

*Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983 for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2008 No. (S. )**

**REPRESENTATION OF THE PEOPLE**

**The Representation of the People  
(Scotland) (Amendment) Regulations 2008**

*Made - - - - 2008*

*Coming into force in accordance with regulation 1*

These Regulations are made in exercise of the powers conferred by—

- (a) section 53 of, and paragraphs 5A and 12 of Schedule 2 to, the Representation of the People Act 1983(1);
- (b) having regard to the definition of “prescribed” in section 202(1) of the Representation of the People Act 1983, section 89(1) of, and rules 24, 28(3), 28(3A), 31A and 45(1B) in Schedule 1 to, that Act(2); and
- (c) having regard to the definition of “prescribed” in section 202(1) of the Representation of the People Act 1983 and paragraph 1(2) of Schedule 4 to the Representation of the People Act 2000(3), paragraphs 3(1)(b) and (2)(c), 4(1)(b), (2)(c) and (4)(a), 6(7) and (8) and 7(5)(c) of that Schedule.

The Secretary of State has consulted the Electoral Commission about these Regulations in accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000(4).

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- (1) 1983 c. 2. Section 53 was amended by paragraph 13 of Schedule 1 to the Representation of the People Act 2000 (c. 2) (“the 2000 Act”) and subsection (4) inserted by paragraph 109 of Schedule 1 to the Electoral Administration Act 2006 (c. 22) (“the 2006 Act”), paragraph 5A of Schedule 2 was inserted by section 11 of the Representation of the People Act 1985 (c. 50) (“the 1985 Act”) and amended by paragraph 11 of Schedule 6 to the 2000 Act, and sub-paragraph (aa) of paragraph 12 of Schedule 2 was inserted by paragraph 94 of Schedule 1 to the 2006 Act.
  - (2) Section 89 was amended by paragraph 33 of Schedule 4 to the 1985 Act, paragraph 10 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41), paragraph 115 of Schedule 1 to the 2006 Act and paragraph 7(a) of Schedule 2 to the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), rule 24 was substituted by section 37 of the 2006 Act, rule 28(3) was amended by section 4 of, and paragraph 6 of Schedule 2 to, the 1985 Act and by paragraph 70 of Schedule 1 to the 2006 Act, rule 28(3A) was added by paragraph 14 of Schedule 1 to the 2006 Act, rule 31A was inserted by section 45 of the 2006 Act, and rule 45(1B) was inserted by paragraph 10 of Schedule 6 to the 2000 Act and amended by paragraphs 69 and 73 of Schedule 1 to the 2006 Act.
  - (3) 2000 c. 2; paragraphs 3, 4 and 7 of Schedule 4 were amended by section 14(1) to (3) of the 2006 Act; that Act also makes other amendments to these paragraphs which are not relevant to these Regulations.
  - (4) 2000 c. 41.

In accordance with section 201(2) of the Representation of the People Act 1983(5), a draft of this instrument has been laid before and approved by resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Regulations:

## PART 1

### General

#### **Citation, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the Representation of the People (Scotland) (Amendment) Regulations 2008 and subject to paragraphs (2) and (3) shall come into force on 8th February 2008.

(2) The regulations 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 regulations referred to in paragraph (2) are—

- (a) regulation 2(2);
- (b) regulations 7, 8, 10 and 11; and
- (c) regulation 12(2).

(4) In these Regulations, 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 Representation of the People (Scotland) Regulations 2001(6).

(5) These Regulations shall extend to Scotland only.

## PART 2

### Absent voting: personal identifiers

#### **Absent voting: interpretation**

2.—(1) In regulation 50 (interpretation of Part IV) after the definition of “Schedule 4” 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 regulation 64(7) (interpretation of Part V) for the definition of “valid postal voting statement” substitute—

““valid postal voting statement” means a postal voting statement which, in accordance with regulation 85 or 85A(8), the returning officer is satisfied has been duly completed.”.

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(5) Section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 and article 5(b) of S.I. 1991/1728.

(6) 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.

(7) Regulation 64 was amended by S.I. 2007/925.

(8) Regulation 85A is inserted by regulation 10 of these Regulations.

### **Amendment of regulation 51**

**3.—(1)** Regulation 51(9) (general requirements for applications for an absent vote) is amended as follows.

(2) In paragraph (2), omit the “and” preceding sub-paragraph (e) and after sub-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 paragraph 3, 4 or 7 of Schedule 4 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) For paragraph (3) substitute—

“(3) The application shall be made in writing and shall be dated.

