

## **Scottish Independence Referendum -18 September 2014**

### **Guidance for campaigners and agents on the conduct of tellers in and around polling places**

#### **1 Introduction**

- 1.1 This guidance provides advice for those involved in campaigning at the Scottish Independence Referendum, and aims to ensure that tellers, campaigners, referendum agents and polling station staff know precisely what is and is not accepted in relation to the conduct of tellers in and around polling places. These guidelines intend to promote appropriate standards of conduct to be maintained throughout Scotland on the day of the referendum. Agents who also act as tellers are also subject to the provisions in this guidance.
- 1.2 This document should be read alongside any guidance issued by individual Counting Officers who are responsible for the poll in their respective local authority areas.
- 1.3 For the purposes of this guidance:
  - ‘Polling place’ means the building in which polling stations are located.
  - ‘Polling station’ means the room or area within a polling place where electors cast their votes, which contains the polling booths, ballot box and Presiding Officer’s table. The polling station is a self-contained area which only those allowed by law may enter. More than one polling station may be located within a polling place.

#### **2 Tellers**

- 2.1 Tellers are usually volunteers for the permitted participants. They often stand outside polling places and record the electoral numbers of electors who have voted. By identifying likely supporters who have not yet voted and by relaying this information to the permitted participants or their supporters, tellers play an important role in the referendum. The permitted participants or their supporters may then contact the voters who have not yet been to vote during polling day and persuade them to vote, which may help to increase turnout.
- 2.2 Tellers must not impede or interfere with the efficient and secure administration of the referendum and must comply with any instructions issued by the Counting Officer and the relevant Presiding Officer.
- 2.3 Tellers have no legal status. They should not be confused with polling agents, whose appointment and rights are set out in legislation. Tellers, unlike polling

agents, must not under any circumstances be admitted to the polling station in their capacity as tellers (see '[Location](#)' below).

### **3 Tellers' activities**

- 3.1 Tellers should concern themselves only with checking who is about to vote or has voted. This will involve politely asking voters for their poll card, elector number or name and address. Counting Officers may issue specific instructions relating to whether tellers may approach voters for information as they enter or leave the polling place and on whether tellers may display a rosette or badge displaying the name of the permitted participant or of the campaign.
- 3.2 If asked, tellers should explain that they are activists seeking to determine who has actually voted. No impression should be given that any information provided will be used for official purposes or that they are employed by the Counting Officer.
- 3.3 Tellers should not display or distribute campaign material (e.g. billboards, posters, placards or pamphlets) on walls or around the polling place. Any display of such material should be brought to the attention of the Presiding Officer immediately.
- 3.4 Presiding Officers are responsible to the Counting Officer for ensuring that electors are given an opportunity to cast their vote in a free and fair manner. Any decision on the location or behaviour of tellers is a matter for the Counting Officer and the Presiding Officer. Tellers must comply with their instructions.
- 3.5 Tellers must not attempt to induce, influence or persuade an elector how or whether to vote. Tellers cannot promote a particular campaign. Their conduct must not give rise to allegations of undue influence, e.g. discussing voting intentions, campaign affiliations, referendum campaigns, or undertaking any other activity particularly associated with one particular campaign and/or permitted participant. Any queries that relate to the referendum process must be directed to the Presiding Officer.
- 3.6 Voters must never be asked to re-enter the polling station to ascertain their elector number or retrieve a poll card. Voters are not obliged to comply with any request for information. Tellers **must not** press voters if their initial request for information is declined.

### **4 Numbers of tellers**

- 4.1 There should be no more than one teller at a polling place for each permitted participant at any time. Where a polling place contains more than one polling station with separate entrances, it may be appropriate for there to be tellers at each entrance, but no more than one per permitted participant. The behaviour and numbers of tellers should never be capable of being seen as intimidating in any way.

