
Changes to legislation: There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013, Cross Heading: Opening of covering envelopes. (See end of Document for details)

SCHEDULE 2 FURTHER PROVISION ABOUT VOTING IN THE REFERENDUM

PART 3

POSTAL VOTING: ISSUE AND RECEIPT OF BALLOT PAPERS

Opening of covering envelopes

- 35 (1) When a postal voters box is opened, the counting officer must count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in paragraph 33(2)).
- (2) The counting officer must set aside for personal identifier verification not less than 20 percent of the envelopes recorded on that occasion.
- (3) The counting officer must open separately each covering envelope that is not set aside (including an envelope described in paragraph 33(2)).
- (4) The procedure in paragraph 37 or 38 applies where a covering envelope (including an envelope to which paragraph 33(2) applies) contains both—
- (a) a postal voting statement, and
 - (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper.
- (5) Where the covering envelope does not contain the postal voting statement separately, the counting officer must open the ballot paper envelope to ascertain whether the postal voting statement is inside.
- (6) Where a covering envelope does not contain both—
- (a) a postal voting statement (whether separately or not), and
 - (b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper,
- the counting officer must mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.
- (7) Where—
- (a) an envelope contains the postal voting statement of a voter with an anonymous entry, and
 - (b) sub-paragraph (6) does not apply,
- the counting officer must set aside that envelope and its contents for personal identifier verification in accordance with paragraph 38.
- (8) In carrying out the procedures in this paragraph and paragraphs 37 to 43, the counting officer and the counting officer's staff—
- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person from seeing the votes made on the ballot papers, and
 - (b) must not look at the corresponding number list used at the issue of postal ballot papers.
- (9) Where an envelope opened in accordance with sub-paragraph (3) contains a postal voting statement, the counting officer must place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the voter to denote that a postal vote has been returned.

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- (10) A mark made under sub-paragraph (9) must be distinguishable from and must not obscure the mark made under paragraph 23(2).
- (11) As soon as practicable after the last covering envelope has been opened, the counting officer must make up into a packet the copy of the marked postal voters list and proxy postal voters list that have been marked in accordance with sub-paragraph (9) and must seal that packet.

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