

SCHEDULES

SCHEDULE 7

Section 4

COMBINATION OF POLLS: SCOTLAND

PART 1

PROVISION ABOUT COMBINATION

GENERAL PROVISIONS

Interpretation

- 1 The polls to be taken together under section 4(3) are referred to in this Schedule as “combined polls”.
- 2 In this Schedule—
 - “the 2010 Order” means the Scottish Parliament (Elections etc.) Order 2010 (S.I. 2010/2999);
 - “constituency ballot paper” means a ballot paper for the poll for electing a constituency member in a Scottish parliamentary election;
 - “constituency returning officer” is to be construed in accordance with Article 14 of the 2010 Order;
 - “counting agent” means a counting agent for the referendum or a counting agent for a Scottish parliamentary election (except where one or other is specified);
 - “regional ballot paper” means a ballot paper for the poll for electing a regional member in a Scottish parliamentary election;
 - “referendum ballot paper” means a ballot paper for the referendum;
 - “regional returning officer” has the meaning given by section 12(6) of the Scotland Act 1998;
 - “returning officer” means a person who is a constituency returning officer or a regional returning officer (unless one or other is specified);
 - “Scottish parliamentary election” means an election in a constituency held under section 2 of the Scotland Act 1998 (comprising the poll for electing a constituency member and the poll for electing regional members);
 - “Scottish Parliamentary Election Rules” means the rules set out in Schedule 2 to the 2010 Order.

Cost of combined polls

- 3 The cost of taking the combined polls (excluding any cost solely attributable to the referendum or the Scottish parliamentary election), and any cost attributable to their combination, is to be apportioned equally between—

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- (a) the referendum, and
 - (b) the Scottish parliamentary election.
- 4 (1) In section 29 of the 1983 Act (payments by and to returning officer) as it has effect for the purposes of a Scottish parliamentary election by virtue of Article 18 of the 2010 Order, subsections (3) to (9) apply—
- (a) as if a reference to a returning officer included a reference to a counting officer carrying out functions that, but for this Schedule, would be exercisable by a returning officer (“transferred functions”), and
 - (b) as if, in relation to that counting officer, a reference to services or expenses were to services rendered or expenses incurred in respect of transferred functions.
- (2) An order under subsection (3)(b) of that section (as it has effect as mentioned above) may include special provision for services rendered or expenses incurred by a counting officer in respect of transferred functions.
- (3) Article 19 of the 2010 Order (taxation of returning officer’s accounts) applies as if a reference to a returning officer included a reference to a counting officer carrying out transferred functions.

Forms

- 5 Forms 2, 3, 4, 6, 7 and 9 in Part 3 of this Schedule are “relevant forms” for the purposes of rule 10 of the referendum rules.

ACTION TO BE TAKEN BEFORE POLL

Corresponding number lists

- 6 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 4 to the 2010 Order.
- (2) The function of the constituency returning officer under rule 29 of the Scottish Parliamentary Election Rules is to be carried out by the counting officer.
- (3) If the counting officer thinks fit, the lists prepared under rule 29 of the Scottish Parliamentary Election Rules and rule 6 of the referendum rules may be combined in the form set out in Form 1 in Part 3 of this Schedule.
- (4) In that case, this paragraph applies instead of—
- (a) rule 6(2) of the referendum rules;
 - (b) rule 29(2) of the Scottish Parliamentary Election Rules.
- 7 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are not taken together by virtue of paragraph 2 of Schedule 4 to the 2010 Order.
- (2) The counting officer must prepare a list under sub-paragraph (3) or (4) as the officer thinks fit.
- (3) A list under this sub-paragraph is a list containing the numbers and other unique identifying marks of all of the ballot papers to be provided to presiding officers in pursuance of rule 38(1) of the Scottish Parliamentary Election Rules.

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- (4) A list under this sub-paragraph is a list containing the numbers and other unique identifying marks of all of the ballot papers to be provided to presiding officers in pursuance of the following provisions—
- (a) rule 17(1) of the referendum rules;
 - (b) rule 38(1) of the Scottish Parliamentary Election Rules.
- The list must be in the form set out in Form 1 in Part 3 of this Schedule.
- (5) A list prepared under rule 29 of the Scottish Parliamentary Election Rules must not include details relating to ballot papers in relation to which a list is prepared under sub-paragraph (3) or (4).
- (6) A reference in an enactment to a list prepared under rule 29 of the Scottish Parliamentary Election Rules has effect, in so far as it relates to ballot papers to be provided in pursuance of rule 38(1) of those rules, as a reference to the list prepared under sub-paragraph (3) or (4).
- (7) Where the counting officer prepares a list under sub-paragraph (4) in relation to ballot papers—
- (a) the list prepared under rule 6 of the referendum rules must not include details relating to those ballot papers;
 - (b) a reference in an enactment to a list prepared under rule 6 of the referendum rules has effect, in so far as it relates to ballot papers to be provided in pursuance of rule 17(1) of the referendum rules, as a reference to the list prepared under sub-paragraph (4).

