
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 425

The Scottish Parliament (Elections etc.) Order 2015

PART 2

THE FRANCHISE AND ITS EXERCISE

Absent vote at Scottish parliamentary elections for an indefinite or a particular period

8.—(1) Where a person applies to the ERO to vote by post at Scottish parliamentary elections or at local government and Scottish parliamentary elections (in either case, whether for an indefinite period or for a particular period specified in the application) the ERO shall grant the application if—

- (a) the ERO is satisfied that the applicant is or will be registered in the register of electors; and
- (b) the application contains the applicant's signature and date of birth and meets the requirements set out in Schedule 3 (which makes provision in connection with absent voting at Scottish parliamentary elections).

(2) Where a person applies to the ERO to vote by proxy at Scottish parliamentary elections or at local government and Scottish parliamentary elections (in either case, whether for an indefinite period or for a particular period specified in the person's application), the ERO shall grant the application if—

- (a) the ERO is satisfied that the applicant is eligible to vote by proxy at elections to which the application relates;
- (b) the ERO is satisfied that the applicant is or will be registered in the register of electors; and
- (c) the application contains the applicant's signature and date of birth and meets the requirements set out in Schedule 3.

(3) For the purposes of this article, a person ("P") is eligible to vote by proxy at Scottish parliamentary elections if P—

- (a) is or will be registered as a service voter;
- (b) has an anonymous entry in the register of electors;
- (c) cannot reasonably be expected—
 - (i) to go in person to the polling station allotted or likely to be allotted to P under this Order; or
 - (ii) to vote unaided there,
by reason of blindness or other disability;
- (d) cannot reasonably be expected to go in person to that polling station by reason of the general nature of P's occupation, service or employment or that of P's spouse or civil partner or by reason of P's attendance on a course provided by an educational institution or that of P's spouse or civil partner; or
- (e) cannot go in person from P's qualifying address to that polling station without making a journey by air or sea.

(4) The ERO shall keep a record of those whose applications under this article have been granted showing—

- (a) whether their applications were to vote by post or proxy for an indefinite or a particular period (specifying that period);
- (b) in the case of those who may vote by post, the addresses provided by them in their application as the addresses to which their ballot papers are to be sent; and
- (c) in the case of those who may vote by proxy, the names and addresses of those appointed as their proxies.

(5) The ERO shall remove a person (“Q”) from the record kept under paragraph (4)—

- (a) if Q applies to the ERO to be removed;
- (b) in the case of a person who is eligible to vote by proxy by virtue of having an anonymous entry, if Q ceases to have an anonymous entry;
- (c) in the case of any registered person, if Q ceases to be registered or registered at the same qualifying address or ceases to be, or becomes, registered in pursuance of—
 - (i) a service declaration; or
 - (ii) a declaration of local connection;
- (d) in the case of any person shown in the record as voting by proxy, if the ERO gives notice that the ERO has reason to believe there has been a material change of circumstances; or
- (e) in the case of a person who applied to vote by post or proxy for a particular period, once that period has expired.

(6) Where a person (whether an elector or a proxy) is, under paragraph (5), removed from the record kept under paragraph (4), the ERO must notify that person in accordance with paragraph 10(6) of Schedule 3 (notification where person removed from absent voting record).

(7) A person shown in the record kept under paragraph (4) as voting by post or voting by proxy (in either case, whether for an indefinite period or for a particular period) may make a further application under paragraph (1) or (2) to change the method of voting or period of time stated in that record.

(8) The ERO may dispense with the requirement under paragraph (1)(b) or (2)(c) for the applicant to provide a signature if the ERO 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.

(9) The ERO must also keep a record in relation to those whose applications under this article have been granted showing—

- (a) their dates of birth; and
- (b) except in cases where the ERO in pursuance of paragraph (8) has dispensed with the requirement to provide a signature, their signatures.

(10) The record kept under paragraph (9) must be retained by the ERO for the period prescribed in paragraph 22 of Schedule 3 (the personal identifiers record).

(11) In this article “qualifying address” means, in relation to a person registered in a register of electors, the address in respect of which that person is entitled to be so registered.