
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 425

The Scottish Parliament (Elections etc.) Order 2015

PART 2

THE FRANCHISE AND ITS EXERCISE

Voting as proxy

11.—(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 that person is entitled to vote by post as proxy for the elector at the election, in which case that person 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 that person is included in the proxy postal voters list kept under paragraph (7) in respect of the election.

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

- (a) the ERO is satisfied that the elector is or will be registered in the register of electors;
- (b) there is in force an appointment of the applicant as the elector's proxy to vote for the elector; and
- (c) the application contains the applicant's signature and date of birth and meets the requirements set out in Schedule 3 (which makes provision in connection with absent voting).

(5) The ERO 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 ERO for the person's ballot papers to be sent to a different address, the ERO shall grant the application if it meets the requirements set out in Schedule 3 (which makes provision in connection with absent voting at Scottish parliamentary elections).

(7) The ERO shall, in respect of each Scottish parliamentary election, keep a special list ("the proxy postal voters 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 supply to the CRO a copy of that list as soon as reasonably practicable 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 ERO shall remove a person from the record kept under paragraph (5)—

- (a) if that person applies to the ERO 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 that person is re-appointed).

(10) Paragraph (2) does not prevent a person, at the polling station allotted to that person, marking a tendered ballot paper in pursuance of rule 49(5) of the Scottish Parliamentary Election Rules.

(11) The ERO may dispense with the requirement under paragraph (4)(c) for the applicant to provide a signature if the ERO is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has;
- (b) to provide a signature because the applicant is unable to read or write; or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.

(12) The ERO must also keep a record in relation to those whose applications under paragraph (4) have been granted showing—

- (a) their dates of birth; and
- (b) except in cases where the ERO in pursuance of paragraph (11) has dispensed with the requirement to provide a signature, their signatures.

(13) The record kept under paragraph (12) must be retained by the ERO for the period prescribed in paragraph 22 of Schedule 3 (the personal identifiers record).