(3A) 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].

(3B) Where the application contains a request that the registration officer waive the requirement for a signature, sub-paragraph (a) of paragraph (3A) shall not apply.”.

### **Signatures**

**4.** For regulation 51A(10) (additional provision concerning the requirement that an application for an absent vote must be signed by the applicant) substitute—

“**51A.** The registration officer may satisfy himself—

(a) that an application under Schedule 4 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 the returning officer; or

(ii) previously provided by the applicant to the authority referred to in regulation 35(2)(a), if held by that authority 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.”.

### **Requirement to provide fresh signatures at five yearly intervals**

**5.** After regulation 60 (inquiries by registration officer) insert—

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(9) Regulation 51(2) was amended by S.I. 2006/834.

(10) Regulation 51A was inserted by S.I. 2006/834.

**“Requirement to provide fresh signatures at five yearly intervals**

**60A.**—(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 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 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 within the specified period, he must remove that person’s entry from the records kept pursuant to paragraph 3(4) or 7(6) of Schedule 4 and from the postal voters list, list of proxies or proxy postal voters list (as the case may be) kept under paragraph 5(2), 5(3) or 7(8) of that Schedule.

(8) Where a registration officer removes an absent voter’s entry in the circumstances to which 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 the appropriate rules (as defined in paragraph 1 of Schedule 4) unless that voter is not likely to be allotted to a polling station;
- (b) regulation 57(4) and regulation 58 shall apply as if the registration officer were refusing an application under Schedule 4; and
- (c) in the case of an entry removed from the proxy postal voters list, 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 paragraph 3(4) or 7(6) of Schedule 4 and from the postal voters list, list of proxies or proxy postal voters list (as the case may be) kept under paragraph 5(2), 5(3) or 7(8) of that Schedule, information—

- (a) explaining the effect of such removal; and
- (b) reminding the absent voter that he may make a fresh application under Schedule 4 to vote by post or by proxy (as the case may be).”.

## The personal identifiers record

6. After regulation 61A(11) (conditions on the use, supply and inspection of absent voter records or lists) insert–

### “The personal identifiers record

**61B.**—(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 Schedule 4, of the signatures and dates of birth provided by persons whose applications under paragraph 3(1) or (2), paragraph 4(1) or (2) or paragraph 7(4)(a) or (b) of Schedule 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 paragraph 3(4) or 7(6) of Schedule 4; or
- (b) the date of the poll for the purposes of which the person’s application for an absent vote was granted under paragraph 4(1) or (2) or 7(4)(b) of Schedule 4.

(2) The personal identifiers record shall contain the following information in respect of each absent voter on the postal voters list, list of proxies or proxy postal voters list–

- (a) his name;
- (b) his date of birth; and
- (c) his signature, or a record of a waiver by the registration officer of the requirement for a signature.

(3) A 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 regulation 85(12);
- (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(13), but only to the extent required to permit them to observe the proceedings.”.

## Postal ballot boxes and receptacles

7. In regulation 81(5)(14) omit the “and” preceding sub-paragraph (d) and after sub paragraph (d) insert–

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

## Amendment of regulation 84

**8.**—(1) Regulation 84(15) (opening of covering envelopes) is amended as follows.

(2) For paragraph (1) substitute–

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(11) Regulation 61A was inserted by S.I. 2007/925.

(12) Regulation 85 was amended by S.I. 2002/1872 and 2007/925 and is further amended by regulation 9 of these Regulations.

(13) 2000 c. 41; sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006 (c. 22).

(14) Regulation 81 was amended by S.I. 2007/925.

(15) Regulation 84 was amended by S.I. 2007/925.

“(1) When a postal voters' ballot box is opened, the 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 regulation 82(2)(16)).

(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 regulation 82(2)).”.

(3) In paragraph (2) for “The procedure in regulation 85 below applies” substitute “The procedure in regulation 85 or, as the case may be, regulation 85A(17) applies”.

(4) After paragraph (4) insert—

“(4A) Where—

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

(b) paragraph (4) does not apply,

the returning officer shall set aside that envelope and its contents for personal identifier verification in accordance with regulation 85A.”.

(5) In paragraph (6) after “envelope” insert “opened in accordance with paragraph (1B)”.