Notice of polling stations

- 8 The functions of the constituency returning officer under rule 33(2) of the Scottish Parliamentary Election Rules are to be carried out by the counting officer.
- 9 (1) The notice given by a constituency returning officer under rule 33(2) of the Scottish Parliamentary Election Rules must—
- (a) state that the poll at the Scottish parliamentary election is to be taken together with the poll for the referendum;
 - (b) specify the relevant voting area.
- (2) The notice given by a counting officer under rule 11(3) of the referendum rules must—
- (a) state that the poll for the referendum is to be taken together with the polls for the relevant Scottish parliamentary election, and
 - (b) specify the relevant constituency.

Postal voting

- 10 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 4 to the 2010 Order.
- (2) The functions of the constituency returning officer under rule 34 of the Scottish Parliamentary Election Rules are to be carried out by the counting officer.
- (3) The form of postal voting statement to be issued to those entitled to vote by post in the referendum and in the Scottish parliamentary election must be in the form set out in Form 2 in Part 3 of this Schedule.

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- (4) Where that form is used, this paragraph applies instead of any requirement in the following provisions for a postal voting statement to be in a particular form.
 - (5) The provisions are—
 - (a) rule 12(1)(b) of the referendum rules;
 - (b) rule 34(1) of the Scottish Parliamentary Election Rules.
- 11 (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are not taken together by virtue of paragraph 2 of Schedule 4 to the 2010 Order.
- (2) The form of postal voting statement to be issued to those entitled to vote by post in the referendum must be in the form set out in Form 3 in Part 3 of this Schedule.
 - (3) Sub-paragraph (2) applies instead of the requirement in rule 12(1)(b) of the referendum rules for a postal voting statement to be in a particular form.
 - (4) The form of postal voting statement to be issued to those entitled to vote in the Scottish parliamentary election must be in the form set out in Form 4 in Part 3 of this Schedule.
 - (5) Sub-paragraph (4) applies instead of the requirement in rule 34(1) of the Scottish Parliamentary Election Rules for a postal voting statement to be in a particular form.

Polling stations

- 12 The functions of the constituency returning officer under rule 35 of the Scottish Parliamentary Election Rules are to be carried out by the counting officer.
- 13 The referendum polling stations are to be used for the combined polls.

Appointment of presiding officers and clerks

- 14 The functions of the constituency returning officer under the following paragraphs of rule 36 of the Scottish Parliamentary Election Rules are to be carried out by the counting officer—
 - (a) paragraph (1) so far as it relates to the appointment of presiding officers and clerks;
 - (b) paragraph (2).

Official poll cards

- 15 (1) If the counting officer thinks fit, the official poll cards used for the referendum and the Scottish parliamentary election may be combined.
- (2) In that case, the forms required to be used for official poll cards for the referendum and election must be adapted in whatever manner seems necessary.

Equipment of polling stations

- 16 The functions of the constituency returning officer under rule 38 of the Scottish Parliamentary Election Rules are to be carried out by the counting officer.
- 17 (1) If the counting officer thinks fit, the same ballot box may be used at the polls for the referendum and the Scottish parliamentary election (in which case the requirement

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for separate ballot boxes in rule 38(1) of the Scottish Parliamentary Election Rules does not apply).

- (2) Where separate ballot boxes are used, each must be clearly marked—
- (a) to show whether it is for referendum ballot papers, constituency ballot papers or regional ballot papers, and
 - (b) to show the colour of ballot papers that should be placed in it.

Colour of ballot papers

- 18 The referendum ballot papers must be of a different colour from the colour of the constituency ballot papers or the regional ballot papers.

Form of corresponding number lists provided to polling stations

- 19 (1) If the counting officer thinks fit, the lists to be provided under the following provisions may be combined in the form set out in Form 5 in Part 3 of this Schedule—
- (a) rule 17(3)(d) of the referendum rules;
 - (b) rule 38(3)(d) of the Scottish Parliamentary Election Rules.
- (2) In that case, this paragraph applies instead of the second sentence in rule 17(3) of the referendum rules.

