

Draft Order laid before Parliament under section 115 of, and Schedule 7 to, the Scotland Act 1998, for approval by resolution of each House of Parliament. This draft replaces the one laid on 16th January 2008 and is being issued free of charge to all known recipients of that draft Statutory Instrument.

DRAFT STATUTORY INSTRUMENTS

2008 No.

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND**

**The Scottish Parliament (Elections
etc.) (Amendment) Order 2008**

Made - - - - 2008

Coming into force in accordance with article 1

This Order is made in exercise of the powers conferred by sections 12(1)(a) and 113 of the Scotland Act 1998(1).

The Secretary of State has consulted the Electoral Commission as required by section 7(2)(g) of the Political Parties, Elections and Referendums Act 2000(2).

A draft of this Order has been laid before Parliament in accordance with section 115 of, and Schedule 7 to, the Scotland Act 1998 and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Order:

PART 1

General

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Scottish Parliament (Elections etc.) (Amendment) Order 2008 and subject to paragraphs (2) and (3) shall come into force on 8th February 2008.

(1) 1998 c. 46. Section 12 was amended by the Political Parties, Elections and Referendums Act 2000 (c. 41), Schedule 21, paragraph 13 and by the European Parliamentary Elections Act 2002 (c. 24), Schedule 3, paragraph 7.
(2) 2000 c. 41.

(2) The articles specified in paragraph (3) shall not have effect in relation to any election for which the date of the poll specified in the notice of election issued in relation to that election is on or before 7th August 2008.

(3) The articles referred to in paragraph (2) are—

- (a) article 2(2); and
- (b) articles 13 to 18.

(4) In this Order, unless otherwise stated, any reference to a numbered article, rule, paragraph, Schedule or Appendix is a reference to the article, rule, paragraph, Schedule or Appendix bearing that number in the Scottish Parliament (Elections etc.) Order 2007(3).

PART 2

Absent voting: personal identifiers

Absent voting: interpretation

2.—(1) In article 3(1) (interpretation) after the definition of “the 2006 Act” insert—

““absent voter” means an elector who is entitled to vote by proxy or an elector or proxy who is entitled to vote by post;”.

(2) In paragraph 1 of Schedule 4 remove the “and” preceding the definition of “spoilt ballot paper” and after that definition insert—

“and “valid postal voting statement” means a postal voting statement which, in accordance with paragraph 20 or 20A(4), the constituency returning officer is satisfied has been duly completed.”.

Amendment of article 9

3.—(1) Article 9 (absent vote at Scottish parliamentary elections for an indefinite or a particular period) is amended as follows.

(2) In paragraph (1)(b), after “application” insert “contains the applicant’s signature and date of birth and”.

(3) In paragraph (2)(c), after “application” insert “contains the applicant’s signature and date of birth and”.

(4) After paragraph (6) insert—

“(7) The registration officer may dispense with the requirement under paragraph (1)(b) or (2)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has,
- (b) to provide a signature because the applicant is unable to read or write, or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.

(8) The registration officer must also keep a record in relation to those whose applications under this regulation have been granted showing—

- (a) their dates of birth, and
- (b) except in cases where the registration officer in pursuance of paragraph (7) has dispensed with the requirement to provide a signature, their signatures.

(3) S.I. 2007/937, which was amended by S.I. 2007/2262.

(4) Paragraph 20A is inserted by article 16 of this Order.

(9) The record kept under paragraph (8) must be retained by the registration officer for the period prescribed in paragraph 12A of Schedule 3(5).”.

Amendment of article 10

4.—(1) Article 10 (absent vote at a particular Scottish parliamentary election) is amended as follows.

(2) In paragraph (1)(b), after “application” insert “contains the applicant’s signature and date of birth and”.

(3) In paragraph (2)(c), after “application” insert “contains the applicant’s signature and date of birth and”.

(4) After paragraph (6) insert—

“(7) The registration officer may dispense with the requirement under paragraph (1)(b) or (2)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has,
- (b) to provide a signature because the applicant is unable to read or write, or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.

(8) The registration officer must also keep a record in relation to those whose applications under this regulation have been granted showing—

- (a) their dates of birth, and
- (b) except in cases where the registration officer in pursuance of paragraph (7) has dispensed with the requirement to provide a signature, their signatures.

(9) The record kept under paragraph (8) must be retained by the registration officer for the period prescribed in paragraph 12A of Schedule 3.”.

Amendment of article 11

5.—(1) Article 11 (proxies at Scottish parliamentary elections) is amended as follows.

(2) In paragraph (6) after “application” where it second occurs insert “is signed by the applicant and”.

(3) In paragraph (7) after “application” where it first occurs insert “is signed by the applicant and”.

Amendment of article 12

6.—(1) Article 12 (application for proxy postal vote) is amended as follows.

(2) In paragraph (4), after “application” where it last occurs insert “contains the applicant’s signature and date of birth and”.

(3) After paragraph (10) insert—

“(11) The registration officer may dispense with the requirement under paragraph (4) for the applicant to provide a signature if he is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has,
- (b) to provide a signature because the applicant is unable to read or write, or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.

(12) The registration officer must also keep a record in relation to those whose applications under paragraph (4) have been granted showing—

- (a) their dates of birth, and
- (b) except in cases where the registration officer in pursuance of paragraph (11) has dispensed with the requirement to provide a signature, their signatures.

(13) The record kept under paragraph (12) must be retained by the registration officer for the period prescribed in paragraph 12A of Schedule 3.”.

Amendment to offence provision

7. In article 28(2)(b) (false statements in connection with postal and proxy vote applications) after “vote” insert “or providing false information in connection with such an application”.

Amendment to rule 55

8.—(1) In rule 55(2) of Schedule 2 (circumstances in which a postal ballot paper is duly returned) after “duly signed” insert “and which also states the date of birth of the elector or proxy (as the case may be)”.

(2) After rule 55(2) insert—

“(2A) In a case where steps for verifying the date of birth and signature of an elector or proxy have been taken in accordance with paragraph 20A or 20B of Schedule 4(6), the postal ballot paper shall not be deemed to be duly returned unless the constituency returning officer verifies the date of birth and signature of the elector or proxy (as the case may be).”.

Amendment of paragraph 1 of Schedule 3

9.—(1) Paragraph 1 of Schedule 3 (general requirements for applications for an absent vote) is amended as follows.

(2) In sub-paragraph (1) omit the “and” preceding paragraph (e) and after paragraph (e) insert—

- “(f) in the case of a person who is unable to provide a signature, the reasons for his request for waiver of any requirement under article 9, 10, 11 or 12 to provide a signature and the name and address of any person who has assisted him to complete his application, and
- (g) where the applicant has, or has applied for, an anonymous entry, that fact.”.

(3) In sub-paragraph (1) for “signed by the applicant ” substitute “dated”.

