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*Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland) Act 2020, Paragraph 24. (See end of Document for details)*

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## SCHEDULE 2 CONDUCT RULES

### *Tendered ballot papers*

- 24 (1) Paragraph (6) applies if any of situations A to D exist.
- (2) Situation A exists if a person, claiming to be—
- (a) a particular voter named on the register of local government electors and not named in the postal voters list or the list of proxies, or
  - (b) a particular person named in the list of proxies as proxy for a voter and not entitled to vote by post as proxy,
- applies for a ballot paper after another person has voted in person either as the voter or the voter's proxy.
- (3) Situation B exists if—
- (a) a person applies for a ballot paper claiming that the person is a particular voter named on the register of local government electors,
  - (b) the person is also named in the postal voters list, and
  - (c) the person claims that—
    - (i) no application to vote by post in the referendum was made by that person, or
    - (ii) the person is not an existing postal voter within the meaning of paragraph 2(2) of schedule 1.
- (4) Situation C exists if—
- (a) a person applies for a ballot paper claiming that the person is a particular person named as a proxy in the list of proxies,
  - (b) the person is also named in the proxy postal voters list, and
  - (c) the person claims that—
    - (i) no application to vote by post as proxy was made by that person, or
    - (ii) the person is not an existing proxy to whom paragraph 6(4) of schedule 1 applies.
- (5) Situation D exists if, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper—
- (a) a person claims that the person is—
    - (i) a particular voter named on the register of local government electors who is also named in the postal voters list, or
    - (ii) a particular person named as proxy in the list of proxies who is also named in the proxy postal voters list, and
  - (b) the person claims that the person has lost or has not received a postal ballot paper.
- (6) Where this paragraph applies, the person is entitled, on satisfactorily answering the questions permitted by rule 19 to be asked at the poll, to mark a tendered ballot paper in the same manner as any other voter.
- (7) A tendered ballot paper must—
- (a) be of a prescribed colour differing from that of the ballot paper issued in accordance with rule 8(1) or provided in accordance with rule 13(1),

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- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by the presiding officer with the name of the voter and the voter's number in the register of local government electors, and
  - (c) be set aside in a separate packet.
- (8) The name of the voter and the voter's number in the register of local government electors is to be entered on a list (the “tendered votes list”).
- (9) In the case of a person voting as proxy for a voter, the number to be endorsed or entered is to be the voter's number.
- (10) This rule applies to a voter who has an anonymous entry subject to the following modifications—
  - (a) in paragraphs (7)(b) and (8), the references to the voter's name are to be ignored, and
  - (b) otherwise, a reference to a person named on the register of local government electors or other list is to be construed as a reference to a person whose number appears on the register of local government electors or other list (as the case may be).
- (11) This rule applies in the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act as if—
  - (a) in paragraphs (2)(a), (3)(a) or (5)(a)(i), for “named on the register of local government electors” there were substituted “ in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued ”, and
  - (b) in paragraphs (7)(b) and (8), for “the voter's number in the register of local government electors” there were substituted “ the number relating to that person on a notice issued under section 13B(3B) or (3D) of the 1983 Act ”.

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