

SCHEDULE 4

ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

Issue of postal ballot papers

Combination of polls

2. Where the polls at elections are taken together under article 14(1) or (2) the proceedings on the issue and receipt of postal ballot papers in respect of each election may, if the returning officers concerned agree, be taken together.

Form of postal voting statement

3. The postal voting statement sent with the postal ballot paper to a postal voter shall be—
- (a) in the form L set out in the Appendix at a Scottish parliamentary election other than one to which sub paragraph (b) or (c) applies;
 - (b) in the form U set out in the Appendix to a Scottish parliamentary election where the proceedings on the issue and receipt of ballot papers are taken together with those proceedings at another election under paragraph 2; and
 - (c) in the form V set out in the Appendix at a Scottish parliamentary election the poll at which is taken together with a poll at another election under article 14(1) or (2) in any part of the constituency but where the proceedings on the issue and receipt of postal ballot papers are not taken together under paragraph 2, for use in that part of the constituency in which polls at more than one election are taken together.

Persons entitled to be present at proceedings on issue of postal ballot papers

4.—(1) Without prejudice to the provisions of section 6A, 6B, 6C, or 6D of the 2000 Political Parties Act⁽¹⁾, no person may be present at the proceedings on the issue of postal ballot papers other than the constituency returning officer and members of his staff.

(2) The constituency returning officer shall be the relevant officer for the purposes of section 6E of that Act.

Persons entitled to be present at receipt of postal ballot papers

5.—(1) Without prejudice to the provisions of section 6A, 6B, 6C, or 6D of the 2000 Political Parties Act, no person may be present at the proceedings on the receipt of postal ballot papers other than—

- (a) the constituency returning officer and members of his staff;
- (b) a candidate for return as a constituency member or an election agent of such a candidate or any person appointed by a candidate to attend in his election agent's place;
- (c) except in the case of an election to fill a vacancy in the seat of a constituency member—
 - (i) the regional returning officer;
 - (ii) an individual candidate for return as a regional member or his election agent or any person authorised by the candidate to attend in his election agent's place or;
 - (iii) the election agent of a registered party standing nominated or the nominating officer of that party or any person authorised by that officer to attend in his place; and

(1) These sections, and section 6E, were inserted by the 2006 Act, section 29.

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(d) an agent appointed under sub paragraph (3).

(2) The constituency returning officer shall be the relevant officer for the purposes of section 6E of the 2000 Political Parties Act.

(3) Each—

(a) candidate for return as a constituency member; and

(b) except in the case of an election to fill a vacancy in the seat of a constituency member, individual candidate for return as a regional member and each election agent for a registered party standing nominated,

may appoint one or more agents up to the number he may be authorised by the constituency returning officer to appoint, so, however, that the number authorised should be the same in the case of each candidate or, as the case may be, election agent for a registered party standing nominated.

(4) Notice of the appointment stating the names and addresses of the persons appointed shall be given by the candidate or election agent to the constituency returning officer before the time fixed for the opening of the postal voters' ballot boxes, and if a notice of appointment states more names than may be authorised by the constituency returning officer, none of the persons named on that notice shall be appointed.

(5) Where postal ballot papers for more than one election are issued together under paragraph 2, the constituency returning officer to whom notice shall be given under sub-paragraph (4) and sub-paragraphs (6) and (7) is the returning officer who issues the postal ballot papers.

(6) If an agent dies or becomes incapable of acting, the candidate or election agent may appoint another agent in his place and shall forthwith give to the constituency returning officer notice in writing of the name and address of the agent appointed.

(7) Agents may be appointed and notice of appointment given to the constituency returning officer by a candidate's election agent instead of by the candidate.

(8) In this Schedule references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under sub-paragraph (3), who are within the number authorised by the constituency returning officer.

(9) Any of the following persons, namely—

(a) a candidate for return as a constituency member;

(b) an individual candidate for return as a regional member;

(c) the election agent of a registered party standing nominated,

may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(10) Where in this Schedule any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

6. The constituency returning officer shall make arrangements to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of article 32(5) and (7).

Time when postal ballot papers are to be issued

7.—(1) In the case of a person shown in the record kept under—

(a) article 9(4)(a); or

(b) article 12(5),

no postal ballot paper (and no postal voting statement) shall be issued until after 5 pm on the eleventh day before the date of the poll (computed in accordance with paragraph 7(7) of Schedule 3).

