DRAFT SCOTTISH STATUTORY INSTRUMENTS

2009 No.

The Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2009

Procedure in relation to postal voting statements: personal identifier verification

7. After regulation 24, insert–

"**Procedure in relation to postal voting statements: personal identifier verification**

24A.—(1) This regulation applies to any postal voting statement contained in an envelope that is set aside for personal identifier verification in accordance with regulation 22(1A) or (4A).

(2) The returning officer must open the envelope and determine whether the postal voting statement is duly completed and, as part of that process, must compare the date of birth and the signature on the postal voting statement against the date of birth and the signature contained in the personal identifiers record relating to the person to whom the postal ballot paper was addressed.

(3) Where the returning officer determines that the statement is not duly completed, the returning officer must mark the statement "rejected", attach it to the ballot paper envelope, or if there is no such envelope, the ballot paper, and, subject to paragraph (4), place it in the receptacle for rejected votes (verification procedure).

(4) Before placing a postal voting statement in the receptacle for rejected votes (verification procedure), the returning officer must show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to the returning officer's decision, the returning officer must mark the statement "rejection objected to".

(5) The returning officer must then examine the number on the postal voting statement against the number on the ballot paper envelope and, where they are the same, the returning officer must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements (verification procedure) and the receptacle for ballot paper envelopes.

(6) Where–

    (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope; or

    (b) that envelope has no number on it (or only one number when the postal voting statement has more than one),

the returning officer must open the envelope.

(7) Paragraph (8) applies where–

    (a) there is a valid postal voting statement but no ballot paper envelope; or

(b) the ballot paper envelope has been opened under regulation 22(3) or paragraph (6).

(8) In the circumstances described in paragraph (7), the returning officer must place–

(a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;

(b) in the receptacle for rejected votes (verification procedure), any other ballot paper, with the valid postal voting statement attached and marked "provisionally rejected";

(c) in the receptacle for rejected votes (verification procedure), any valid postal voting statement marked "provisionally rejected" where–

(i) there is no ballot paper, or

(ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, must mark the statement to indicate which ballot paper is missing;

(d) in the receptacle for postal voting statements (verification procedure), any valid statement not disposed of under sub-paragraph (b) or (c).

Postal voting statements: additional personal identifier verification

24B.—(1) A returning officer may on any occasion at which a postal voters box is opened in accordance with regulation 21 undertake verification of the personal identifiers on any postal voting statement that has on a prior occasion been placed in the receptacle for postal voting statements.

(2) Where a returning officer undertakes additional verification of personal identifiers, that officer must–

(a) remove as many postal voting statements from the receptacle for postal voting statements as the officer wishes to subject to additional verification; and

(b) compare the date of birth and the signature on each such postal voting statement against the date of birth and the signature contained in the personal identifiers record relating to the person to whom the postal ballot paper was addressed.

(3) Where the returning officer is no longer satisfied that the postal voting statement has been duly completed, the officer must mark the statement "rejected" and, before placing the postal voting statement in the receptacle for rejected votes (verification procedure), must–

(a) show it to the agents and permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and, if any of them object to the returning officer's decision, the returning officer must add the words "rejection objected to";

(b) open any postal ballot box and retrieve the ballot paper corresponding to the ballot paper number on the postal voting statement;

(c) show the ballot paper number on the retrieved ballot to the agents; and

(d) attach the ballot paper to the postal voting statement.

(4) Following the removal of a postal ballot paper from a postal ballot box the returning officer must lock and reseal the postal ballot box in the presence of the agents.

(5) Whilst retrieving a ballot paper in accordance with paragraph (3), the returning officer and the returning officer's staff–

(a) must keep the ballot papers face downwards and shall take proper precautions for preventing any person from seeing the votes made on the ballot papers; and

Document Generated: 2023-07-10

__Draft Legislation:__ This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2009 No. 128

(b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.".