### **Amendment of regulation 85**

**9.** In Regulation 85(18) (procedure in relation to postal voting statements), for paragraph (1) substitute—

“(1) This regulation applies to any postal voting statement contained in an envelope that has not been set aside for personal identifier verification in accordance with regulation 84(1A) or (4A)(19).

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

### **Procedure in relation to postal voting statements: personal identifier verification**

**10.** After regulation 85 insert—

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

**85A.—**(1) This regulation applies to any postal voting statement contained in an envelope that is set aside for personal identifier verification in accordance with regulation 84(1A) or (4A)(20).

(2) The 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 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 paragraph (4), place it in the receptacle for rejected votes (verification procedure).

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(16) Regulation 82(2) was amended by S.I. [2007/925](#).

(17) Regulation 85A is inserted by regulation 10 of these Regulations.

(18) Regulation 85 was amended by S.I. [2002/1872](#) and [2007/925](#).

(19) Regulation 84(1A) and (4A) are inserted by regulation 8 of these Regulations.

(20) Regulation 84(1A) and (4A) are inserted by regulation 8 of these Regulations.

(4) Before placing a postal voting statement in the receptacle for rejected votes (verification procedure), the 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 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, 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 returning officer shall open the envelope.

(7) 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 regulation 84(3) or paragraph (6).

(8) In the circumstances described in paragraph (7), the 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 sub-paragraph (b) or (c).

#### **Postal voting statements: additional personal identifier verification**

**85B.**—(1) A returning officer may on any occasion at which a postal voters' ballot box is opened in accordance with regulation 83 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 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 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 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 paragraph (3), the 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

11. In Regulation 89(1)(21) omit the “and” preceding sub-paragraph (d) and after sub paragraph (d) insert—

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

### Amendment of forms

12.—(1) In Schedule 3 for Form A1, Form B1, Form G, Form H and Form J substitute the Form A1, Form B1, Form G, Form H and Form J as set out in the Schedule to these Regulations.

(2) In Schedule 3 for Form K substitute the Form K as set out in the Schedule to these Regulations.

## PART 3

### Miscellaneous amendments

#### Removal of fee for inspection of election returns

13. In regulation 10 (return and declaration of election expenses)—

- (a) omit paragraph (2); and
- (b) in paragraph (3) for “The price of a copy of any such return, declaration or document” substitute “The fee for a copy of any such return or declaration or any accompanying document”.



### **Amendment of regulations 63A, 116 and 117**

**14.**—(1) In regulation 63A(2)(**22**) (corresponding number lists) for “rules 29(3)(e), 37(1)(b) and 37(1)(d)” substitute “rules 29(3)(e) and 37(1)(b)”.

(2) In regulation 63A(4) (corresponding number lists: combined polls) for “rules 29(3)(e), 37(1)(b), and 37(1)(d)” substitute “rules 29(3)(e) and 37(1)(b)”.

(3) In regulation 116(1)(**23**) (interpretation of Part VII) for “rule 55(1)(b) and (c)” substitute “rule 55(1)(e)”.

(4) In regulation 117(**24**) (supply of marked registers and lists after an election), for paragraph (7) substitute—

“(7) Where a person has been supplied with a marked register or list, or any information contained in it (that is not contained in the edited register), by a person to whom regulation 99(3), 102(3), 104(4), 105(3), 107(5) or 108(3) applies, the restrictions in that paragraph of that regulation also apply to the person to whom the register, list or information was supplied, as they apply to that other person.”.

Scotland Office

Minister of State

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(22) Regulation 63A was inserted by S.I. [2007/925](#). Rule 29(3)(e) was added by section 31 of the Electoral Administration Act [2006 \(c. 22\)](#) and rule 37 substituted by paragraph 75 of Schedule 1 to that Act.

(23) Regulation 116 was inserted by S.I. [2007/925](#).

(24) Regulation 117 was inserted by S.I. [2007/925](#).