(2) In the case of any other person, the postal ballot paper (and postal voting statement) shall be issued by the constituency returning officer as soon as practicable after the registration officer has granted the application to vote by post.

Procedures on the issue of postal ballot papers

8.—(1) Each postal ballot paper issued shall bear the official mark and the name and number of the elector as stated in the register shall be called out, and such number shall be marked on the corresponding number list, next to the number and unique identifying mark of the ballot paper issued to that elector, and a mark shall be placed in the special lists kept under article 10(5) or the proxy postal voters list against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy but without showing the particular ballot paper issued.

(2) The number of a postal ballot paper shall be marked on the postal voting statement sent with that paper.

(3) Where postal ballot papers for more than one election are issued together under paragraph 2—

(a) one mark shall be placed in the special lists or the proxy postal voters list under subparagraph (1) to denote that ballot papers have been issued in respect of all of those elections, except that where ballot papers are not so issued a different mark shall be placed in the special lists or proxy postal voters list to identify the election in respect of which the ballot paper was issued; and

(b) the number of each ballot paper shall be marked on the postal voting statement under subparagraph (2).

(4) Where the poll at a Scottish parliamentary election is taken with the poll at another election under article 14(1) or (2) but the proceedings on the issue and receipt of postal ballot papers are not taken together under paragraph 2, the colours of the postal ballot papers (or, as the case may be, the colour of the postal ballot paper) shall also be marked on the postal voting statement sent with those papers (or as the case may be, that paper).

(5) The address to which the postal ballot paper, postal voting statement and the envelopes referred to in paragraph 10 are to be sent is—

(a) in the case of an elector, the address shown in the special list kept under article 10(5)(a); and

(b) in the case of a proxy, the address shown in the special list kept under article 10(5)(b).

(6) Where a person has an anonymous entry in the register, the items specified in sub paragraph (5) must be sent (as the case may be) to the address to which postal ballot papers should be sent—

(a) as shown in the record kept under article 9(4); or

(b) as given in pursuance of an application made under article 10(1) or (2).

Refusal to issue postal ballot paper

9. Where a constituency returning officer is satisfied that two or more entries in either the special lists kept under article 10(5), or the proxy postal voters list, or in each of those lists relate to the same elector he shall not issue more than one constituency ballot paper or, as the case may be, more than one regional ballot paper in respect of the same elector in respect of the same election.

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Envelopes

10.—(1) The envelope which the constituency returning officer is required by rule 34 of the Scottish Parliamentary Election Rules to send to a postal voter for the return of postal ballot papers (or, as the case may be, a postal ballot paper) and the postal voting statement (referred to as a “covering envelope”) shall be marked with the letter “B”.

(2) In addition to the documents referred to in sub-paragraph (1), the constituency returning officer shall send to a postal voter a smaller envelope (referred to as a “ballot paper envelope”) which shall be marked with—

- (a) the letter “A”;
- (b) the words “Ballot paper envelope”; and
- (c) the number of each ballot paper.

(3) Where the poll at one election is taken together with the poll at another election under article 14(1) or (2) but the proceedings on the issue and receipt of postal ballot papers are not to be taken together under paragraph 2—

- (a) the envelope referred to in sub-paragraph (1) shall also be marked “Covering envelope for the [insert colour of ballot paper(s)] coloured ballot paper(s)”; and
- (b) on the envelope referred to in sub-paragraph (2), after the words “Ballot paper envelope” there shall be added the words “for the [insert colour of ballot paper(s)] coloured ballot paper(s)”.

Delivery of postal ballot papers

11.—(1) For the purpose of delivering postal ballot papers, the constituency returning officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm; or
- (c) members of his own staff.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the constituency returning officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters (except where sub paragraph (1)(c) applies).

(4) Return postage shall be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of the postal ballot paper is within the United Kingdom.

(5) In this paragraph, “universal postal service provider” has the meaning given in the Postal Services Act 2000 to a “universal service provider”.

Security of marked lists

12.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the constituency returning officer shall make up into a packet the corresponding number list of those ballot papers which have been issued and shall seal such a packet.

(2) Until the time referred to in paragraph 19(8), the constituency returning officer shall take proper precautions for the security of the marked copy of the postal voters list and the postal proxy voters list.

Spoilt postal ballot paper

13.—(1) If a postal voter has inadvertently dealt with his postal ballot paper or postal voting statement in such a manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) or, as the case may be, a postal voting statement (referred to as “a spoilt postal voting statement”) he may return (either by hand or by post) to the constituency returning officer the spoilt ballot paper or as the case may be, the spoilt postal voting statement.