Ballot paper displayed in polling stations

- 20 (1) The large version of the ballot paper displayed inside the polling station under rule 17(4)(a) of the referendum rules must be of the same colour as the ballot papers to be used for the referendum.
- (2) The enlarged sample copy of the constituency ballot paper displayed at the polling station under rule 38(4)(a) of the Scottish Parliamentary Election Rules, and the enlarged sample copy of the regional ballot paper displayed under that rule, must be of the same colour as the actual ballot papers.

Guidance to be exhibited outside and inside polling stations

- 21 (1) A notice in the form set out in Form 6 in Part 3 of this Schedule, giving directions for the guidance of voters in voting, must be printed in conspicuous characters and exhibited outside and inside every polling station.
- (2) This paragraph applies instead of—
- (a) rule 17(6) of the referendum rules;
 - (b) rule 38(11) of the Scottish Parliamentary Election Rules.

Guidance to be exhibited in each polling station compartment

- 22 (1) A notice in the form set out in Form 7 in Part 3 of this Schedule, giving directions for the guidance of voters in voting, must be exhibited in every compartment of every polling station.
- (2) This paragraph applies instead of—
- (a) rule 17(7) of the referendum rules;
 - (b) rule 38(12) of the Scottish Parliamentary Election Rules.

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Notice of appointment of polling and counting agents

- 23 A notice required to be given to a constituency returning officer under rule 39(4), (5) or (6) of the Scottish Parliamentary Election Rules is to be given instead to the counting officer.

Notification of requirement of secrecy

- 24 The functions of the constituency returning officer under rule 40(1) of the Scottish Parliamentary Election Rules are to be carried out by the counting officer.

THE POLL

Admission to the polling station

- 25 (1) Rule 21(1) of the referendum rules has effect as if the persons listed there included persons who would be entitled to be admitted to the polling station for a Scottish parliamentary election if the poll for the election were held on its own.
- (2) Rule 41(1) of the Scottish Parliamentary Election Rules has effect as if the persons listed there included persons who would be entitled to be admitted to the polling station for the referendum if the poll for the referendum were held on its own.

Voting by persons on duty on day of poll

- 26 (1) Paragraph 2(5) of Schedule 3 has effect as if in the words after paragraph (b) the reference to any polling station were to any polling station in the same voting area as the allotted polling station.
- (2) A certificate as to employment on duty on the day of the poll for the referendum must be in the form set out in Form 8 in Part 3 of this Schedule.
- (3) Sub-paragraph (2) applies instead of rule 21(4)(b) of the referendum rules.
- 27 The returning officer's function of signing certificates as to employment under rule 41(4) of the Scottish Parliamentary Election Rules is to be carried out by the counting officer.

Removal from polling station

- 28 The constituency returning officer's function under rule 42(2)(b) of the Scottish Parliamentary Election Rules of authorising someone to remove a person from a polling station is to be carried out by the counting officer.

Voting procedure: copies of registers and lists of proxies

- 29 (1) If the counting officer thinks fit, the same copy of the register of electors may be used under the following provisions for the purposes of the referendum and the Scottish parliamentary election—
- (a) rule 28(2) of the referendum rules;
- (b) rule 46(2) of the Scottish Parliamentary Election Rules.
- (2) Sub-paragraphs (3) and (4) apply where the same copy of the register is used as mentioned in sub-paragraph (1).

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- (3) In a case where a referendum ballot paper, and a constituency ballot paper and regional ballot paper, are delivered at the same time, a single mark must be placed in the register against the number of the elector under—
 - (a) rule 28(2)(c) of the referendum rules, and
 - (b) rule 46(2)(c) of the Scottish Parliamentary Election Rules.
 - (4) In any other case, a mark must be placed in the register against the number of the elector identifying the poll to which each ballot paper delivered relates.
 - (5) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act—
 - (a) references in this paragraph to the copy of the register of electors are to be read as references to the copy of the notice;
 - (b) references to a mark being placed in the register of electors are to be read as references to a mark being made on the copy of the notice.
 - (6) Where the same copy of the register is used as mentioned in sub-paragraph (1), this paragraph applies instead of rule 46(6) of the Scottish Parliamentary Election Rules except so far as it relates to the list of proxies.
- 30
 - (1) If the counting officer thinks fit, the counting officer may require the relevant registration officer to produce a combined list of proxies for the referendum and the Scottish parliamentary election.
 - (2) The following provisions apply where the lists are combined and a person applies for a ballot paper as proxy.
 - (3) Immediately before delivery of the ballot paper the list of proxies must be marked in a way that—
 - (a) identifies the proxy,
 - (b) identifies the elector for whom the proxy is applying for the ballot paper, and
 - (c) indicates whether the ballot paper is a referendum ballot paper, a constituency ballot paper or a regional ballot paper.
 - (4) Sub-paragraph (3) applies instead of—
 - (a) rule 28(2)(d) of the referendum rules;
 - (b) rule 46(2)(d) of the Scottish Parliamentary Election Rules and rule 46(6) of those rules so far as it relates to the list of proxies.
- 31
 - (1) This paragraph applies where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 4 to the 2010 Order.
 - (2) If the counting officer think fit, the counting officer may require the relevant registration officer to produce a combined postal voters list and a combined proxy postal voters list for the referendum and the Scottish parliamentary election.

