



- (a) in connection with any review which they are conducting under section 6(2) of the 2000 Political Parties Act (whether instituted before or after the commencement of this sub-paragraph), and
- (b) if the request that they undertake that review includes a request that they examine ballot papers.

(7B) In their scrutiny of any documents or records to which they have access by virtue of paragraph (7A) the Electoral Commission shall take care to ensure that the way in which a particular elector has given their vote is not ascertained and at the termination of their scrutiny the Electoral Commission shall reseal in their packets the documents and records, return them to the sheriff clerk and cause to be destroyed any copies made of the documents and records provided to them.”.

One of Her Majesty’s Principal Secretaries of State  
Scotland Office

2007

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends a provision as to the conduct of elections for the Scottish Parliament, established by the Scotland Act 1998.

Rules 68 to 71 of Schedule 2 to the Scottish Parliament (Elections etc.) Order 2007 provide that on the completion of counting at a contested election the ballot papers and various other documents and records shall be sealed up and delivered to sheriff clerks for safe-keeping. Those rules also prescribe circumstances in which the documents and records can be scrutinised, and the parameters of such scrutiny.

This Order enables scrutiny by the Electoral Commission, where they have been asked by the Secretary of State to undertake a review of an electoral or political matter and as part of that request have also been requested to examine ballot papers. Safeguards to protect the secrecy of the vote are provided. These include the omission of any right of access to the sealed packets of the completed corresponding number lists, which link the numbers or barcodes on the ballot papers with the identifying numbers for electors.

The Electoral Commission have been consulted on the draft of this Order, as required by section 7 of the Political Parties, Elections and Referendums Act 2000.

**2007 No.**

**CONSTITUTIONAL LAW**

**DEVOLUTION, SCOTLAND**

**The Scottish Parliament (Elections etc.) (Amendment)  
Order 2007**

**£3.00**

© Crown Copyright 2007

Published and printed in the UK by The Stationery Office Limited  
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's  
Stationery Office and Queen's Printer of Acts of Parliament