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STATUTORY INSTRUMENTS

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**2007 No. 937**

**The Scottish Parliament (Elections etc.) Order 2007**

**PART II**

**THE FRANCHISE AND ITS EXERCISE**

**Absent vote at a particular Scottish parliamentary election and special lists**

**10.**—(1) Where a person applies to the registration officer to vote by post at a particular Scottish parliamentary election, the registration officer shall grant the application (subject to paragraph (4)) if—

- (a) he is satisfied that the applicant is or will be registered in the register; and
- (b) the application meets the requirements set out in Schedule 3.

(2) Where a person applies to the registration officer to vote by proxy at a particular Scottish parliamentary election, the registration officer shall grant the application (subject to paragraph (4)) if—

- (a) he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under this Order;
- (b) he is satisfied that the applicant is or will be registered in the register; and
- (c) the application meets the requirements set out in Schedule 3.

(3) Where a person who has an anonymous entry in the register of electors applies to the registration officer to vote by proxy at a particular Scottish parliamentary election, the registration officer shall grant the application if it meets the requirements set out in Schedule 3.

(4) Paragraphs (1) and (2) do not apply to a person who is included in the record kept under article 9 but such a person may, in respect of a particular Scottish parliamentary election, apply to the registration officer—

- (a) for his ballot papers to be sent to a different address; or
- (b) to vote by proxy,

if he is shown in the record so kept as voting by post and the registration officer shall grant the application if it meets the requirements set out in Schedule 3.

(5) The registration officer shall, in respect of each Scottish parliamentary election, keep two special lists—

- (a) a list of—
  - (i) those who are for the time being shown in the record kept under article 9 as voting by post (excluding those so shown whose applications under paragraph (4) to vote by proxy at the election have been granted), together with the addresses provided by them in their applications under article 9 or, as the case may be, paragraph (4) as the addresses to which their ballot papers are to be sent; and

- (ii) those whose applications under paragraph (1) to vote by post at the election have been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent; and
  - (b) a list (“the list of proxies”) of those who are for the time being shown in the record kept under article 9 as voting by proxy or whose applications under this article to vote by proxy at the election have been granted, together with the names and addresses of those appointed as their proxies.
- (6) In the case of a person who has an anonymous entry in the register of electors any entry in the special lists referred to in paragraph (5) must show in relation to the person only the person’s electoral number.