List of votes marked by presiding officer

- 32
 - (1) If the counting officer thinks fit, a single list of votes marked by the presiding officer may be used in respect of—
 - (a) votes marked on referendum ballot papers,
 - (b) votes marked on constituency ballot papers, and
 - (c) votes marked on regional ballot papers.

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- (2) Where a person’s entry in that list does not relate to all three kinds of ballot paper, the entry must identify each kind to which it relates.
- (3) In this paragraph “list of votes marked by the presiding officer” means a list compiled under—
 - (a) rule 30(4) of the referendum rules, or
 - (b) rule 47(2) of the Scottish Parliamentary Election Rules.
- (4) Where a single list is used as mentioned in sub-paragraph (1), this paragraph applies instead of rule 47(4) of the Scottish Parliamentary Election Rules.

Declaration to be made by the companion of a voter with disabilities

- 33 (1) A declaration made by the companion of a voter with disabilities must be in the form set out in Form 9 in Part 3 of this Schedule.
- (2) In this paragraph “declaration made by the companion of a voter with disabilities” means a declaration made by a companion under—
- (a) rule 31 of the referendum rules, or
 - (b) rule 48 of the Scottish Parliamentary Election Rules.
- (3) This paragraph applies instead of—
- (a) rule 31(5)(a) of the referendum rules;
 - (b) rule 48(6)(a) of the Scottish Parliamentary Election Rules.

List of voters with disabilities assisted by companions

- 34 (1) If the counting officer thinks fit, a single list of voters with disabilities assisted by companions may be used in respect of—
- (a) votes marked on referendum ballot papers,
 - (b) votes marked on constituency ballot papers, and
 - (c) votes marked on regional ballot papers.
- (2) Where a person’s entry in that list does not relate to all three kinds of ballot paper, the entry must identify each kind to which it relates.
- (3) In this paragraph “list of voters with disabilities assisted by companions” means a list compiled under—
- (a) rule 31(8) of the referendum rules, or
 - (b) rule 48(4) of the Scottish Parliamentary Election Rules.
- (4) Where a single list is used as mentioned in sub-paragraph (1), this paragraph applies instead of rule 48(8) of the Scottish Parliamentary Election Rules.

Tendered votes list

- 35 (1) If the counting officer thinks fit, a single tendered votes list may be used in respect of—
- (a) tendered referendum ballot papers,
 - (b) tendered constituency ballot papers, and
 - (c) tendered regional ballot papers.

- (2) Where a person's entry in that list does not relate to all three kinds of tendered ballot paper, the entry must identify each kind to which it relates.
- (3) In this paragraph "tendered votes list" means a list compiled under—
 - (a) rule 33(7) of the referendum rules, or
 - (b) rule 49(7) of the Scottish Parliamentary Election Rules.
- (4) Where a single list is used as mentioned in sub-paragraph (1), this paragraph applies instead of rule 49(10) of the Scottish Parliamentary Election Rules.

Lists relating to correction of errors on day of poll

- 36 (1) If the counting officer thinks fit, a single list of persons to whom ballot papers are delivered in consequence of late alterations to the register may be used in respect of—
 - (a) referendum ballot papers,
 - (b) constituency ballot papers, and
 - (c) regional ballot papers.
- (2) Where a person's entry in that list does not relate to all three kinds of ballot paper, the entry must identify each kind to which it relates.
- (3) In this paragraph "list of persons to whom ballot papers are delivered in consequence of late alterations to the register" means a list compiled under—
 - (a) rule 36 of the referendum rules, or
 - (b) rule 51 of the Scottish Parliamentary Election Rules.

Notice of adjournment in case of riot

- 37 Rule 52(1) of the Scottish Parliamentary Election Rules has effect as if "counting officer" were substituted for "CRO".

Procedure on close of poll

- 38 (1) In rule 38(1) of the referendum rules the reference to polling agents includes a reference to polling agents appointed for the purposes of a Scottish parliamentary election.
- (2) In rule 53(1) and (2) of the Scottish Parliamentary Election Rules, a reference to polling agents includes a reference to polling agents appointed for the purposes of the referendum.
- (3) Rule 53(2)(g) of those rules does not apply.
- 39 (1) A packet made up under one of the following provisions may not be combined with a packet made up under another of those provisions.
- (2) The provisions are—
 - (a) rule 38(1)(b), (c) or (f) of the referendum rules;
 - (b) rule 53(2)(a), (b) or (d) of the Scottish Parliamentary Election Rules.
- 40 Rule 53(2) of the Scottish Parliamentary Election Rules has effect as if "counting officer" were substituted for "CRO" in each place.

