
Changes to legislation: There are currently no known outstanding effects for the Referendums (Scotland) Act 2020, Cross Heading: Tampering with ballot papers etc.. (See end of Document for details)

SCHEDULE 6 OFFENCES

Tampering with ballot papers etc.

- 6 (1) A person (“A”) commits an offence if, in connection with the referendum—
- (a) A fraudulently defaces or fraudulently destroys any ballot paper, or the official mark on any ballot paper, or any postal voting statement or official envelope used in connection with voting by post,
 - (b) A, without due authority, supplies any ballot paper to any person,
 - (c) A fraudulently puts into any ballot box any paper other than the ballot paper which A is authorised by law to put in,
 - (d) A fraudulently takes out of the polling station any ballot paper,
 - (e) A, without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the referendum, or
 - (f) A fraudulently or without due authority (as the case may be) attempts to do any of the acts mentioned in paragraphs (a) to (e).
- (2) A person commits an offence if, in connection with the referendum, the person forges or counterfeits (or attempts to forge or counterfeit) any ballot paper or the official mark on any ballot paper.
- (3) If a counting officer, a presiding officer or a clerk appointed to assist in taking the poll, counting the votes or assisting at the proceedings in connection with the issue or receipt of postal ballot papers in the referendum commits an offence under this paragraph, the officer or clerk is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both),
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine (or both).
- (4) If any other person commits an offence under this paragraph the person is liable on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 5 on the standard scale (or both).

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