(4) After sub-paragraph (1) insert—

“(1A) Where an application is required to contain a signature and date of birth, the information must be set out in a manner that is sufficiently clear and unambiguous as to be capable of electronic scanning by configuring the information as follows—

- (a) the signature shall appear against a background of white unlined paper at least five centimetres long and two centimetres high; and
- (b) the applicant’s date of birth shall be set out numerically configured in the sequence of date, month and year, namely [d][d][m][m][y][y][y][y].

(1B) Where the application contains a request that the registration officer waive the requirement for a signature, sub-paragraph (1A)(a) shall not apply.”.

(6) Paragraphs 20A and 20B of Schedule 4 are inserted by article 16 of this Order.

Checking of signatures and provision of fresh signatures

10. After paragraph 1 of Schedule 3 insert—

“Checking of signatures

1A. The registration officer may satisfy himself—

- (a) that an application under article 9, 10, 11 or 12 meets any requirements that it has been signed by the applicant and states his date of birth by referring to any signature and date of birth—
 - (i) previously provided by the applicant to the registration officer or a returning officer; or
 - (ii) previously provided by the applicant to the council by which the registration officer was appointed, if held by that council in records which the registration officer is authorised to inspect for the purposes of his registration duties; and
- (b) as to whether the applicant is unable to provide a signature or a consistent signature due to any disability or inability to read or write.

Provision of fresh signatures

1B.—(1) A person who remains on the record kept under article 9(4) or article 12(5) may, at any time, provide the registration officer with a fresh signature.

(2) Anything required or authorised to be done for the purposes of this order in relation to a signature required to be provided in pursuance of this order must be done in relation to a signature provided as mentioned in sub-paragraph (1) instead of in relation to a signature provided on any earlier occasion.”

Requirement to provide fresh signatures at five yearly intervals

11. After paragraph 11 of Schedule 3 (inquiries by registration officer) insert—

“Requirement to provide fresh signatures at five yearly intervals

11A.—(1) The registration officer shall every year by 31st January send every person who remains an absent voter and whose signature held on the personal identifiers record is more than five years old a notice in writing—

- (a) requiring him to provide a fresh signature, and
- (b) informing him of the date (six weeks from the date of sending the notice) on which he would cease to be entitled to vote by post or by proxy in the event of a failure or refusal to provide a fresh signature.

(2) The notice must be sent by the registration officer to the current or last known address of the absent voter.

(3) The registration officer must, if the absent voter has not responded to the notice within three weeks from the date on which the notice was sent, as soon as practicable send a copy of the notice to him.

(4) Where a notice or copy of a notice is sent by post, the registration officer may use—

- (a) a universal postal service provider; or
- (b) a commercial delivery firm,

and postage shall be prepaid.

(5) A notice or copy of a notice sent to an absent voter in accordance with sub paragraph (1) or (3) must be accompanied by a pre-addressed reply envelope and, in the case of any notice or copy of a notice sent to an address in the United Kingdom, return postage must be prepaid.

(6) The registration officer must, no later than the date specified in the notice sent to the absent voter in accordance with sub-paragraph (1), determine whether the absent voter has failed or refused to provide a fresh signature.

(7) Where the registration officer determines that the absent voter has failed or refused to provide a fresh signature he must from the date specified in the notice sent to the absent voter in accordance with sub-paragraph (1) remove that person's entry from the records kept pursuant to article 9(4) or 12(5) and (as the case may be) from the special list kept under article 10(5)(a), the list of proxies kept under article 10(5)(b) or the special list kept under article 12(7).

(8) Where a registration officer removes an absent voter's entry in the circumstances to which sub-paragraph (7) refers—

- (a) the registration officer shall inform the absent voter of the location of the polling station to which he has been allotted or is likely to be allotted under rule 35 of Schedule 2, unless that voter is not likely to be allotted to a polling station;
- (b) paragraph 8(4) and 9 shall apply as if the registration officer were refusing an application under article 9, 10, 11 or 12; and
- (c) in the case of an entry removed from the special list kept under article 12(7), the registration officer must also notify the elector who appointed the proxy whose entry has been removed.

(9) The registration officer shall include in the notice to be sent to an absent voter regarding his removal from the records kept pursuant to article 9(4) or 12(5) and (as the case may be) from the special list kept under article 10(5)(a), the list of proxies kept under article 10(5)(b) or the special list kept under article 12(7), information—

- (a) explaining the effect of such removal; and
- (b) reminding the absent voter that he may make a fresh application under article 9, 10, 11 or 12 to vote by post or by proxy (as the case may be)."

Recording and use of personal identifier information

12. After paragraph 12 of Schedule 3 (records and lists kept under articles 9, 10 and 12) insert—

“The personal identifiers record

12A.—(1) The registration officer shall maintain a record (“the personal identifiers record”), apart from the other records and lists which he is required to keep under articles 9, 10 and 12, of the signatures and dates of birth provided by persons whose applications under article 9(1) or (2), article 10(1) or (2), or article 12(4) were granted, until the expiry of twelve months from—

- (a) the date on which a person is removed from the record kept pursuant to article 9(4) or article 12(5); or
- (b) the date of the poll for the purposes of which the person's application for an absent vote was granted under article 10(1) or (2) or article 12(4).

(2) The personal identifiers record shall contain the following information in respect of each absent voter on the special list kept under article 10(5)(a), the list of proxies kept under article 10(5)(b) or the special list kept under article 12(7)—

- (a) his name;
 - (b) his date of birth; and
 - (c) his signature, or a record of the waiver by the registration officer of the requirement for a signature.
- (3) The constituency returning officer may disclose information held in the personal identifiers record to—
- (a) any candidate or agent attending proceedings on receipt of postal ballot papers, in accordance with and for the purposes referred to in paragraph 20 of Schedule 4(7);
 - (b) any person attending proceedings on receipt of postal ballot papers, who is entitled to do so by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000(8), but only to the extent required to permit them to observe the proceedings.

Use of personal identifier information

- 12B.**—(1) The registration officer must either—
- (a) provide the constituency returning officer for an election with a copy of the information contained in records kept by the registration officer in pursuance of articles 9(8), 10(8) and 12(12)(9) in relation to electors at the election, or
 - (b) give the constituency returning officer access to such information.
- (2) Information contained in records kept by a registration officer in pursuance of articles 9(8), 10(8) and 12(12) may be disclosed by him to—
- (a) any other registration officer if he thinks that to do so will assist the other registration officer in the performance of his duties, or
 - (b) any other person exercising functions in relation to the preparation or conduct of legal proceedings under this Order.”.

Postal ballot boxes and receptacles

13. In paragraph 16(5) of Schedule 4 omit the “and” preceding paragraph (d) and after paragraph (d) insert—

- “(e) the receptacle for rejected votes (verification procedure); and
- (f) the receptacle for postal voting statements (verification procedure).”.

Amendment of paragraph 19 of Schedule 4

14.—(1) Paragraph 19 of Schedule 4 (opening of covering envelopes) is amended as follows.

(2) For sub-paragraph (1) substitute—

“(1) When a postal voters' ballot box is opened, the constituency returning officer shall count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in paragraph 17(2)).

(1A) He shall set aside for personal identifier verification not less than 20 per cent of the envelopes recorded on that occasion.