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- 41 The ballot paper accounts prepared under rule 38(6) of the referendum rules and rule 53(4) of the Scottish Parliamentary Election Rules may not be combined.

COUNTING OF VOTES

Attendance and arrangements for counting

- 42 (1) The counting officer must make arrangements for counting the ballot papers and carrying out the other functions conferred by paragraph 46 in the presence of the counting agents.
- (2) The counting officer must give the counting agents and the regional returning officer notice in writing of the time and place at which the proceedings under paragraph 46 will begin.
- (3) A person may be present at the proceedings under paragraph 46 only if—
- (a) the person is entitled to be present at the counting of the votes for the referendum or the Scottish parliamentary election, or
- (b) the person is permitted by the counting officer to attend.
- (4) The counting officer may give a person permission under sub-paragraph (3)(b) only if—
- (a) the officer is satisfied that the person’s attendance will not impede the efficient conduct of the proceedings, and
- (b) the officer has consulted the referendum agents and election agents or thought it impracticable to do so.
- (5) The counting officer must give the counting agents—
- (a) whatever reasonable facilities for overseeing the proceedings, and
- (b) whatever information with respect to the proceedings,
- the officer can give them consistently with the orderly conduct of the proceedings and the discharge of the officer’s duties.
- 43 Rule 39(1) of the referendum rules (arrangements for the counting of votes in the referendum) has effect with the omission of the words “after the close of the poll”.
- 44 (1) The constituency returning officer must make arrangements for counting the votes for the Scottish parliamentary election in the presence of the counting agents for the election as soon as practicable after receiving the ballot papers from the counting officer under paragraph 47.
- (2) The constituency returning officer must give the counting agents for the Scottish parliamentary election and the regional returning officer notice in writing of the time and place at which the counting of the votes for the elections will begin.
- (3) A person may be present at the counting of the votes for a Scottish parliamentary election only if—
- (a) the person is permitted by the constituency returning officer to attend, or
- (b) the person would be entitled to be present at the counting of votes for the Scottish parliamentary election if it were taken on its own.
- (4) The constituency returning officer may give a person permission under sub-paragraph (3)(a) only if—

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- (a) the officer is satisfied that the person's attendance will not impede the efficient counting of the votes, and
 - (b) the officer has consulted the election agents or thought it impracticable to do so.
- (5) The constituency returning officer must give the counting agents for the Scottish parliamentary election—
- (a) whatever reasonable facilities for overseeing the proceedings, and
 - (b) whatever information with respect to the proceedings,
- the officer can give them consistently with the orderly conduct of the proceedings and the discharge of the officer's duties.
- (6) In particular, where the votes are counted by sorting the ballot papers into lots according to the votes marked on them and then counting the number of ballot papers in each lot, the counting agents for the Scottish parliamentary election are entitled to satisfy themselves that the ballot papers are correctly sorted.
- 45 Paragraphs 42 and 44 apply instead of rule 54 of the Scottish Parliamentary Election Rules.

Counting and separation of ballot papers by counting officer

- 46 (1) As soon as practicable after the close of the poll the counting officer must—
- (a) in the presence of the counting agents, open the ballot boxes and count and record separately the number of referendum ballot papers, constituency ballot papers and regional ballot papers;
 - (b) where proceedings on the issue and receipt of postal ballot papers for the referendum and the Scottish parliamentary election are taken together by virtue of paragraph 2 of Schedule 4 to the 2010 Order, count the postal ballot papers that have been duly returned for the referendum, the constituency poll and the regional poll and record separately the number relating to each;
 - (c) where proceedings on the issue and receipt of postal ballot papers for the referendum and the Scottish parliamentary election are not taken together by virtue of paragraph 2 of Schedule 4 to the 2010 Order, count the duly returned referendum postal ballot papers and record the number;
 - (d) separate the referendum ballot papers, the constituency ballot papers and the regional ballot papers.
- (2) The counting officer must not count any tendered ballot papers.
- (3) The counting officer, while counting and recording the number of ballot papers, must—
- (a) keep the ballot papers with their faces upwards, and
 - (b) take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (4) The counting officer must, in the presence of the referendum agents and the election agents for the Scottish parliamentary election—
- (a) verify each ballot paper account by comparing it with the number of ballot papers recorded by the officer, and the unused and spoilt ballot papers in the officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list);

