

## SCHEDULE 4

### ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

#### *Receipt of postal ballot papers*

#### **Notice of opening of postal ballot paper envelopes**

**15.**—(1) The constituency returning officer shall give not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened, to—

- (a) each candidate for return as a constituency member; and
  - (b) except in each case of an election to fill a vacancy in the seat of a constituency member, each individual candidate for return as a regional member and the election agent for each registered party standing nominated.
- (2) Such a notice shall specify—
- (a) the time and place at which such an opening is to take place, and
  - (b) the number of agents a candidate may appoint under paragraph 5(3) to attend each opening.

#### **Postal ballot boxes and receptacles**

**16.**—(1) The constituency returning officer shall provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters (“postal voters' ballot box”); and
- (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box shall be marked “postal voters' ballot box” or “postal ballot box”, as the case may be, and with the name of the constituency or electoral area for which the election is, or, as the case may be, the elections are, held.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The constituency returning officer shall then lock the ballot box and apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

- (5) The constituency returning officer shall provide the following receptacles—
- (a) the receptacle for rejected votes;
  - (b) the receptacle for postal voting statements;
  - (c) the receptacle for ballot paper envelopes; and
  - (d) the receptacle for rejected ballot paper envelopes.

(6) The constituency returning officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this paragraph.

#### **Receipt of covering envelope and collection of postal votes**

**17.**—(1) The constituency returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters' ballot box.

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(2) Where an envelope, other than a covering envelope issued by the constituency returning officer—

(a) has been opened; and

(b) contains a ballot paper envelope, postal voting statement or ballot papers,

the first-mentioned envelope, together with its contents, shall be placed in a postal voters' ballot box.

(3) The constituency returning officer may collect, or cause to be collected, any postal ballot paper or postal voting statement which by virtue of rule 53(1)(g) of the Scottish Parliamentary Election Rules the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to him.

(4) Where the constituency returning officer collects, or causes to be collected, any postal ballot paper or postal voting statement in accordance with sub-paragraph (3) the presiding officer shall first make it (or them) up into a packet (or packets) sealed with his own seal and the seals of such polling agents as are present and desire to affix their seals.

### **Opening of postal voters' ballot box**

**18.**—(1) So long as the constituency returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may be opened by him prior to that time.

(2) Each postal voters' ballot box shall be opened by the constituency returning officer in the presence of any agents, if in attendance.

(3) The last postal voters' ballot box and the postal ballot box shall be opened at the counting of the votes under rule 55 of the Scottish Parliamentary Election Rules.

### **Opening of covering envelopes**

**19.**—(1) When a postal voters' ballot box is opened, the constituency returning officer shall count and record the number of covering envelopes, and shall then open each covering envelope (including any envelope to which paragraph 17(2) applies) separately.

(2) The procedure in paragraph 20 applies where a covering envelope (including any envelope to which paragraph 17(2) applies) contains both—

(a) a postal voting statement; and

(b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper (or ballot papers).

(3) Where the covering envelope does not contain the postal voting statement separately, the constituency returning officer shall open the ballot paper envelope to ascertain whether the postal voting statement is inside.

(4) Where a covering envelope does not contain both—

(a) a postal voting statement (whether separately or not); and

(b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper (or ballot papers)

the constituency returning officer shall mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

(5) In carrying out the procedures in this paragraph and paragraphs 20 to 24, the constituency returning officer shall keep the ballot papers face downwards and shall take all proper precautions for preventing any person from seeing the votes made on the ballot papers

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(6) Where an envelope opened in accordance with sub-paragraph (1) contains a postal voting statement, the constituency returning officer shall place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(7) A mark made under sub-paragraph (6) shall be distinguishable from and shall not obscure the mark made under paragraph 8(1) or (3)(a).

(8) As soon as practicable after the last covering envelope has been opened, the constituency returning officer shall make up into a packet the copy of the postal voters list and proxy postal voters list that have been marked in accordance with sub-paragraph (6) and shall seal such a packet.