(1B) He shall open separately each covering envelope (including an envelope described in paragraph 17(2)).”.

(7) Paragraph 20 of Schedule 4 is amended by article 15 of this Order.

(8) 2000 c. 41; sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006 (c. 22).

(9) These articles are inserted by articles 3, 4 and 6 of this Order.

(3) In sub-paragraph (2) for “The procedure in paragraph 20 applies” substitute “The procedure in paragraph 20 or, as the case may be, paragraph 20A(10) applies”.

(4) After sub-paragraph (4) insert—

“(4A) Where—

(a) an envelope contains the postal voting statement of an elector with an anonymous entry, and

(b) sub-paragraph (4) does not apply,

the constituency returning officer shall set aside that envelope and its contents for personal identifier verification in accordance with paragraph 20A.”.

(5) In sub-paragraph (6) for “sub-paragraph (1)” substitute “sub-paragraph (1B)”.

Amendment of paragraph 20 of Schedule 4

15. In paragraph 20 of Schedule 4 (procedure in relation to postal voting statements), for sub paragraph (1) substitute—

“(1) This paragraph applies to any postal voting statement contained in an envelope that has not been set aside for personal identifier verification in accordance with paragraph 19(1A) or (4A)(11).

(1A) The constituency returning officer must satisfy himself that the postal voting statement is duly completed.”.

Procedure in relation to postal voting statements: personal identifier verification

16. After paragraph 20 of Schedule 4 insert—

“Procedure in relation to postal voting statements: personal identifier verification

20A.—(1) This paragraph applies to any postal voting statement contained in an envelope that is set aside for personal identifier verification in accordance with paragraph 19(1A) or (4A)(12).

(2) The constituency returning officer must satisfy himself that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and the signature contained in the personal identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the constituency returning officer is not so satisfied, he shall mark the statement “rejected”, attach it to the ballot paper envelope, or if there is no such envelope, the ballot paper, and, subject to sub-paragraph (4), place it in the receptacle for rejected votes (verification procedure).

(4) Before placing a postal voting statement in the receptacle for rejected votes (verification procedure), the constituency returning officer must show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to his decision, he must add the words “rejection objected to”.

(5) The constituency returning officer shall then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same,

(10) Paragraph 20A is inserted by article 16 of this Order.

(11) Paragraph 19(1A) and (4A) are inserted by article 14 of this Order.

(12) Paragraph 19(1A) and (4A) are inserted by article 14 of this Order.

he shall place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements (verification procedure) and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope, or
- (b) that envelope has no number on it (or only one number when the postal voting statement has more than one),

the constituency returning officer shall open the envelope.

(7) Sub-paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under paragraph 19(3) or sub-paragraph (6).

(8) In the circumstances described in sub-paragraph (7), the constituency returning officer shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;
- (b) in the receptacle for rejected votes (verification procedure), any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes (verification procedure), any valid postal voting statement marked “provisionally rejected” where—
 - (i) there is no ballot paper, or
 - (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, shall mark the statement to indicate which ballot paper is missing;
- (d) in the receptacle for postal voting statements (verification procedure), any valid statement not disposed of under paragraph (b) or (c).

Postal voting statements: additional personal identifier verification

20B.—(1) A constituency returning officer may on any occasion at which a postal voters' ballot box is opened in accordance with paragraph 18 undertake additional verification of the personal identifiers on any postal voting statement that has on a prior occasion been placed in the receptacle for postal voting statements.

(2) Where a constituency returning officer undertakes additional verification of personal identifiers, he must—

- (a) remove as many postal voting statements from the receptacle for postal voting statements as he wishes to subject to additional verification; and
- (b) compare the date of birth and the signature on each such postal voting statement against the date of birth and the signature contained in the personal identifiers record relating to the person to whom the postal ballot paper was addressed.

(3) Where the constituency returning officer is no longer satisfied that the postal voting statement has been duly completed he must mark the statement “rejected” and before placing the postal voting statement in the receptacle for rejected votes (verification procedure), he must—

- (a) show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to his decision, he must add the words “rejection objected to”;
 - (b) open any postal ballot box and retrieve the ballot paper corresponding to the ballot paper number on the postal voting statement;
 - (c) show the ballot paper number on the retrieved ballot paper to the agents; and
 - (d) attach the ballot paper to the postal voting statement.
- (4) Following the removal of a postal ballot paper from a postal ballot box the constituency returning officer must lock and reseal the postal ballot box in the presence of the agents.
- (5) Whilst retrieving a ballot paper in accordance with sub-paragraph (3), the constituency returning officer and his staff—
- (a) shall keep the ballot papers face downwards and shall take proper precautions for preventing any person seeing the votes made on the ballot papers; and
 - (b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.”.

Sealing of receptacles

17. In paragraph 26(1) of Schedule 4 omit the “and” preceding paragraph (d) and after paragraph (d) insert—

- “(e) the receptacle for rejected votes (verification procedure), and
- (f) the receptacle for postal voting statements (verification procedure),”.

Amendment of forms

18. In the Appendix of Forms for Form L, Form M1, Form N1, Form U, Form V, Form W and Form Y substitute the Form L, Form M1, Form N1, Form U, Form V, Form W and Form Y as set out in the Schedule to this Order.

PART 3

Personal identifiers: transitional provisions

Interpretation of Part 3

19. In this Part—

“absent voter” means a person whose application under article 9(1) or (2), article 10(1) or (2), or article 12(4) has been granted prior to 8th February 2008;

“absent voting records” means any one or more of the records kept pursuant to article 9(4) or 12(5) or the lists kept pursuant to article 10(5)(a), (b) or 12(7).

Existing applications

20. Where a person has made an application under article 9(1) or (2), article 10(1) or (2), or article 12(4) prior to 8th February 2008 that has not been determined on or before 7th February 2008, the registration officer must not grant the application unless the applicant has provided to the registration officer a specimen of their signature and their date of birth.

Requiring personal identifiers from existing absent voters

21.—(1) A registration officer must by 7th April 2008 send a notice in writing to every person whose entry on the absent voting records was made in consequence of an application that did not include a specimen of their signature and their date of birth.

(2) The notice must require the absent voter to provide to the registration officer, within six weeks from the date of sending the notice, a specimen of the absent voter’s signature and the absent voter’s date of birth (“the required personal identifiers”) in accordance with the Part.

(3) The notice must be sent by the registration officer to the current or last known address of the absent voter.

(4) The registration officer must, if the absent voter has not responded to the notice within three weeks from the date on which the notice was sent, as soon as practicable send a copy of the notice to the absent voter.

(5) Where a notice or copy of a notice is sent by post, the registration officer may use—

- (a) a universal postal service provider; or
- (b) a commercial delivery firm,

and postage shall be prepaid.

(6) A notice or copy of a notice sent to an absent voter in accordance with this Part must be accompanied by a pre-addressed reply envelope and, in the case of any notice sent to an address within the United Kingdom, return postage shall be prepaid.