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- (b) draw up a separate statement as to the result of the verification in relation to each poll.
- (5) The counting officer must, on request, provide an election agent for the Scottish parliamentary election with a copy of the statement relating to that election.
- (6) A counting agent for the referendum present at the verification may copy the statement relating to the referendum.
- (7) Once the statement relating to the referendum is drawn up, the counting officer must—
 - (a) in the case of a voting area in a region for which a Regional Counting Officer is appointed, inform the Regional Counting Officer of the contents of the statement;
 - (b) in the case of any other voting area, inform the Chief Counting Officer of the contents of the statement.
- (8) Rule 40 of the referendum rules does not apply.

Delivery of ballot papers etc to returning officers

- 47 (1) The counting officer must deliver or cause to be delivered to the constituency returning officer the ballot papers for the Scottish parliamentary election.
- (2) The counting officer must also deliver or cause to be delivered to the constituency returning officer the packets of—
- (a) the ballot paper accounts and the statements as to the result of the verification of the ballot paper accounts for the Scottish parliamentary election;
 - (b) the unused and spoilt ballot papers for that election;
 - (c) the tendered ballot papers for that election;
 - (d) the certificates as to employment on duty on the day of the poll for that election.
- (3) If the counting officer has not begun to count the votes given on the referendum ballot papers by the time the statements as to the result of the verification of the ballot paper accounts in relation to all the polls are prepared—
- (a) those ballot papers must be sealed into packets, each of which must be endorsed with a description of its contents, and
 - (b) the packets may not be opened until the counting officer begins dealing with the ballot papers in those packets under paragraph 48(1).
- (4) If, in respect of the constituency poll or the regional poll, none of the ballot papers have been delivered under sub-paragraph (1) by the time the statements as to the result of the verification of the ballot paper accounts in relation to all the polls are prepared—
- (a) the ballot papers for that poll must be sealed into packets, each of which must be endorsed with a description of its contents, and
 - (b) the packets may not be opened until the constituency returning officer begins dealing with the ballot papers in those packets under paragraph 48(3).

Counting of votes

- 48 (1) The counting officer must count the votes given on the referendum ballot papers, but must not do so until—
- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box;
 - (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.
- (2) Where proceedings on the issue and receipt of postal ballot papers are not taken together by virtue of paragraph 2 of Schedule 4 to the 2010 Order, the constituency returning officer for the Scottish parliamentary election must count the duly returned postal constituency ballot papers and the duly returned postal regional ballot papers and record separately the number relating to each.
- (3) The constituency returning officer must count the votes given on the constituency ballot papers and regional ballot papers, but must not do so until—
- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box;
 - (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.
- (4) The counting or constituency returning officer, while counting the votes, must—
- (a) keep the ballot papers with their faces upwards, and
 - (b) take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (5) The counting or constituency returning officer must so far as practicable proceed continuously with the counting of votes, allowing only time for refreshment, except that—
- (a) the officer may exclude the whole or any part of the period between 7 pm and 9 am on the next day;
 - (b) the officer may exclude a day mentioned in rule 2(1) of the referendum rules.
- (6) During the time so excluded the counting or constituency returning officer must—
- (a) place the ballot papers and other documents relating to the referendum or Scottish parliamentary election under the officer's own seal and the seals of any of the counting agents who want to affix their seals, and
 - (b) otherwise take proper precautions for the security of the papers and documents.
- (7) This paragraph and paragraph 49 apply instead of rule 55 of the Scottish Parliamentary Election Rules.

Ballot papers placed in wrong ballot box

- 49 Where separate ballot boxes are used for referendum ballot papers, constituency ballot papers and regional ballot papers, the placing of a ballot paper in the wrong ballot box does not render it void.

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DECLARATION OF RESULT

Declaration

- 50 The result of the referendum or the constituency or regional poll in the Scottish parliamentary election may not be declared until the statement as to the result of the verification of the ballot paper accounts in relation to each poll has been prepared.

DISPOSAL OF DOCUMENTS ETC

Packets of documents

- 51 (1) The counting officer may not open the sealed packets of—
- (a) the completed corresponding number lists for the Scottish parliamentary election, or
 - (b) marked copies of the polling register (within the meaning given in Article 2(1) of the 2010 Order), and lists of proxies, for the Scottish parliamentary election.
- (2) Rule 68(2) of the Scottish Parliamentary Election Rules has effect as if subparagraphs (b) and (d) were omitted.

