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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 Scottish parliamentary elections for an indefinite or a particular period**

**9.—(1)** Where a person applies to the registration officer 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 registration officer shall grant the application if—

- (a) he is satisfied that the applicant is or will be registered in the register of electors, 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 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 his application), the registration officer shall grant the application if—

- (a) he is satisfied that the applicant is eligible to vote by proxy at elections to which the application relates,
- (b) he is satisfied that the applicant is or will be registered in the register of electors, and
- (c) the application meets the requirements set out in Schedule 3.

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

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

**(4)** The registration officer 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 registration officer shall remove a person from the record kept under paragraph (4)–
- (a) if he applies to the registration officer 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 he ceases to have an anonymous entry;
  - (c) in the case of any registered person, if he 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 registration officer gives notice that he 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) A person shown in the record kept under paragraph (4) as voting by post or, as the case may be, voting by proxy (in either case, whether for an indefinite period or for a particular period specified in his application) may subsequently alter his choice on an application to the registration officer that meets the requirements set out in Schedule 3 and the registration officer shall amend the record accordingly.