

SCHEDULE 4

ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

Receipt of postal ballot papers

Receipt of covering envelope

14. The constituency returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope before the close of the poll, place it unopened in a postal voters' ballot box sealed in accordance with paragraph 11 above.

Opening of postal voters' ballot box

15.—(1) Each postal voters' ballot box shall be opened by the constituency returning officer in the presence of the agents.

(2) So long as the constituency returning officer ensures that there is at least one postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The constituency returning officer shall give each—

- (a) candidate for return as a constituency member; and
- (b) except in the case of an election to fill a vacancy in the seat of a constituency member, individual candidate for return as a regional member and the election agent for each registered party standing nominated,

not less than 48 hours notice in writing of the time and place of the opening of each postal voters' ballot box and the envelopes contained in it and of the number of agents such person may appoint under paragraph 4(2) above to be present at each opening.

(4) The constituency returning officer shall provide a ballot box as a receptacle for postal ballot papers (referred to as “the receptacle for postal ballot papers”) and every such ballot box shall be shown open and empty to the agents present and shall then be locked by the constituency returning officer and sealed with the seal of the constituency returning officer and the seals of such of the agents as desire to affix their seals in such manner as to prevent its being opened without breaking the seal.

(5) Every ballot box referred to in sub-paragraph (4) above shall be marked “postal voters' ballot papers” and with the name of the constituency in which the election is held.

(6) The constituency returning officer shall make provision for the safe custody of every such ballot box.

(7) The ballot box shall be opened at the counting of the votes under rule 53 of the Scottish Parliamentary Election Rules.

Opening of covering envelopes

16.—(1) When a postal voters' ballot box has been opened, the constituency returning officer shall count and note the number of covering envelopes, and shall then open each covering envelope separately.

(2) Where a covering envelope does not contain both a declaration of identity and a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper (or ballot papers) he shall mark the covering envelope “rejected”, attach to it the contents (if any) of the covering envelope and place it in a separate receptacle (referred to as “the receptacle for rejected votes”); and if the covering

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envelope does not contain the declaration separately, the constituency returning officer shall open the ballot paper envelope to ascertain if the declaration is inside that envelope.

(3) On opening a covering envelope, other than one to which sub-paragraph (2) above applies, the constituency returning officer shall first satisfy himself that the declaration of identity has been duly signed by the voter and authenticated by a witness who has signed the declaration and given his name and address and, if he is not so satisfied, he shall mark the declaration “rejected”, attach to it the ballot paper envelope or, if there is no such envelope, the ballot paper (or ballot papers), and place it in the receptacle for rejected votes (but before so doing he shall show the declaration to the agents and, if any objection is made by any agent to his decision, he shall add the words “rejection objected to”).

(4) Where the number (or numbers) on the declaration of identity duly signed and authenticated agrees with the number (or numbers) on the ballot paper envelope, he shall place the declaration in a separate receptacle (referred to as “the receptacle for declarations of identity”) and the ballot paper envelope in another separate receptacle (referred to as “the receptacle for ballot paper envelopes”).

(5) Where there is no ballot paper envelope or the ballot paper envelope has been opened under sub-paragraph (2) above, he shall place—

- (a) in the receptacle for postal ballot papers, any ballot paper the number on which is the same as the number (or one of the numbers) on the declaration of identity, duly signed and authenticated;
- (b) in the receptacle for rejected votes, any other ballot paper, to which shall be attached the declaration of identity marked “rejected”; and
- (c) in the receptacle for declarations of identity, any such declaration not disposed of under sub-sub-paragraph (b) above.

(6) Where the number (or numbers) on the declaration of identity, duly signed and authenticated, is not the same as the number (or numbers) on the ballot paper envelope or that envelope has no number on it (or only one number where the declaration of identity has more than one) he shall open the envelope and shall place—

- (a) in the receptacle for postal ballot papers, any ballot paper the number on which is the same as the number (or one of the numbers) on the declaration of identity, duly signed and authenticated;
- (b) in the receptacle for rejected votes, any other ballot paper, to which shall be attached the declaration of identity marked “rejected”;
- (c) in the receptacle for rejected votes, any declaration of identity, marked “rejected”, in respect of a ballot paper envelope which either does not contain a ballot paper or, where more than one number appears on the declaration, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper); and
- (d) in the receptacle for declarations of identity, any such declaration not disposed of under sub-sub-paragraph (b) or (c) above.

(7) Except for the purposes of ascertaining under sub-paragraph (2) above whether a ballot paper envelope contains a declaration of identity or under sub-paragraph (6) above whether the number (or numbers) on the declaration agrees with the number on the ballot paper (or ballot papers), the constituency returning officer shall not open the ballot paper envelopes before they are opened under paragraph 18 below.

Sealing up of rejected votes and declarations of identity

17. On the conclusion of the proceedings under paragraph 16 above the constituency returning officer shall put the contents of the receptacle for rejected votes and the contents of the receptacle for declarations of identity into two separate packets and shall seal up such packets.

Opening of ballot paper envelopes

18.—(1) After sealing up the packets referred to in paragraph 17 above the constituency returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall place—

- (a) in the receptacle for postal ballot papers, any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope;
- (b) in a separate receptacle, any other ballot paper which shall be marked “rejected” and to which shall be attached the ballot paper envelope; and
- (c) in the receptacle referred to in sub-sub-paragraph (b) above, any ballot paper envelope which shall be marked “rejected” because it does not contain either a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper),

and he shall make the contents of the receptacle referred to in sub-sub-paragraph (b) above up into a packet and shall seal such packet.

Abandoned poll

19.—(1) Subject to sub-paragraph (2) below, where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the constituency returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Schedule; and
- (b) shall, notwithstanding paragraph 17 or 18 above, treat all unopened covering envelopes and the contents of those which have been opened as if they were counted ballot papers.

(2) Sub-paragraph (1) above shall not apply where postal ballot papers for more than one election have been issued together under paragraph 2 above.

Forwarding of documents

20.—(1) The constituency returning officer shall forward to the sheriff clerk at the same time as he forwards the documents mentioned in rule 67 of the Scottish Parliamentary Election Rules—

- (a) any packets referred to in paragraphs 12, 13, 17 or 18 above, subject to the provisions of paragraph 19 above, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the constituency in which the election is held; or
- (b) a completed statement in the form AC set out in the Appendix of the number of postal ballot papers issued.

(2) Where any covering envelopes are received by the constituency returning officer after the close of the poll or any envelopes addressed to postal voters are returned as undelivered too late to be re-addressed, or any spoiled postal ballot papers are returned too late to enable other postal ballot papers to be issued, he shall put them unopened into a separate packet, seal up such packet and endorse and forward it at a subsequent date in the manner described in sub-paragraph (1) above.

(3) Any packet or statement forwarded under this regulation shall be deemed to have been forwarded in pursuance of the Scottish Parliamentary Election Rules.

(4) A copy of the statement referred to in sub-paragraph (1)(b) above shall be provided by the constituency returning officer to the Secretary of State.