(7) Where a registration officer has been provided with the required personal identifiers by an applicant for an absent vote under the Representation of the People (Scotland) Regulations 2001(**13**) or the Absent Voting (Transitional Provisions) (Scotland) Regulations 2008(**14**) before the date specified in accordance with article 22(2)(d) of this Order in the notice sent to the absent voter, he or she may use them for the purposes of Scottish Parliamentary elections and records kept in connection with such elections.

Required information to be provided to existing absent voters

22.—(1) Where a registration officer sends a notice or a copy of a notice pursuant to article 21 of this Order, the registration officer must also provide information—

- (a) explaining how the required personal identifiers will be used and how the required personal identifiers will assist in deterring misuse of the entitlement to vote;
- (b) explaining that, in the event of a failure or refusal to provide the required personal identifiers, the absent voter will lose his or her entitlement to vote by post, by proxy or by post as a proxy (as the case may be);
- (c) explaining the circumstances in which a registration officer may dispense with the requirement to provide a signature; and
- (d) explaining that loss of the entitlement to vote by post, by proxy or by post as a proxy (as the case may be) under this Part does not prevent the absent voter from making a fresh application under article 9, 10 or 12 to be entitled to vote by post, by proxy or by post as a proxy.

(2) The notice must specify the following matters—

(13) S.I. 2001/497, which was amended by S.I. 2001/1749, 2002/1872, 2003/3075, 2004/1771, 2004/1960, 2006/834 and 2007/925; the S.I. is further amended by S.I. 2008/xxx.

(14) S.I. 2008/xxx.

- (a) the types of elections in respect of which the absent voter would cease to be entitled to vote by post, by proxy or by post as a proxy (as the case may be) if he or she does not provide the required personal identifiers;
- (b) whether the person has an entry in the absent voting records as voting by post, by proxy or by post as a proxy or in more than one capacity;
- (c) as regards an absent elector entitled to vote by post as a proxy, the name and address of each person for whom he or she is entitled to vote; and
- (d) the date (not less than 49 days from the sending of the initial notice) from which he or she will cease to be entitled to vote by post, by proxy or by post as a proxy (as the case may be) in the event of a failure or refusal to provide the required personal identifiers.

Determination by registration officer

23.—(1) The registration officer must, no later than the date specified in accordance with article 22(2)(d) of this Order in the notice sent to the absent voter determine whether the absent voter has failed or refused to provide the required personal identifiers.

(2) The registration officer shall not determine that an absent voter has failed or refused to provide the required personal identifiers due to a failure to provide a signature if the registration officer is satisfied that the absent voter is unable—

- (a) to provide a signature because of any disability the absent voter has;
- (b) to provide a signature because the absent voter is unable to read or write; or
- (c) to sign in a consistent and distinctive way because of any such disability or inability,

and where the registration officer is so satisfied entries of the absent voter in the absent voting records shall not show the absent voter's signature.

Consequence of failure or refusal to provide personal identifiers

24.—(1) Where the registration officer determines that an absent voter has failed or refused to provide the required personal identifiers—

- (a) if the absent voter has an entry in the registration officer's absent voting records, he or she must remove that entry, and the absent voter shall not be entitled to vote by post, by proxy or by post as a proxy (as the case may be) otherwise than in pursuance of a further application made under article 9, 10 or 12;
- (b) in the case of an absent voter whose application under article 10(1) or (2) has been granted, or whose application under article 12(4) in respect of a particular election has been granted, the absent voter shall not be entitled to vote by post, by proxy or by post as proxy (as the case may be) at the particular election for which the application was made, otherwise than in pursuance of a further application made under article 9, 10 or 12.

(2) Where an absent voter ceases to be entitled to vote by post, by proxy or by post as proxy in the circumstances to which paragraph (1) refers—

- (a) the registration officer shall inform the absent voter of the location of the polling station to which the absent voter has been allotted, or is likely to be allotted, under rule 35 of Schedule 2, unless that voter is not likely to be allotted to a polling station;
- (b) paragraphs 8(4) and 9 of Schedule 3 shall apply as if the registration officer were refusing an application under article 9, 10, 11 or 12; and
- (c) in the case of an absent voter who ceases to be entitled to vote by post as proxy, the registration officer must also notify the elector for whom the proxy was appointed.

(3) The registration officer shall include in the notice to be sent to an absent voter pursuant to paragraph (2), information—

- (a) explaining the effect of removal from the absent voting records (where applicable); and
- (b) reminding the absent voter that he or she may make a fresh application under article 9, 10 or 12 to vote by post, by proxy or by post as a proxy (as the case may be).

PART 4

Miscellaneous Amendments

Amendment of article 8

25. In article 8(8) (manner of voting) for “the absent voter list” substitute “any of the lists kept under articles 10(5) and 12(7)”.

Amendment of Schedule 2

26.—(1) Schedule 2 is amended as follows.

(2) In rules 10(3), 19(5), 20(6), 37(5), 47(2), 49(1) and 73(1), for “paragraph” substitute “rule”.

(3) In rule 17(8), for “Subject to paragraph (7), nothing in this paragraph” substitute “Subject to paragraph (7), nothing in this rule”.

Amendment of Schedule 5

27.—(1) Schedule 5 is amended as follows.

(2) In paragraph 7 for “(5)” substitute “(6)”.

(3) In paragraph 11 for “(9)” substitute “(8)”.

Scotland Office
2008

Minister of State

SCHEDULE

Article 18

FORM L

**POSTAL VOTING STATEMENT
SCOTTISH PARLIAMENT ELECTION**

(Front of Form)

*Voter's name:	Ballot paper No.								
<i>*(Returning Officer to insert name but omit where ballot papers sent to an anonymous elector)</i>									
[other identifying mark]									
You must provide your [#signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not count.									
I AM THE PERSON TO WHOM THE BALLOT PAPER(S) NUMBERED ABOVE WAS/WERE SENT									
Date of birth	<table style="display: inline-table; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; text-align: center;">D</td> <td style="border: 1px solid black; width: 20px; text-align: center;">D</td> <td style="border: 1px solid black; width: 20px; text-align: center;">M</td> <td style="border: 1px solid black; width: 20px; text-align: center;">M</td> <td style="border: 1px solid black; width: 20px; text-align: center;">Y</td> <td style="border: 1px solid black; width: 20px; text-align: center;">Y</td> <td style="border: 1px solid black; width: 20px; text-align: center;">Y</td> <td style="border: 1px solid black; width: 20px; text-align: center;">Y</td> </tr> </table> (voter's date of birth)	D	D	M	M	Y	Y	Y	Y
D	D	M	M	Y	Y	Y	Y		
#Signature	<div style="border: 1px solid black; width: 300px; height: 60px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> Signature Here </div> <div style="margin-left: 10px; padding-top: 10px;"> (voter's signature) IMPORTANT – Keep signature within border </div>								
<i>#(Returning Officer to omit where a person has been granted a waiver)</i>									
PLEASE READ THE INSTRUCTIONS ON THE BACK OF THIS FORM									

(Back of Form)

INSTRUCTIONS TO VOTERS

Your vote is personal - complete the ballot paper(s) yourself and in private. If you need help you can contact me (insert contact details of the constituency returning officer or a member of his staff).

