SCHEDULE 2
FURTHER PROVISION ABOUT VOTING IN THE REFERENDUM

PART 3

POSTAL VOTING: ISSUE AND RECEIPT OF BALLOT PAPERS

Spoilt postal ballot papers

28 (1) If a postal voter has inadvertently dealt with a postal ballot paper or postal voting statement in such manner that it cannot be conveniently used as a ballot paper (a "spoilt ballot paper") or a postal voting statement (a "spoilt postal voting statement") the postal voter may return the spoilt ballot paper or (as the case may be) the spoilt postal voting statement to the counting officer (either by hand or by post).

(2) Where a postal voter exercises the entitlement conferred by sub-paragraph (1), the postal voter must also return—
- (a) the postal ballot paper or (as the case may be) the postal voting statement (whether spoilt or not), and
- (b) the envelopes supplied for their return.

(3) Subject to sub-paragraph (4), on receipt of the documents referred to in sub-paragraphs (1) and (2), the counting officer must issue another postal ballot paper except where those documents are received after 5pm on the date of the referendum.

(4) Where the counting officer receives the documents referred to in sub-paragraphs (1) and (2) after 5pm on the day before the date of the referendum, the counting officer may only issue another postal ballot paper if the postal voter returns the documents by hand.

(5) The following provisions apply in relation to a replacement postal ballot paper under sub-paragraph (3) as they apply in relation to a ballot paper—
- (a) paragraph 23 (except sub-paragraph (2)),
- (b) paragraphs 25 and 26, and
- (c) subject to sub-paragraph (8), paragraph 27.

(6) Any postal ballot paper or postal voting statement (whether spoilt or not) returned in accordance with sub-paragraphs (1) and (2) must be immediately cancelled.

(7) The counting officer must, as soon as practicable after cancelling those documents, make up those documents in a separate packet and must seal the packet; and if on any subsequent occasion documents are cancelled as mentioned in sub-paragraph (6), the sealed packet must be opened and the additional cancelled documents included in it and the packet must again be made up and sealed.

(8) Where a postal voter applies in person after 5pm on the day before the date of the referendum, the counting officer may only issue a replacement postal ballot paper by handing it to the postal voter.

(9) The counting officer must enter in a list kept for the purpose ("the list of spoilt postal ballot papers")—

Changes to legislation: *There are currently no known outstanding effects for the Scottish Independence Referendum Act 2013, Cross Heading: Spoilt postal ballot papers. (See end of Document for details)*

(a) the name and number of the postal voter as stated in the Polling List (or, in the case of a postal voter who has an anonymous entry, that person's voter number alone),

(b) the number of the postal ballot paper (or papers) issued under this paragraph, and

(c) where the postal voter whose ballot paper is spoilt is a proxy, the name and address of the proxy.

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