SCHEDULE

Regulation 12

<p><b>Form A1: OFFICIAL POSTAL POLL CARD</b>                  (to be sent to an elector voting by post)</p> <p style="text-align: center;"><i>Front of card</i></p>	
<p><b>OFFICIAL POSTAL POLL CARD</b></p>	
<p>Constituency:</p> <p>For the election on: [day/date]</p> <p>Number on Register:</p> <p>*Name and Address.</p> <p><i>*(Returning Officer to omit where postal poll card sent to an anonymous elector. Postal poll card to anonymous elector must be delivered in a sealed envelope.)</i></p>	<p>This notice is to tell you that you have asked to vote by post for this election, and you will not be able to vote in a polling station. If you want to cancel your postal vote please call: [helpline number] before 5 pm on [ // day/date deadline].</p> <p><b>We will send your postal voting papers around [day/date].</b></p> <p style="text-align: center;">Addressed to: (Name and Address)</p> <p><b>If your postal voting papers have not arrived by [day/date] call: [helpline number] and ask for help.</b></p>
<p>If you lose or accidentally spoil your postal ballot paper, please call: [helpline number] as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day/date of poll].</p>	
<p>This card is to provide you with information about voting by post.</p> <p><b>SEE INFORMATION ON THE BACK OF THIS CARD</b></p>	

*Back of card*

## PARLIAMENTARY ELECTION

When you receive your postal voting pack, please read the instructions with it carefully before completing your postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the Returning Officer; please call our helpline on *[helpline number]*.

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 that they hold.

If you lose or accidentally spoil your ballot paper, please call the helpline number below as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on *[day/date of poll]*.

Complete and return your postal vote as soon as possible. The Returning Officer must receive your postal vote by 10 pm on *[day/date of poll]*. You can deliver your completed voting papers to any polling station in your constituency.

If you want to vote in person at these elections, you must cancel your postal vote before 5 p.m. on *[-11 day/date deadline]*.

If you need any assistance, please call our helpline on: *[helpline number]*.

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

Issued by the Returning Officer

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Representation of the People (Scotland) (Amendment) Regulations 2008 No. 305*

<p><b>Form B1: OFFICIAL PROXY POSTAL POLL CARD</b>                  (to be sent to an appointed proxy voting by post)                  Front of card</p>	
<p><b>OFFICIAL PROXY POSTAL POLL CARD</b></p>	
<p>Constituency:</p> <p>For the election on: [day/date]</p> <p>Name and Address (Proxy):</p>	<p>This poll card is to tell you that for this election, the elector named on the back of this card has appointed you as their proxy and you have decided to vote by post. <b>You will not be able to vote on behalf of the elector in a polling station.</b> If you want to cancel this postal vote and vote in person on polling day, please call: [helpline number] before 5 pm on [-11 day/date deadline].</p> <p><b>We will send the proxy postal voting papers around [day/date].</b></p> <p><b>If the postal voting papers have not arrived by [day/date] please call: [helpline number] and ask for help.</b></p> <p>If you lose or accidentally spoil the elector's postal ballot paper, please call: [helpline number] as soon as possible. Replacement ballot papers can only be issued before 5 pm on [day/date of poll].</p>
<p>This card is to provide you with information about voting by post.  <i>SEE INFORMATION ON THE BACK OF THIS CARD</i></p>	

*Back of card*

**PARLIAMENTARY ELECTION**

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

.....  
\*(Elector's name)

.....  
\*(Elector's address)

When you receive the postal voting pack, please read the instructions with it carefully before completing the postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone 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 postal ballot paper, please call the helpline number below as soon as possible. We can only issue replacement postal ballot papers before 5 pm on [day/date of poll].

Complete and return the postal vote as soon as possible. The Returning Officer must receive the postal vote by 10 pm on [day/date of poll]. You can deliver your completed voting papers to any polling station in your constituency.

If you want to vote in person as a proxy at these elections, you must cancel your postal vote before 5 p.m. on [-11 day/date deadline].

**It is illegal to do any of the following:**

- Vote more than once (unless you are appointed as a proxy for another elector) at the same election.
- Vote as a proxy at the same election for two or more persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Representation of the People (Scotland) (Amendment) Regulations 2008 No. 305*

Issued by the Returning Officer

*[Where poll card sent to the proxy of an anonymous elector substitute for the text marked with \* above:—*

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

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

.....  
(Elector's number on register)

**Form G: Form of postal voting statement  
(for use at parliamentary elections)**

**Postal Voting Statement**

\*Voter's name: ..... Ballot paper No .....

*\*(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 THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO

Date of birth 

D	D
---	---

M	M
---	---

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

 (voter's date of birth)

#Signature 

Signature Here
----------------

 (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 INSTRUCTIONS TO THE VOTER**

Issued by the Returning Officer

**INSTRUCTIONS TO THE VOTER**

**Complete the ballot paper yourself and in private. If you need help contact the Returning Officer's staff as shown below**

[contact details for assistance  
include address as appropriate]

1. 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.
2. Vote for ONE candidate only. Do not mark the ballot paper in any other way or your vote may not count.
3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for.