Delivery and retention of documents

- 52 (1) Rules 50(1)(b) and 52 of the referendum rules apply to the specified documents.
- (2) The specified documents are those specified in rule 69(1)(c), (d) and (f) of the Scottish Parliamentary Election Rules.
- (3) Rule 70 of the Scottish Parliamentary Election Rules applies to the specified documents as if references to the CRO were to the counting officer.
- (4) Except for the purposes of this paragraph, rule 69 of the Scottish Parliamentary Election Rules has effect as if it did not include a reference to the specified documents.
- (5) Rule 70(8) of the Scottish Parliamentary Election Rules has effect as if for “by this paragraph provided” there were substituted “provided by this paragraph (or a court order)”.
- 53 Schedule 8 to the 2010 Order has effect—
- (a) as if the reference in paragraph 1 to documents retained under rule 71 of the Scottish Parliamentary Election Rules were to documents retained under rule 50(1)(b) of the referendum rules as applied by paragraph 52 above;
 - (b) as if the reference to that Schedule in paragraph 4(2) were to any enactment;
 - (c) as if references to the CRO included references to the counting officer.

Countermand or abandonment of poll on death of candidate

- 54 (1) Where under rule 72(4), 75(2) or 77(1) of the Scottish Parliamentary Election Rules—
- (a) notice of the constituency poll or the regional poll for the Scottish parliamentary election is countermanded, or

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- (b) it is directed that the poll be abandoned,
the countermand or direction does not affect the other poll at the Scottish parliamentary election or the poll for the referendum.
- (2) Rule 78 of the Scottish Parliamentary Election Rules has effect as if it were amended in accordance with sub-paragraphs (3) and (4).
- (3) In paragraph (2), after “CRO” insert “or counting officer”.
- (4) For paragraph (3) substitute—
- “(3) After the close of any polls that are being taken together with the poll that has been abandoned, the counting officer must—
- (a) separate the ballot papers for the abandoned poll, and
- (b) deliver or cause to be delivered to the CRO the ballot papers and other documents relating to the abandoned poll.
- (3A) Paragraphs (4) to (9) apply in relation to the poll that has been abandoned.”
- (5) This paragraph applies instead of rule 78(10) of the Scottish Parliamentary Election Rules.

PROVISION OF REGISTERS ETC TO COUNTING OFFICER

Registers

- 55 Paragraph 1 of Schedule 1 to the 2010 Order has effect as if a reference to a returning officer included a reference to the counting officer.

Absent voters lists

- 56 As soon as practicable after 5 pm on the 6th day before the date of the poll, the registration officer must provide the counting officer with the following lists, and any subsequent revised lists or revisions to the lists—
- (a) the list of proxies for the Scottish parliamentary election;
- (b) the postal voters list for the Scottish parliamentary election;
- (c) the proxy postal voters list for the Scottish parliamentary election.

Personal identifier information

- 57 Where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 4 to the 2010 Order, paragraph 23(1) of Schedule 3 to the 2010 Order has effect as if a reference to a CRO were a reference to the counting officer.

PART 2

APPLICATION OF PROVISIONS ABOUT ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

- 58 (1) For the purposes of the combined polls, Schedule 4 to the 2010 Order applies—
- (a) with the modifications shown in the table, and

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- (b) with any other necessary modifications, including in particular those set out in sub-paragraph (2).
- (2) Except where the context otherwise requires—
- (a) in relation to the referendum or Scottish parliamentary election, a reference to a provision has effect as a reference to that provision as it applies for the purposes of the referendum or election;
 - (b) expressions used in relation to the referendum under section 1 are to be construed in accordance with the definitions in section 7 and rule 53 of the referendum rules.
- (3) In the Representation of the People (Scotland) Regulations 2001 ([S.I. 2001/497](#)) as they apply in relation to the referendum by virtue of Schedule 4—
- (a) regulation 61B(3)(a) has effect as if for the words after “postal ballot papers,” there were substituted “in accordance with paragraph 20(4)(b), 21(4)(b) or 22(3)(b) of Schedule 4 to the Scottish Parliament (Elections etc.) Order 2010”;
 - (b) regulation 116(1) has effect as if for “regulation 91” there were substituted “paragraph 30 of Schedule 4 to the Scottish Parliament (Elections etc.) Order 2010”.

<i>Provision</i>	<i>Modification</i>
Paragraph 1 (interpretation)	<p>For the definition of “agent” substitute—</p> <p style="padding-left: 2em;">““agent”, except in paragraph 5(3) to (10)—</p> <ul style="list-style-type: none"> (a) in relation to the election, includes an election agent and a person appointed to attend in the election agent’s place; (b) in relation to the referendum, means a referendum agent or an agent appointed under paragraph 5(3).” <p>In the appropriate places insert—</p> <p style="padding-left: 2em;">““postal voters list” includes the list kept under paragraph 5(2) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011;”;</p> <p style="padding-left: 2em;">““proxy postal voters list” includes the list kept under paragraph 8(6) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011;”;</p> <p style="padding-left: 2em;">““relevant returning or counting officer” means—</p> <ul style="list-style-type: none"> (a) in a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2, the counting officer; (b) in any other case, the constituency returning officer, in relation to the election, or the counting officer, in relation to the referendum;”.