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you. You must not interfere with another voter's ballot paper.

- 1.* You have two ballot papers. *(Or, in the case of a constituency ballot paper and a regional ballot paper which are printed on the same sheet of paper, replace with "There are two columns on the sheet of paper sent to you, each a different colour. Vote once for a party or individual candidate in the regional ballot on the [insert colour] part of the sheet. Vote once for a candidate in the constituency ballot on the [insert colour] part of the sheet.")*
- 2.* Vote only once on each ballot paper. *(Or, in the case of a constituency ballot paper and a regional ballot paper which are printed on the same sheet of paper, replace with "Vote only once on each part of the sheet.")* Vote by marking a cross (X) in the box opposite the name of the party or candidate you are voting for. Do not put any other marks on the ballot paper(s) or your votes may not count.
- 3 Vote secretly. If you need help to vote, anyone who helps you must not tell others how you have voted.
- 4 Put the ballot paper(s) in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with the postal voting statement, in the larger envelope marked "B". Return the envelopes without delay. The ballot paper(s) must be received at my office not later than the close of poll. Alternatively, the ballot paper(s) can be delivered to any polling station in this constituency on polling day, up to 10 pm.
- 5 If you get more than one (of each, as appropriate) ballot paper, by accident, then use just one (of each, as appropriate). Please remember that it is illegal to vote more than once in the same election (unless you are voting for someone else - by proxy).
- 6 At this election you cannot vote in person at a polling station.
- 7 If you make a mistake on a ballot paper, or lose a ballot paper or the return envelopes you can ask for replacements. You should ask as soon as possible. There is not much time for a new ballot paper to be sent to you, returned and counted. You will need to return everything you have received from me (except anything you have lost). Items you should return if you have them include all ballot papers, the postal voting statement and the envelopes marked "A" and "B".
- 8 I can issue another ballot paper if you ask me for it up to 5 pm on polling day, but unless I receive your request by 5 pm on the day before polling day I can only issue another ballot paper if you visit my office, with evidence of your identity.
- 9 For replacement papers, or if you need further help, please ring (insert telephone number) or contact my office at (insert address).

*(*If the Scottish Parliamentary poll relates only to filling a vacancy in the seat of a constituency member, omit Instruction 1 and in Instruction 2 omit the words "on each ballot paper" and "party or".)*

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Scottish Parliament (Elections etc.) (Amendment) Order 2008 No. 307

FORM W1

(to be sent to an elector voting by post)

(Front of card)

POSTAL VOTER'S OFFICIAL POLL CARD

If undelivered return to Returning Officer

(insert address)

Number on register	Region
	Constituency
*Name	Your Polling Place will be:
*Address	
Polling day	Polling Hours 7 am to 10 pm
	<p>This notice is to advise you that for this election you have a postal vote and that you will not be able to obtain voting papers at a polling station.</p> <p>Your postal voting papers should be delivered on or soon after (day/date).</p> <p>If your postal voting papers have not arrived by (day/date), call (helpline number) and ask for assistance.</p>

**Returning officer to omit where poll card sent to an anonymous elector. A poll card to an anonymous elector must be delivered in a sealed envelope.*

If you wish to cancel your postal vote please call (helpline number) before 5 pm on *(insert date eleven working days before the date of poll)*.

If you have lost or accidentally spoil your postal ballot paper(s), please call (helpline number) as soon as possible. Replacement ballot papers cannot be issued after 5 pm on *(insert day and date of poll)*.

PLEASE SEE THE INFORMATION ON THE BACK OF THIS CARD

(Back of card)

SCOTTISH PARLIAMENT ELECTIONS

This card is to give you information about voting by post. If you have appointed a proxy to vote for you, you will not receive postal voting papers.

When you receive your postal voting pack, please read the "Instructions to the Voter" before completing your postal ballot paper.

Mark your vote secretly. If you cannot vote without help, the person assisting you must not disclose how you have voted

You must **sign** the postal voting statement (unless you have been granted a waiver by prior arrangement with the Returning Officer) and **provide your date of birth.** This is a security measure. It will not affect your vote or mean it can be identified. Without your signature (unless waived) and date of birth, the statement will not be valid and your vote will not count. The Returning Officer can cross check your signature and date of birth against other records they hold.

If you lose or accidentally spoil your postal ballot paper(s), **please call (helpline number) as soon as possible.** Replacement ballot papers cannot be issued after 5 pm on *(insert day and date of poll)*.

Complete and return your postal vote as soon as possible. If you have not posted your vote before *(insert day and date of poll)*, you can deliver your vote to any polling station in this constituency.

You cannot vote in person at a polling station at these elections unless you cancel your postal vote before 5 pm on *(insert day eleven working days before the date of poll)*.

If you need further help, please call *(helpline number)*.

It is an offence to vote using a ballot paper that is not addressed to you.

ISSUED BY THE RETURNING OFFICER

FORM N1

(to be sent to a proxy voting by post)

(front of card)

PROXY POSTAL VOTER'S OFFICIAL POLL CARD

If undelivered return to Returning Officer

(insert address)

Number on register	Region
	Constituency
*Proxy's name	Your Polling Place will be:
*Proxy's address	
Polling day	Polling Hours 7 am to 10 pm
	This notice is to advise you that for this election you are appointed as a postal proxy for the elector whose details are shown on the back of this card. You will not be able to obtain voting papers at a polling station.
	The postal proxy voting papers should be delivered on or soon after (day/date).
	If the postal voting papers have not arrived by (day/date), call (helpline number) and ask for assistance.

**Returning officer to omit where poll card sent to the proxy of an anonymous elector. A poll card to a proxy of an anonymous elector must be delivered in a sealed envelope*

If you have lost or accidentally spoil the elector's postal ballot paper(s), please call (helpline number) as soon as possible. Replacement ballot papers cannot be issued after 5 pm on *(insert day and date of poll)*.

PLEASE SEE THE INFORMATION ON THE BACK OF THIS CARD

(Back of card)

SCOTTISH PARLIAMENT ELECTIONS

***This card is to tell you that for this election you are appointed as proxy for the elector named below and that you have decided to vote by post.**

*(Elector's name).

*(Elector's address)

*(Elector's number on register).

When you receive the postal voting pack, please read the "Instructions to the Voter" before completing your postal ballot paper.

Mark your vote secretly. If you cannot vote without help, the person assisting you must not disclose how you have voted.

You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Returning Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature (unless waived) and date of birth, the statement will not be valid and your vote will not count. The Returning Officer can cross check your signature and date of birth against other records they hold.

If you lose or accidentally spoil the elector's postal ballot paper(s), please call (helpline number) as soon as possible. Replacement ballot papers cannot be issued after 5 pm on *(insert day and date of poll)*.

Complete and return your postal vote as soon as possible. If you have not posted your vote before *(insert day and date of poll)*, you can deliver your vote to any polling station in this constituency.