(2) Where a postal voter exercises the entitlement conferred by sub-paragraph (1), he shall also return—

- (a) the postal ballot paper or, as the case may be, the postal voting statement, whether spoilt or not;
- (b) where two or more postal ballot papers have been issued together to him (whether at a Scottish parliamentary general election or under paragraph 2), all other ballot papers so issued, whether spoilt or not; and
- (c) the envelopes supplied for the return of the documents mentioned in sub-paragraph (1) or paragraph (a) or (b) above.

(3) Subject to sub-paragraph (4), on receipt of the documents referred to in sub-paragraphs (1) and (2) the constituency returning officer shall issue a replacement ballot paper or, as the case may be, papers except where those documents are received after 5 pm on the day of the poll.

(4) Where the constituency returning officer receives the documents referred to in sub-paragraphs (1) and (2) after 5 pm on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, ballot papers if the postal voter returns the documents by hand.

(5) Paragraphs 4, 5, 6 and 8 to 12 shall apply to the issue of postal ballot papers under sub-paragraph (3).

(6) Any postal ballot paper and the postal voting statement, whether spoilt or not, returned in accordance with sub-paragraphs (1) and (2) shall be immediately cancelled.

(7) The constituency returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

(8) Where a postal voter applies in person—

- (a) by 5 pm on the day before the day of the poll, the constituency returning officer may hand a replacement postal ballot paper to him;
- (b) after 5 pm on the day before the day of the poll, the constituency returning officer may only hand a replacement postal ballot paper to him;

instead of delivering it in accordance with paragraph 11.

(9) The constituency returning officer shall enter in a list kept for the purpose (“the list of spoilt postal ballot papers”)—

- (a) the name and number of the elector as stated in the register (or in the case of an elector who has an anonymous entry, his electoral number alone);
- (b) the number of the postal ballot paper (or papers) issued under this paragraph, and
- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.

Lost postal ballot paper

14.—(1) Where a postal voter claims either to have lost or not to have received—

- (a) his postal ballot paper;

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- (b) the postal voting statement; or
- (c) one or more of the envelopes supplied for their return,

by the third day before the day of the poll, he may apply (whether or not in person) to the constituency returning officer for a replacement ballot paper.

- (2) Such an application shall include evidence of the voter's identity.
- (3) Where a postal voter exercises the entitlement conferred by sub-paragraph (1), he shall return—
 - (a) the documents referred to in sub-paragraph (1)(a) to (c); and
 - (b) where two or more postal ballot papers have been issued together to him (whether at a Scottish parliamentary general election or under paragraph 2), all other ballot papers so issued,

which he has received and which have not been lost.

(4) Any postal ballot paper and the postal voting statement returned in accordance with sub-paragraph (3) shall be immediately cancelled.

(5) The constituency returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

(6) Subject to sub-paragraph (7), where the application is received by the constituency returning officer before 5 pm on the day of the poll and the constituency returning officer—

- (a) is satisfied as to the voter's identity, and
- (b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the postal voting statement or one or more of the envelopes provided for their return,

he shall issue another postal ballot paper or, as the case may be, postal ballot papers.

(7) Where the application is received by the constituency returning officer after 5 pm on the day before the day of the poll, he shall only issue another postal ballot paper, or as the case may be, ballot papers if the postal voter applies in person.

(8) The constituency returning officer shall enter in a list kept for the purpose ("the list of lost postal ballot papers")—

- (a) the name and number of the elector as stated in the register (or, in the case of an elector who has an anonymous entry, his electoral number alone);
- (b) the number of the lost postal ballot paper, the numbers of any ballot papers returned along with it, and the numbers of all replacement ballot papers issued under this paragraph; and
- (c) where the postal voter is a proxy, his name and address.

(9) Paragraphs 4, 5, 6 and 8 to 12 shall apply to the issue of replacement postal ballot papers under sub-paragraph (6).

- (10) Where a postal voter applies in person—
 - (a) by 5 pm on the day before the day of the poll, the constituency returning officer may hand a replacement ballot paper to him; or
 - (b) after 5 pm on the day before the day of the poll, the constituency returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with paragraph 11.

(11) Where the constituency returning officer issues another ballot paper, or as the case may be, postal ballot papers under sub-paragraph (6), the lost or unreceived ballot paper shall be void and of no effect.

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