter's vote in the referendum,
 - (b) otherwise obtain or attempt to obtain in a polling station information as to the outcome for which a voter in that station is about to vote or has voted in the referendum,
 - (c) communicate at any time to any person any information obtained in a polling

station in the referendum as to the outcome for which a voter in that station is about to vote or has voted, or as to the unique identifying number on the back of a ballot paper given to a voter at that station, or

- (d) directly or indirectly induce a voter to display a ballot paper after the voter has marked it so as to make known to any person any outcome for which the voter has or has not voted in the referendum.
- (6) In sub-paragraph (5), references to a voter include references to a proxy for a voter.
 - (7) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post in the referendum must maintain and aid in maintaining the secrecy of voting in the referendum and must not—
 - (a) except for a 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 a 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 a 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 the ballot papers the outcome for which any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.
 - (8) A companion of a voter with disabilities must not communicate at any time to any person any information as to the outcome for which that voter intends to vote or has voted, or as to the unique identifying number on the back of a ballot paper given for the use of that voter.
 - (9) If a person acts in contravention of this paragraph the person commits an offence.
 - (10) A person who commits an offence under sub-paragraph (9) is liable on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 5 on the standard scale (or both).
 - (11) In this paragraph a voter with disabilities is a voter who has made a declaration under rule 23(1) of the conduct rules.