### **Procedure in relation to postal voting statements**

**20.**—(1) The constituency returning officer shall satisfy himself that the postal voting statement has been duly signed by the voter (referred to as a “valid postal voting statement”).

(2) Where the constituency returning officer is not so satisfied, he shall mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper (or ballot papers), and, subject to sub-paragraph (3), place it in the receptacle for rejected votes.

(3) Before placing the statement in the receptacle for rejected votes, the constituency returning officer shall show it to the agents and, if any of them object to his decision, he shall add the words “rejection objected to”.

(4) The constituency returning officer shall then compare the number (or numbers) on the postal voting statement against the number or (numbers) on the ballot paper envelope and, where they are the same, he shall place the statement and the ballot paper envelope in, respectively the receptacle for postal voting statements and the receptacle for ballot paper envelopes.

(5) Where there is a valid postal voting statement but no ballot paper envelope, or where the envelope has been opened under paragraph 19(3), he shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the postal voting statement;
- (b) in the receptacle for rejected votes, any other ballot paper, to which shall be attached the postal voting statement marked “provisionally rejected”; and
- (c) in the receptacle for postal voting statements, any postal voting statement not disposed of under paragraph (b).

(6) Where the number (or numbers) on a valid postal voting statement is (or are) not the same as the number (or numbers) on the ballot paper envelope or where that envelope has no number on it (or only one number where the postal voting statement has more than one), the constituency returning officer shall open the envelope.

(7) Where an envelope has been opened under paragraph 19(3) or sub paragraph (6), the constituency returning office shall—

- (a) place in the postal ballot box any ballot paper the number on which is the same as the number (or one of the numbers) on the valid postal voting statement;
- (b) place in the receptacle for rejected votes any other ballot paper, to which shall be attached the postal voting statement marked “provisionally rejected”;
- (c) place in the receptacle for rejected votes any postal voting statement marked “provisionally rejected” in respect of a ballot paper envelope—
  - (i) which does not contain a ballot paper; or
  - (ii) which does not contain a sufficient number of ballot papers if more than one number appears on the statement,

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and shall indicate the missing ballot paper, where that is the case; and

- (d) place in the receptacle for postal voting statements, any such statement not disposed of under paragraph (b) or (c).

### **Opening of ballot paper envelopes**

**21.**—(1) The constituency returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “provisionally rejected” and to which shall be attached the ballot paper envelope; and
- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which shall be marked “provisionally rejected” because it does not contain either a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper or papers).

### **Cancellation of postal ballot papers**

**22.**—(1) Where it appears to the returning officer that a cancelled postal ballot paper has been placed—

- (a) in a postal voters' ballot box;
- (b) in the receptacle for ballot paper envelopes; or
- (c) a postal ballot box,

he shall proceed as follows.

(2) He shall, on at least one occasion on which a postal voters' ballot box is opened in accordance with paragraph 18, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper;
- (b) show the ballot paper number on the cancelled ballot paper to the agents;
- (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements;
- (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
- (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by paragraph 13(7); and
- (f) unless the postal ballot box has been opened for the purposes of the counting of votes under rule 55 of the Scottish Parliamentary Election Rules, re-lock (if it has a lock) and re-seal the postal ballot box in the presence of the agents.

(3) Whilst retrieving a cancelled ballot paper in accordance with sub-paragraph (2), the returning officer and his staff—

- (a) shall keep the ballot papers face downwards and shall take all proper precautions for preventing any person seeing the votes made on the ballot papers, and
- (b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.

### **Lists of rejected postal ballot papers**

**23.**—(1) In respect of any election, the constituency returning officer shall keep two separate lists of rejected postal ballot papers.

(2) In the first list, he shall record the ballot paper number of any postal ballot paper which is not accompanied by a valid postal voting statement.

(3) In the second list, he shall record the ballot paper number of any postal ballot paper which is entered on a valid postal voting statement where that ballot paper is not received with the postal voting statement.

