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**Changes to legislation:** There are currently no known outstanding effects for the Referendums (Scotland) Act 2020, Cross Heading: Voting as proxy. (See end of Document for details)

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## SCHEDULE 1 FURTHER PROVISION ABOUT VOTING IN THE REFERENDUM

### PART 1

#### MANNER OF VOTING

##### *Voting as proxy*

- 6 (1) A person entitled to vote as proxy for another (“A”) in the referendum may do so in person at the polling station allotted to A under rule 9(1)(b) of the conduct rules unless the person is entitled to vote by post as proxy in the referendum, in which case the person may vote by post.
- (2) Where a person is entitled to vote by post as proxy for another (“A”) in the referendum, A may not apply for a ballot paper for the purpose of voting in person at the referendum.
- (3) For the purposes of this schedule, a person entitled to vote as proxy for another in the referendum is entitled so to vote by post if the person is included in the proxy postal voters list (see sub-paragraph (7)).
- (4) An existing proxy is taken to have been granted a vote by post as proxy if the existing proxy is—
- (a) shown in the record kept under paragraph 7(6) of schedule 4 of the Representation of the People Act 2000 as voting by post as proxy at local government elections for an indefinite period or for a period which extends beyond the date of the referendum, or
  - (b) shown in the record maintained by the registration officer of persons entitled to vote by post as proxy at Scottish parliamentary elections for an indefinite period or for a period which extends beyond the date of the referendum.
- (5) In sub-paragraph (4), “existing proxy” means a person who is taken to have been appointed as proxy by virtue of paragraph 5(7).
- (6) Where a person applies to the registration officer to vote by post as proxy for another (“A”) in the referendum, the registration officer must grant the application if—
- (a) the registration officer is satisfied that A is registered in the register of local government electors maintained by the officer or will be registered in that register on the date of the referendum,
  - (b) there is in force an appointment of the applicant as A's proxy to vote for A in the referendum, and
  - (c) the application meets the requirements in paragraph 7.
- (7) The registration officer must keep a special list (the “proxy postal voters list”) of—
- (a) those taken to have been granted a vote by post as proxy by virtue of sub-paragraph (4) by reason of an entry in a record mentioned in that sub-paragraph kept by the registration officer, together with the addresses shown in the record as the addresses to which their ballot papers are to be sent, and
  - (b) those whose applications under sub-paragraph (6) have been granted by the registration officer, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.

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- (8) Where a person to be included in the proxy postal voters list applies to the registration officer for the person's ballot paper to be sent to a different address, the registration officer must grant the application if it meets the requirements in paragraph 7.
- (9) In the case of a person who has an anonymous entry in the register of local government electors, the proxy postal voters list must contain only the person's voter number.
- (10) The registration officer must keep a record in relation to those whose applications under sub-paragraph (6) have been granted showing—
  - (a) their dates of birth, and
  - (b) except in cases where the registration officer in pursuance of paragraph 7(6) (or other provision to like effect) has dispensed with the requirement to provide a signature, their signatures.
- (11) The registration officer must retain the record kept under sub-paragraph (10) for the period of one year following the date of the referendum.
- (12) Sub-paragraph (2) does not prevent a person (“A”), at the polling station allotted to A under rule 9(1)(b) of the conduct rules, from marking a tendered ballot paper in pursuance of rule 24 of those rules.

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