If you need further help, please call (helpline number).

It is an offence to vote as proxy

- (a) for some other person if you know that that person is subject to a legal incapacity to vote e.g. if that person has been convicted and is detained in a penal institution in pursuance of the sentence.
- (b) at this election for more than two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

ISSUED BY THE RETURNING OFFICER

*[Where a poll card is sent to the proxy of an anonymous elector, substitute the following for the paragraphs marked with *above*

You are entitled to vote as proxy for the elector whose electoral number is shown below:

Electoral number of elector]

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FORM U

POSTAL VOTING STATEMENT

SCOTTISH PARLIAMENT ELECTION which is taken with a Local Government election and the proceedings on the issue and receipt of postal ballot papers in respect of each election are taken together

(Front of Form)

*Voter's name:	Ballot paper Nos.						
<i>*(Returning Officer to insert name but omit where ballot papers sent to an anonymous elector)</i>							
[other identifying marks]							
You must provide your [#signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not count.							
I AM THE PERSON TO WHOM THE BALLOT PAPERS NUMBERED ABOVE WERE SENT							
Date of birth	<table style="display: inline-table; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; text-align: center;">D</td> <td style="border: 1px solid black; width: 20px; text-align: center;">M</td> <td style="border: 1px solid black; width: 20px; text-align: center;">Y</td> <td style="border: 1px solid black; width: 20px; text-align: center;">Y</td> <td style="border: 1px solid black; width: 20px; text-align: center;">M</td> <td style="border: 1px solid black; width: 20px; text-align: center;">Y</td> </tr> </table> (voter's date of birth)	D	M	Y	Y	M	Y
D	M	Y	Y	M	Y		
#Signature	<table border="1" style="width: 300px; height: 60px; margin: 0 auto;"> <tr> <td style="text-align: center; vertical-align: middle;">Signature Here</td> </tr> </table> (voter's signature) IMPORTANT – Keep signature within border	Signature Here					
Signature Here							
<i>*(Returning Officer to omit where a person has been granted a waiver)</i>							
PLEASE READ THE INSTRUCTIONS ON THE BACK OF THIS FORM							

(Back of Form)

INSTRUCTIONS TO VOTERS

Your vote is personal - complete the ballot papers yourself and in private. If you need help you can contact me *(insert contact details of the constituency returning officer or a member of his staff)*.

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you. You must not interfere with another voter's ballot paper.

1. You have **three** ballot papers *(Or, in the case of a constituency ballot paper and a regional ballot paper which are printed on the same sheet of paper, replace with "You have two voting sheets, a Scottish Parliament sheet coloured *[insert colour]* on which two ballot papers are printed. You have two votes on that sheet. You also have a Local Government ballot paper coloured white. You have one vote on that ballot paper.")*

2. Vote **only once** on each ballot paper. On the Scottish Parliament regional ballot paper coloured *[insert colour]* vote for a party or individual candidate by marking a cross (X) in the box opposite the name of the party or candidate you are voting for. On the Scottish Parliament constituency ballot paper coloured *[insert colour]* vote for a candidate by marking a cross (X) in the box opposite the name of that candidate.

(Or, in the case of a constituency ballot paper and a regional ballot paper which are printed on the same sheet of paper, replace with:

*"2. The Scottish Parliament paper has two columns on it, each a different colour. Vote **only once** for a party or individual candidate in the regional ballot on the *[insert colour]* part of the sheet. Vote by marking a cross (X) in the box opposite the name of the party or candidate you are voting for. Vote **only once** for a candidate in the constituency ballot on the *[insert colour]* part of the sheet. Again, vote by marking a cross (X) in the box opposite the name of that candidate.")*

3. On the Local Government ballot paper coloured white you vote using numbers. Put the number 1 in the box next to the name of the candidate who is your first choice, then put 2 in the box next to the name of the candidate who is your second choice, 3 in the box next to your third choice, 4 in the box next to your fourth choice and so on. You can mark as many choices as you wish.

4. Do not put any other marks on the ballot papers or your votes **may not count**

5. Vote **secretly**. If you need help to vote, anyone who helps you **must not** tell others how you have voted.

6. Put all *(or "both", as appropriate)* the ballot papers in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with the postal voting statement, in the larger envelope marked "B". Return the envelopes **without delay**. The ballot papers must be received at my office **not later than the close of poll**. Alternatively, the ballot papers can be delivered to any polling station in this constituency on polling day, up to 10 pm.

7. If you get **more than one** ballot paper of the same colour, by accident, then use just one of each colour. Please remember that it is illegal to vote more than once in the same election (unless you are voting for someone else - by proxy).

8. At this election you cannot vote in person at a polling station

9. If you make a mistake on a ballot paper, or lose a ballot paper or the return envelopes you can ask for replacements. You should ask as soon as possible. There is not much time for new ballot papers to be sent to you, returned and counted. You will need to return everything you have received

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Scottish Parliament (Elections etc.) (Amendment) Order 2008 No. 307

from me (except anything you have lost). Items you should return if you have them include all ballot papers, the postal voting statement and the envelopes marked "A" and "B".

10. I can issue replacement ballot papers if you ask me for them up to 5 pm on polling day, but unless I receive your request by 5 pm on the day before polling day I can only issue replacements if you visit my office, with evidence of your identity.

11. For replacement papers, or if you need further help, please ring (insert telephone number) or contact my office at (insert address).

FORM V

POSTAL VOTING STATEMENT

SCOTTISH PARLIAMENT ELECTION which is taken with a Local Government election **BUT** the proceedings on the issue and receipt of postal ballot papers in respect of each election are **NOT** taken together

(Front of Form)

*Voter's name:	Ballot paper Nos.								
<i>*(Returning Officer to insert name but omit where ballot papers sent to an anonymous elector)</i>									
[other identifying mark]									
You must provide your [#signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not count.									
I AM THE PERSON TO WHOM THE BALLOT PAPER(S) NUMBERED ABOVE WAS/WERE SENT									
Date of birth	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px; text-align: center;">D</td> <td style="width: 20px; height: 20px; text-align: center;">D</td> <td style="width: 20px; height: 20px; text-align: center;">M</td> <td style="width: 20px; height: 20px; text-align: center;">M</td> <td style="width: 20px; height: 20px; text-align: center;">Y</td> <td style="width: 20px; height: 20px; text-align: center;">Y</td> <td style="width: 20px; height: 20px; text-align: center;">Y</td> <td style="width: 20px; height: 20px; text-align: center;">Y</td> </tr> </table> (voter's date of birth)	D	D	M	M	Y	Y	Y	Y
D	D	M	M	Y	Y	Y	Y		
#Signature	<table border="1" style="width: 100%; height: 60px; border-collapse: collapse;"> <tr> <td style="text-align: center; vertical-align: middle;">Signature Area</td> </tr> </table> (voter's signature) IMPORTANT Keep signature within border	Signature Area							
Signature Area									
<i>*(Returning Officer to omit where a person has been granted a waiver)</i>									
PLEASE READ THE INSTRUCTIONS ON THE BACK OF THIS FORM									

(Back of Form)

INSTRUCTIONS TO VOTERS

Your vote is personal - complete the ballot paper(s) yourself and in private. If you need help you can contact me (*insert contact details of the constituency returning officer or a member of his staff*).