### **Checking of lists kept under paragraph 23**

**24.**—(1) Where the constituency returning officer receives a valid postal voting statement without the postal ballot paper (or papers or, as the case may be, all of the papers) to which it relates, he shall from time to time prior to the close of the poll, check the list kept under paragraph 23(2) to see whether the number (or numbers) of a postal ballot paper to which the statement relates is (or are) entered in that list.

(2) Where the constituency returning officer receives a postal ballot paper without the postal voting statement relating to it, he may, at any time prior to the close of the poll, check the list kept under paragraph 23(3) to see whether the number of that ballot paper is entered in that list.

(3) The constituency returning officer shall conduct the checks described in sub paragraphs (1) and (2) as soon as practicable after the receipt of packets from every polling station in the constituency or, as the case may be, electoral area under rule 53 of the Scottish Parliamentary Election Rules.

(4) Where the ballot paper number in the list matches the number of a valid postal voting statement or, as the case may be, a postal ballot paper, the constituency returning officer shall retrieve the relevant statement or paper.

(5) The constituency returning officer shall then take the appropriate steps under this Schedule as though any document earlier marked “provisionally rejected” had not been so marked and shall amend the document accordingly.

### **Confirming receipt of postal votes and postal voting statements**

**25.**—(1) An elector or a proxy voter who is shown in the postal voters list or proxy postal voters list may request, at any time before the close of the poll, that the constituency returning officer confirm—

- (a) whether a mark is shown in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote or votes have been returned, and
- (b) whether the number of the ballot paper or papers issued to the elector or his proxy have been recorded on either of the lists of rejected votes kept by the constituency returning officer under sub-paragraphs (2) and (3) of paragraph 23.

(2) The constituency returning officer shall satisfy himself that any such request has been made by the elector or their proxy, and if so satisfied shall provide confirmation of the matters specified in sub-paragraph (1).

### **Sealing of receptacles**

**26.**—(1) As soon practicable after the completion of the procedure under paragraph 24(3) and (4), the constituency returning officer shall make up into separate packets the contents of—

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- (a) the receptacle of rejected votes;
  - (b) the receptacle of postal voting statements;
  - (c) the receptacle of rejected ballot paper envelopes; and
  - (d) the lists of spoilt and lost postal ballot papers,
- and shall seal up such packets.

(2) Any document in those packets marked “provisionally rejected” shall be deemed to be marked “rejected”.

### **Abandoned poll**

**27.**—(1) Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the constituency returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Schedule; and
- (b) shall, notwithstanding paragraphs 19 to 21, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

(2) Sub-paragraph (1) shall not apply where postal ballot papers for more than one election have been issued together under paragraph 2.

### **Forwarding of documents**

**28.**—(1) The constituency returning officer shall forward to the sheriff clerk at the same time as he forwards the documents mentioned in rule 69 of the Scottish Parliamentary Election Rules—

- (a) any packets referred to in paragraphs 12, 13(7), 14(5) and 26, subject to paragraph 27, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the constituency or electoral ward for which the election (or elections) was (or were) held; and
- (b) a completed statement in form W set out in the Appendix of the number of postal ballot papers issued.

(2) Where—

- (a) any covering envelopes are received by the constituency returning officer after the close of the poll (apart from those delivered in accordance with Rule 53(1)(g) of the Scottish Parliamentary Election Rules);
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed; or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued

the constituency returning officer shall put them unopened in a separate packet, seal up such packet and endorse and forward it at a subsequent date in the manner described in sub paragraph (1).

(3) Rules 68 and 69 of the Scottish Parliamentary Election Rules shall apply to any packet or document forwarded under this paragraph.

(4) A copy of the statement referred to in sub-paragraph (1)(b) shall be provided by the constituency returning officer to the Secretary of State and the Electoral Commission in the period which starts 10 days after the day of the poll and ends 15 days after the day of the poll.