4. If you need help voting, the person helping you must not tell anyone how you voted
5. Put the ballot paper in the small envelope marked **A** and seal it.
6. Complete the postal voting statement by **signing it and providing your date of birth.**
7. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.
8. **After receiving this postal vote, you cannot vote in person at a polling station at this election.**
9. If you accidentally spoil your ballot paper, you can apply to the Returning Officer for a replacement before 5 p.m. on *[day/date of poll]*. You must return the spoiled ballot paper, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Returning Officer as soon as possible

**!** Your ballot paper and the postal voting statement must be received by the Returning Officer by 10 p.m. on *[day/date of poll]*. You can deliver your completed postal vote to any polling station in your constituency on polling day.

**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.**

**It is illegal to vote more than once (unless you are appointed as a proxy for another elector) at the same election.**

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



### Form B: Form of postal voting statement

(for use where there is a joint issue and receipt of postal ballot papers)

#### Postal Voting Statement

\*Voter's name: ..... Ballot paper Nos. ....

\*(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 THE BALLOT PAPERS NUMBERED ABOVE WERE SENT TO

Date of birth 

D	B
---	---

N	M
---	---

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

 (voter's date of birth)

#Signature 

Signature here
----------------

 (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 INSTRUCTIONS TO THE VOTER**

**Issued by the Returning Officer**

**INSTRUCTIONS TO THE VOTER**

**Complete the ballot paper yourself and in private. If you need help contact the Returning Officer's staff as shown below**

[contact details for assistance  
include address as appropriate]

1. You must provide your [signature and] date of birth. You must do this even if you have already signed a postal voting statement in respect of another election to be held on the same day. If you do not, this postal voting statement will be invalid and your vote will not count.
2. When you are voting in a Parliamentary election (insert colour of ballot paper) ballot paper), mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Vote for ONE candidate only.

3. When you are voting in a local government election (*insert colour of ballot paper* ballot paper), number the candidates in the order of your choice instead of 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.
4. When you are voting in a European Parliamentary election (*insert colour of ballot paper* ballot paper), mark a cross (X) in the box on the right hand side of the name of the party or individual candidate of your choice. Vote for ONE party or candidate only.
5. [\*When you are voting in a [\*specify] election (*insert colour of ballot paper* ballot paper), mark a cross (X) in the box on the right hand side of the name of the candidate of your choice. Vote for ONE candidate only/Vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE \*]
6. [\*When you are voting in a referendum, mark a cross (X) in the box on the right hand side of the answer of your choice. Vote ONCE only.]
7. Do not mark your ballot papers in any other way or your votes may not count.
8. If you need help voting, the person helping you must not tell anyone how you voted.
9. Put all the ballot papers in the small envelope marked **A** and seal it.
10. Complete the postal voting statement by [\*signing it, and] providing your date of birth.
11. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straight away.

**After receiving this postal vote, you cannot vote in person at a polling station at this election.**

If you accidentally spoil any of your ballot papers, you can apply to the Returning Officer for a replacement before 5 p.m. on *[day/date of poll]*. You must return the spoiled ballot paper, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Returning Officer as soon as possible.

**!** Your ballot paper and the postal voting statement must be received by the Returning Officer by 10 pm on *[day/date of poll]*. You can deliver your completed postal vote to any polling station in your constituency on polling day.

**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.**

**It is illegal to vote more than once (unless you are appointed as a proxy for another elector) at the same election.**

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

### Form J: Form of postal voting statement

(for use when a parliamentary poll is combined with another poll but the postal ballot papers are not combined)

#### Postal Voting Statement

\*Voter's name: ..... Ballot paper No. .... (Colour)

*\*(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 THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO

Date of birth 

D	M
---	---

N	Y
---	---

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

 (voter's date of birth)

#Signature 

Signature, Name
-----------------

 (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 INSTRUCTIONS TO THE VOTER**

Issued by the Returning Officer

**INSTRUCTIONS TO THE VOTER**

**Complete the ballot paper yourself and in private. If you need help contact the Returning Officer's staff as shown below**

[contact details for assistance

include address as appropriate]

1. You must provide your [#signature and] date of birth. You must do this even if you have already signed a postal voting statement in respect of another election to be held on the same day. If you do not, this postal voting statement will be invalid and your vote will not be counted.
2. Vote for ONE candidate only. Do not mark the ballot paper in any other way or your vote may not count.

