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STATUTORY INSTRUMENTS

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**2010 No. 2999**

**The Scottish Parliament (Elections etc.) Order 2010**

**PART 2**

**THE FRANCHISE AND ITS EXERCISE**

**Absent vote at a particular Scottish parliamentary election and special lists**

**9.—(1)** Where a person applies to the ERO to vote by post at a particular Scottish parliamentary election, the ERO shall grant the application (subject to paragraph (4)) if—

- (a) the ERO is satisfied that the applicant is or will be registered in the register of electors; and
- (b) the application contains the applicant's signature and date of birth and meets the requirements set out in Schedule 3 (which makes provision in connection with absent voting).

**(2)** Where a person applies to the ERO to vote by proxy at a particular Scottish parliamentary election, the ERO shall grant the application (subject to paragraph (4)) if—

- (a) the ERO is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to the applicant under this Order;
- (b) the ERO is satisfied that the applicant is or will be registered in the register of electors; and
- (c) the application contains the applicant's signature and date of birth and meets the requirements set out in Schedule 3.

**(3)** Where a person who has an anonymous entry in the register of electors applies to the ERO to vote by proxy at a particular Scottish parliamentary election, the ERO shall grant the application if it meets the requirements set out in Schedule 3.

**(4)** Paragraphs (1) and (2) do not apply to a person who is included in the record kept under article 8; but such a person may, in respect of a particular Scottish parliamentary election, apply to the ERO—

- (a) for that person's ballot papers to be sent to a different address; or
- (b) to vote by proxy,

if that person is shown in the record so kept as voting by post and the ERO shall grant the application if it meets the requirements set out in Schedule 3.

**(5)** The ERO shall, in respect of each Scottish parliamentary election, keep two special lists—

- (a) a list ("the postal voters list") of—
  - (i) those who are for the time being shown in the record kept under article 8 as voting by post (excluding those so shown whose applications under paragraph (4) to vote by proxy at the election have been granted), together with the addresses provided by them in their applications under article 8 or, as the case may be, paragraph (4) as the addresses to which their ballot papers are to be sent; and

- (ii) those whose applications under paragraph (1) to vote by post at the election have been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent; and
  - (b) a list (“the list of proxies”) of those who are for the time being shown in the record kept under article 8 as voting by proxy or whose applications under this article to vote by proxy at the election have been granted, together with the names and addresses of those appointed as their proxies.
- (6) In the case of a person who has an anonymous entry in the register of electors any entry in the special lists referred to in paragraph (5) must show in relation to the person only the person’s electoral number.
- (7) The ERO may dispense with the requirement under paragraph (1)(b) or (2)(c) for the applicant to provide a signature if the ERO is satisfied that the applicant is unable—
- (a) to provide a signature because of any disability the applicant has,
  - (b) to provide a signature because the applicant is unable to read or write, or
  - (c) to sign in a consistent and distinctive way because of any such disability or inability.
- (8) The ERO must also keep a record in relation to those whose applications under this article have been granted showing—
- (a) their dates of birth, and
  - (b) except in cases where the ERO in pursuance of paragraph (7) has dispensed with the requirement to provide a signature, their signatures.
- (9) The record kept under paragraph (8) must be retained by the ERO for the period prescribed in paragraph 22 of Schedule 3 (the personal identifiers record).
- (10) As soon as reasonably practicable after completion of the compilation of each of the postal voters list and the list of proxies, the ERO shall supply a copy of that list to the CRO.