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you. You must not interfere with another voter's ballot paper.

1. This statement relates to the ballot paper(s) for the Scottish Parliament election only. You will receive your local government election papers and instructions separately. If you do not receive them soon, please contact me.
- 2.* You have two ballot papers. (Or, in the case of a constituency ballot paper and a regional ballot paper which are printed on the same sheet of paper, replace with "There are two columns on the sheet of paper sent to you, each a different colour. Vote once for a party or individual candidate in the regional ballot on the [*insert colour*] part of the sheet. Vote once for a candidate in the constituency ballot on the [*insert colour*] part of the sheet.")
- 3.* Vote only once on each ballot paper. (Or, in the case of a constituency ballot paper and a regional ballot paper which are printed on the same sheet of paper, replace with "Vote only once on each part of the sheet.") Vote by marking a cross (X) in the box opposite the name of the party or candidate you are voting for. Do not put any other marks on the ballot paper(s) (or "on the sheet", as the case may be) or your votes may not count.
4. Vote secretly. If you need help to vote, anyone who helps you must not tell others how you have voted.
5. Put the ballot paper(s) in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with the postal voting statement, in the larger envelope marked "B". Return the envelopes without delay. The ballot paper(s) must be received at my office not later than the close of poll. Alternatively, the ballot paper(s) can be delivered to any polling station in this constituency on polling day, up to 10 pm.
6. If you get more than one (*of each, as appropriate*) ballot paper, by accident, then use just one (*of each, as appropriate*). Please remember that it is illegal to vote more than once in the same election (unless you are voting for someone else - by proxy).
7. At this election you cannot vote in person at a polling station.
8. If you make a mistake on a ballot paper, or lose a ballot paper or the return envelopes you can ask for replacements. You should ask as soon as possible. There is not much time for a new ballot paper to be sent to you, returned and counted. You will need to return everything you have received from me (except anything you have lost). Items you should return if you have them include all ballot papers, the postal voting statement and the envelopes marked "A" and "B".
9. I can issue another ballot paper if you ask me for it up to 5 pm on polling day, but unless I receive your request by 5 pm on the day before polling day I can only issue another ballot paper if you visit my office, with evidence of your identity.
10. For replacement papers, or if you need further help, please ring (*insert telephone number*) or contact my office at (*insert address*).

(If the Scottish Parliamentary poll relates only to filling a vacancy in the seat of a constituency member, omit Instruction 2 and in Instruction 3 omit the words "on each ballot paper" and "party or".)*

Form W: STATEMENT AS TO POSTAL BALLOT PAPERS

Constituency/Region: Date of Poll:.....

A	<i>Issue of postal ballot papers</i>	D. Number constituency	E. Number region
1.	Total number of postal ballot papers issued under paragraph 7 of Schedule 4		
2.	Total number of postal ballot papers issued under paragraph 13 of Schedule 4 (spoilt and returned for cancellation) and paragraph 14 of Schedule 4 (lost or not received)		
3.	Total number of postal ballot papers cancelled under paragraph 22 of Schedule 4 (where the first ballot paper was cancelled and retrieved)		
4.	Total number of postal ballot papers issued (1 to 3)		
B (1).	<i>Receipt of and replacement postal ballot papers</i>	D. Number constituency	E. Number region
5.	Number of covering envelopes received by the constituency returning officer or at a polling station before the close of poll (excluding any undelivered or returned under subparagraph 13(1) (spoilt), paragraph 14(1) (lost) and paragraph 22 (cancelled ballot papers) of Schedule 4)		
6.	Number of covering envelopes received by the constituency returning officer after the close of poll, excluding any returned as undelivered		
7.	Number of postal ballot papers returned spoilt for cancellation in time for another ballot paper to be issued		
8.	Number of postal ballot papers replaced as lost or not received, but not returned for cancellation		
9.	Number of postal ballot papers cancelled and retrieved in time for another ballot paper to be issued		
10.	Number of postal ballot papers returned as spoilt too late for another ballot paper to be issued		
11.	Number of covering envelopes returned as undelivered (up to the 10th day after the date of poll)		
12.	Number of covering envelopes not received by the constituency returning officer (by the 10th day after the date of poll)		
13.	Total numbers 5 to 12 (this should be the same as that in 4 above)		

B (2). <i>Receipt of postal ballot papers – Personal Identifiers</i>	D. Number constituency	E. Number region
14. Number of covering envelopes set aside for the verification of personal identifiers on postal voting statements		
15. Number of postal voting statements not subject to verification procedure rejected as not completed (excluding prior cancellations)		
16. Number of postal voting statements subject to verification procedure rejected as not completed (excluding prior cancellations)		
17. Number of postal voting statements rejected following verification procedures due to the personal identifiers on the postal voting statement not matching those in the personal identifiers record (excluding prior cancellations)		
C. <i>Count of postal ballot papers</i>	D. Number constituency	E. Number region
18. Number of ballot papers returned by postal voters which were included in the count of ballot papers		
19. Number of cases in which a covering envelope or its contents were marked "Rejected" (cancellations under paragraphs 13, 14 and 22 of Schedule 4 are not rejections and should be included in items 2.3.7 and 9 above)		

Date Signed
 Constituency Returning Officer

Address

NOTE

This statement is sent to the Sheriff Clerk. A copy must be sent to the Secretary of State and to the Electoral Commission, during a period of 5 days starting 10 days after the day of the poll.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Scottish Parliament (Elections etc.) (Amendment) Order 2008 No. 307

FORM V

POSTAL VOTING STATEMENT FOR A POSTAL VOTE AT LOCAL GOVERNMENT ELECTION which is taken with the Scottish Parliament election and where the proceedings on the issue and receipt of postal ballot papers in respect of each election are not taken together

(Front of Form)

POSTAL VOTING STATEMENT

You must fill in this form and send it back with the ballot paper.

*Voter's name: Ballot paper number

**(Returning Officer to insert name but omit where ballot papers sent to an anonymous elector)*

[other identifying mark]

You must provide your [signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not count.

I AM THE PERSON TO WHOM THE BALLOT PAPERS NUMBERED ABOVE WERE SENT

Date of birth

D	D
---	---

M	Y
---	---

Y	Y	Y	Y
---	---	---	---

 (voter's date of birth)

#Signature (voter's signature)

IMPORTANT – Keep signature within border

**(Returning Officer to omit where a person has been granted a waiver)*

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

PLEASE READ THE INSTRUCTIONS ON THE BACK OF THIS FORM

Your vote is personal – complete the ballot paper yourself and in private. If you need help you can contact me (insert contact details of the constituency returning officer or a member of his staff).