3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidates you are voting for.
4. If you need help voting, the person helping you must not tell anyone how you voted.
5. Different colours are used for the ballot papers for each election [and referendum\*]. Each ballot paper has its own ballot paper envelope (marked **A**), postal voting statement and return envelope (marked **B**). The return envelope and postal voting statement for each ballot paper refer to the colour of that ballot paper. It is important that you use the correct envelopes and postal voting statement or your vote may not count. You may find it helpful to sort the documents into separate sets.
6. Put the ballot paper in the small envelope marked **A** and seal it.
7. Complete the postal voting statement by signing it, and providing your date of birth.
8. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.

**After receiving this postal vote, you cannot vote in person at a polling station at this election.**

If you accidentally spoil your ballot paper, you can apply to the Returning Officer for a replacement before 5 p.m. on [day/date of poll]. You must return the spoiled ballot paper, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Returning Officer as soon as possible.

**!** Your ballot paper and the postal voting statement must be received by the Returning Officer by 10 pm on [day/date of poll]. You can deliver your completed postal vote to any polling station in your constituency on polling day.

**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.**

**It is illegal to vote more than once (unless you are appointed as a proxy for another elector) at the same election.**

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

**Form K:**

**Regulation 91(1)(b)**

**STATEMENT AS TO POSTAL BALLOT PAPERS  
REPRESENTATION OF THE PEOPLE ACTS  
PARLIAMENTARY ELECTION**

Constituency: .....

Date of Poll: .....

<b>A.</b>	<i>Issue of postal ballot papers</i>	<i>Number</i>
1.	Total number of postal ballot papers issued under regulation 71	
2.	Total number of postal ballot papers issued under regulation 77 (spoilt and returned for cancellation) and regulation 78 (lost or not received)	
3.	Total number of postal ballot papers cancelled under regulation 86A (where the first ballot paper was cancelled and retrieved)	
4.	Total number of postal ballot papers issued (1 to 3)	
<b>B (1).</b>	<i>Receipt of and replacement postal ballot papers</i>	<i>Number</i>
5.	Number of covering envelopes received by the returning officer or at a polling station before the close of poll (excluding any undelivered or returned under regulation 77(1) (spoilt), regulation 78(1) (lost) and regulation 86A (cancelled ballot papers))	
6.	Number of covering envelopes received by the 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 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>B (2).</b>	<i>Receipt of postal ballot papers Personal Identifiers</i>	<i>Number</i>
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)	

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Representation of the People (Scotland) (Amendment) Regulations 2008 No. 305*

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)	
<b>C.</b> <i>Count of postal ballot papers</i>	<i>Number</i>
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 77, 78 and 86A are not rejections and should be included in items 2,3,7 and 9 above)	

Date..... Signed.....  
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.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make amendments to the Representation of the People (Scotland) Regulations 2001 (S.I.2001/497 (S.2)) ("the 2001 Regulations").

In the main, these Regulations implement 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.

Regulation 2 makes consequential amendments to interpretation provisions of the 2001 Regulations.

Regulation 3 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.

Regulation 4 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.

Regulation 5 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.

Regulation 6 inserts new regulation 61B in the 2001 Regulations. This specifies the contents of the record of personal identifiers that the registration officer must keep and provide to returning officers for use at elections.

Regulations 7 and 11 make provision for two receptacles that are required in consequence of the new procedures.

Regulation 8 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 regulation 10 inserts new regulations 85A and 85B into the 2001 Regulations, to specify the procedure for verifying the personal identifiers provided in postal voting statements.

Regulation 12 substitutes new Forms A1, B1, G, H, J and K. Forms A1 and B1 have been amended to include information on postal and proxy postal poll cards about the use of dates of birth. Forms G, H and J have been amended to include date of birth details on the various forms of postal voting statement. Form K 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.

Regulation 13 removes a fee of £5 that currently applies for inspecting returns and declarations of election expenses. The fee also no longer applies for such inspection in relation to elections in England and Wales or in respect of such returns at Scottish Parliament elections.

Regulation 14 makes minor amendments to the 2001 Regulations to remove a reference to a provision that has not been brought into force and to correct and clarify some cross-references in those regulations.