
STATUTORY INSTRUMENTS

2007 No. 937

The Scottish Parliament (Elections etc.) Order 2007

PART II

THE FRANCHISE AND ITS EXERCISE

Voting as proxy

12.—(1) A person entitled to vote as proxy at a Scottish parliamentary election may do so in person at the polling station allotted to the elector under this Order unless he is entitled to vote by post as proxy for the elector at the election, in which case he may vote by post.

(2) Where a person is entitled to vote by post as proxy for the elector at any election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.

(3) For the purposes of this Order, a person entitled to vote as proxy for another at a Scottish parliamentary election is entitled so to vote by post if he is included in the list kept under paragraph (7) in respect of the election.

(4) Where a person applies to the registration officer to vote by post as proxy at Scottish parliamentary elections (whether for an indefinite period, for a particular period specified in his application or at a particular election), the registration officer shall grant the application if—

- (a) the registration officer is satisfied that the elector is or will be registered in the register of electors; and
- (b) there is in force an appointment of the applicant as the elector's proxy to vote for him

and the application meets the requirements set out in Schedule 3.

(5) The registration officer shall keep a record of those whose applications under paragraph (4) have been granted showing—

- (a) whether their applications were to vote by post as proxy for an indefinite or a particular period (specifying that period); and
- (b) the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.

(6) Where, in the case of a particular election, a person included in the record kept under paragraph (5) applies to the registration officer for his ballot papers to be sent to a different address, the registration officer shall grant the application if it meets the requirements set out in Schedule 3.

(7) The registration officer shall, in respect of each Scottish parliamentary election, keep a special list of—

- (a) those who are for the time being included in the record kept under paragraph (5), together with the addresses provided by them in their applications under paragraph (4) or, as the case may be, paragraph (6) as the addresses to which their ballot papers are to be sent; and
- (b) those whose applications under paragraph (4) have been granted in respect of the election concerned, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent,

and shall forthwith supply to the constituency returning officer a copy of that list on completion of the compilation of it.

(8) In the case of a person who has an anonymous entry in a register of electors the special list mentioned in paragraph (7) must contain only the person's electoral number.

(9) The registration officer shall remove a person from the record kept under paragraph (5)–

- (a) if he applies to the registration officer to be removed;
- (b) in the case of a person who applied to vote by post as proxy for a particular period, once that period expires;
- (c) if the elector ceases to be registered in the register of electors; or
- (d) if the appointment of the person concerned as the elector's proxy ceases to be in force (whether or not he is re appointed).

(10) Paragraph (2) does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 49(4) or (6) of the Scottish Parliamentary Election Rules.