1. This postal voting statement relates to the ballot papers for the local government election only. At this election, the postal vote for the Scottish Parliament poll is being taken separately. You will receive your Scottish Parliament papers and instructions separately. If you do not receive them soon, please contact me.
2. On the ballot paper number the candidates in order of your choice. Do not vote using a cross. Put the number 1 in the box next to the name of the candidate who is your first choice, then put 2 in the box next to the name of the candidate who is your second choice, 3 in the box next to your third choice, 4 in the box next to your fourth choice and so on. You can mark as many choices as you wish. If you need help from someone to complete the ballot paper, they must not tell anyone who you have voted for.
3. Do not put any other marks on the ballot paper. If you do, your vote may not count.
4. Put the ballot paper in the envelope marked A and seal it. Then put this envelope together with the postal voting statement in the larger envelope marked B and seal it. Post the envelope back quickly. The ballot paper must be received by me not later than the close of poll. It may be posted to me before polling day or delivered by hand to any polling station in the local authority area on polling day before the poll closes.
5. If you get more than one ballot paper, by accident, then just use one. Remember that it is an offence to vote more than once in the same election (unless you are voting for someone else - by proxy)
6. Remember, if you have received a postal vote you cannot vote in person at the polling station even if you have in your name an official poll card, an official postal poll card, an official poll card issued to the proxy of an elector or an official postal poll card issued to the proxy of an elector. If you are voting, you must use the ballot paper sent to you. Your postal vote can be handed into any polling station in the local authority area on polling day before the poll closes.
7. If you make a mistake on the ballot paper you can ask me for another one up until 5 pm on the day before polling day. You will need to return everything you have received (ballot paper, postal voting statement and the envelopes). You should do this straightaway as there is not much time for a new ballot paper to be sent to you, returned and counted.
8. If you lose the ballot paper, postal voting statement or accompanying envelopes, by the third day before the day of the poll, you may apply to me for a replacement ballot paper up until 5 pm on the day before polling day. You will be required to provide evidence of your identity.
9. If you want to apply for a replacement ballot paper after 5 pm on the day before polling day and up to 5 pm on polling day, you must do so in person at the address shown above. You will be required to provide evidence of identity.

REMINDER

1. Have you remembered to print your name on the postal voting statement, add your date of birth and sign it?
2. Have you put your ballot paper in the envelope A and sealed it?
3. Have you put envelope A together with the postal voting statement into envelope B and sealed it?

4. You must make sure that you send your postal vote to me or deliver it to the polling station before the close of poll at 10 pm on *(insert date)*.

If two or more postal vote envelopes have been delivered to your address please make sure that the correct documents are in the correct return envelope.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Scottish Parliament (Elections etc.) Order 2007 (S.I.2007/937 (S.3) (“the Conduct Order”).

In the main, this Order implements changes made by the Electoral Administration Act 2006, which (amongst other matters) provided for enhanced anti-fraud measures. These include the introduction, by section 14 of the 2006 Act, of a requirement that persons wishing to vote by post, by proxy or by postal proxy must provide their signature and date of birth when applying.

Article 2 makes consequential amendments to interpretation provisions in the 2007 Order.

Articles 3, 4 and 6 make provision for the supply of signatures and dates of birth in connection with absent voting applications. These provisions mirror changes introduced for Parliamentary elections by section 14 of the Electoral Administration Act 2006.

Article 5 makes a consequential change to article 11 of the Conduct Order, to preserve an existing requirement for applications under that article to be signed by the applicant.

It is already an offence to make a false statement in connection with an application for a postal or proxy vote. Article 7 clarifies that the provision of false information in such connection is also an offence.

Article 8 provides that a postal ballot paper is not duly returned if accompanied by a postal voting statement which lacks the date of birth of the elector or proxy, nor is it duly returned if on verification the date of birth or signature is not acceptable.

Article 9 deals with circumstances where a person is entitled to a waiver from the requirement to provide a signature. It also updates the requirements as to how an application for an absent vote must be presented, to take account of these requirements and to allow for electronic scanning on a consistent basis.

Article 10 specifies that the registration officer may satisfy himself or herself as to the authenticity of the personal identifiers provided by using other records that he or she is entitled to inspect. It also allows further enquiry where an exemption is sought from the obligation to provide a signature and enables a person to update the signature held by a registration officer.

Article 11 provides that fresh signatures are to be required by every fifth anniversary of a person being recorded as a postal voter, proxy voter or postal proxy voter.

Article 12 inserts new paragraph 12A into Schedule 3 to the 2007 Order. This specifies the contents of the record of personal identifiers that the registration officer must keep and provide to constituency returning officers for use at elections. It also provides for the use of signatures, and in particular for the provision of records for use at elections.

Articles 13 and 17 make provision for two receptacles that are required in consequence of the new procedures.

Article 14 provides that following receipt of postal ballot papers at least a fifth of the returned postal votes must be set aside for personal identifier checks, and article 16 inserts new paragraphs 20A and 20B into Schedule 4 to the 2007 Order, to specify the procedure for verifying the personal identifiers provided in postal voting statements.

Article 18 substitutes a new Form W, which collects relevant statistics on postal ballot papers. The new form is designed to collect information relating to the verification procedures in connection with personal identifiers. Other forms have also been updated so that they take account of the use of personal identifiers and provide relevant information to voters.

Part 3 of the Order makes transitional arrangements in consequence of the requirement for applicants for proxy or postal voting to provide personal identifiers (a signature and date of birth). Article 20 provides that no applications without personal identifiers shall be granted from the date that the new provisions commence. The following arrangements provide for the capture of the personal identifiers of those who are existing absent voters.

Article 21 requires a registration officer to send a written notice to all existing absent voters whose records do not contain personal identifiers, requiring that they supply the required personal identifiers. An absent voter will have a period of six weeks within which to respond. Where no response is received within the first three weeks, the registration officer is required to send a copy of the notice to the absent voter.

Article 22 specifies the information that must be included in the notice sent to existing absent voters together with the information that must be included with the notice or copy of the notice.

Article 23 requires the registration officer to determine whether an absent voter has failed or refused to provide the required personal identifiers. It also allows for continuation of an existing exemption from the requirement for a signature if the absent voter is disabled, unable to read or write, or unable to sign consistently for either of these reasons.

Article 24 specifies the consequences of a refusal or failure to provide the required personal identifiers. An existing absent voter will cease to be entitled to vote by post, by proxy or by post as proxy and any entry relating to the absent voter in the absent voting records must be removed. The registration officer must notify the absent voter and provide him or her with information explaining the effect of the removal of the entry and reminding him or her of the ability to make a fresh application for an absent vote under article 9, 10 or 12 of the Conduct Order (which application will require to be accompanied by the personal identifiers).

Part 4 makes miscellaneous amendments to the Conduct Order.

Article 25 amends a reference to “the absent voter list”, to remove any uncertainty, as there are now three special lists of postal or proxy voters at each Scottish Parliamentary election.

Article 26 amends some wording in Schedule 2, for stylistic consistency and to avoid potential for confusion.

Article 27 corrects two paragraph references in Schedule 5.