## **5 Location**

- 5.1 Tellers must always remain outside the polling station itself. They may only enter polling stations for the lawful purpose of casting their own vote, voting as a proxy, assisting a voter with disabilities, or fulfilling duties of any formal appointment they may have as a polling agent or referendum agent.
- 5.2 It is for Counting Officers to determine and for Presiding Officers to regulate where tellers are permitted to stand. Normally, tellers are required to stand outside the polling place.
- 5.3 Where the layout of the polling place permits and particularly in inclement weather, Counting Officers may instruct Presiding Officers to allow tellers to stand at a convenient location close to the entrance of the polling place, such as a portico or foyer. However, tellers may be required to leave if the Counting Officer or the Presiding Officer believes that their presence inside the building is compromising the secrecy of the ballot or impeding or obstructing the voters.
- 5.4 Tellers must not be able to see or hear what is going on inside the polling stations. Where a polling place consists of one room only, tellers must not under any circumstances be allowed or seek to be allowed to enter that room. Tellers cannot enter the polling station under any circumstances in their capacity as tellers.

## **6 Poll cards**

- 6.1 The activities of tellers are limited to the collection of elector numbers or poll cards. Poll cards left with tellers should be given to the Presiding Officer or Poll Clerk by the close of poll. The Presiding Officer will arrange for their secure disposal in accordance with local procedures. Tellers must not ask polling staff to hand over poll cards that may have been left with them or in bins.

## **7 Appearance**

- 7.1 Outwith the polling place, tellers may wear rosettes bearing the name of their referendum campaign and/or permitted participant. However, tellers' clothing should not bear any writing, picture or sign relating to any campaign. Similarly, tellers should not carry or display any items, including posters, clipboards and umbrellas bearing any such writing or slogans.

## **8 Application of this guidance**

- 8.1 With regard to the collection of electoral numbers from voters on the way in or out of the polling station, the application of this guidance is liable to amendment in order to coincide with any guidelines or instructions provided by Counting Officers in their respective local authority areas.
- 8.2 The value of local agreements and briefings cannot be over-emphasised. It is recommended practice for each Counting Officer to arrange a briefing with

local referendum agents or their representatives at the earliest opportunity to communicate the same message to all concerned. This will ensure that everyone is aware of the local circumstances and conducts their campaign within the same guidelines. It may pre-empt problems by discussing campaigning in and around polling places and the conduct of tellers. The Counting Officer will be able to advise those present on what is acceptable, especially with regard to gathering electoral numbers as voters either enter or leave the polling station. Guidance should be issued by post and at pre-referendum briefings. It should also be available on the Council's website.

- 8.3 On the day of the referendum, Counting Officers may wish to provide Presiding Officers with copies of the leaflet entitled "Dos and don'ts for tellers" which they could hand out to any tellers at the polling place in order to advise them of what they can and cannot do. This leaflet may be amended to reflect local arrangements.
- 8.4 If in doubt about the actions of a teller, the Presiding Officer or Counting Officer should consider: 'What would a reasonable observer think?'

## **9 Complaints**

- 9.1 Any complaints received by the Counting Officer about tellers and their activities will be relayed to the senior Presiding Officer in the polling place concerned. The matter will then be dealt with and monitored by that Presiding Officer. Presiding Officers have the power to keep order in the polling place and may require any teller who refuses to carry out their instructions to be removed.
- 9.2 If it is not possible to contact the Presiding Officer, or there are continuing difficulties with the activities of tellers or campaigners, the Counting Officer may send a member of staff to visit the polling place. This officer would speak with the Presiding Officer before approaching the tellers or campaigners. They would then be reminded of this guidance, provided with a copy if necessary, and advised that they must not impede or interfere with electors prior to their voting.
- 9.3 In these circumstances, tellers would be advised that if interference persists, the police will be called. The Presiding Officer would be advised to monitor the situation and report any further problems to the referendum office.
- 9.4 Where tellers are causing problems of this nature, the Counting Officer will also inform the relevant referendum agent. This enables the permitted participant concerned to take action against such tellers and ensure that they are properly briefed before being allowed to act as tellers at future elections and referendums.