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<i>Provision</i>	<i>Modification</i>
	In the definition of “valid postal voting statement”, for “CRO” substitute “relevant returning or counting officer”.
Paragraph 2 (combination of polls)	For paragraph 2 substitute— “2 Combination of polls Proceedings on the issue and receipt of postal ballot papers in respect of the Scottish parliamentary election and the referendum may, if the CRO and the counting officer think fit, be taken together.”
Paragraph 3 (form of postal voting statement)	Omit the whole paragraph.
Paragraph 4 (persons entitled to be present at proceedings on issue of postal ballot papers)	In sub-paragraph (1)— (a) for “CRO” substitute “relevant returning or counting officer”; (b) for “CRO’s” substitute “relevant returning or counting officer’s”. In sub-paragraph (2), for “CRO” substitute “relevant returning or counting officer”.
Paragraph 5 (persons entitled to be present at proceedings on receipt of postal ballot papers)	For sub-paragraph (1) substitute— “(1) In a case where proceedings on the receipt of postal ballot papers are taken together by virtue of paragraph 2, the only persons who may be present at those proceedings are the appropriate persons in relation to the Scottish parliamentary election and the referendum. (1A) In any other case, the only persons who may be present at the proceedings on the receipt of postal ballot papers— (a) in respect of the Scottish parliamentary election, are the appropriate persons in relation to the election; (b) in respect of the referendum, are the appropriate persons in relation to the referendum. (1B) The following are appropriate persons in relation to the Scottish parliamentary election— (a) the CRO and members of the CRO’s staff; (b) the regional returning officer;

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<i>Provision</i>	<i>Modification</i>
	<p>(c) 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;</p> <p>(d) 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;</p> <p>(e) 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;</p> <p>(f) an agent appointed under sub-paragraph (3).</p> <p>(1C) The following are appropriate persons in relation to the referendum—</p> <p>(a) the counting officer;</p> <p>(b) the counting officer's clerks;</p> <p>(c) the referendum agents and any agents appointed under sub-paragraph (3).</p> <p>(1D) This paragraph is without prejudice to section 6A, 6B, 6C, 6D or 6E of the 2000 Political Parties Act.”</p> <p>In sub-paragraph (2)—</p> <p>(a) for “CRO” substitute “relevant returning or counting officer”;</p> <p>(b) at the end insert “in relation to proceedings under this Schedule”.</p> <p>In sub-paragraphs (3) to (9), for “CRO” substitute “relevant returning or counting officer”.</p> <p>Omit sub-paragraph (6).</p> <p>After sub-paragraph (9) insert—</p> <p>“(9A) In relation to the referendum, in sub-paragraph (3), (4), (7) or (10) a reference to a candidate for return as a constituency member is to be read as a reference to a referendum agent.”</p>

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<i>Provision</i>	<i>Modification</i>
Paragraph 6 (notification of requirement of secrecy)	<p>In sub-paragraph (11), for “the candidates or their agents” substitute “any persons mentioned in sub-paragraphs (1B)(c) to (f) or (1C)(c)”.</p> <p>For paragraph 6 substitute—</p> <p>“6 Notification of requirements of secrecy</p> <p>(1) In a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2, the counting officer shall make such arrangements as he thinks fit 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—</p> <p>(a) the provisions of article 31(5) and (7); and</p> <p>(b) the provisions of subsections (4) and (6) of section 66 of the 1983 Act as they apply in relation to the referendum.</p> <p>(2) In any other case—</p> <p>(a) the CRO shall make such arrangements as he thinks fit to ensure that every person attending proceedings in connection with the issue or receipt of postal ballot papers for the Scottish parliamentary election has been given a copy in writing of the provisions of article 31(5) and (7);</p> <p>(b) the counting officer shall make such arrangements as he thinks fit to ensure that every person attending proceedings in connection with the issue or receipt of postal ballot papers for the referendum has been given a copy in writing of the provisions of subsections (4) and (6) of section 66 of the 1983 Act as they apply to the referendum.”</p>
Paragraph 7 (time when postal ballot papers are to be issued)	<p>In sub-paragraph (1), after “voting statement)” insert “for the Scottish parliamentary election”.</p> <p>After sub-paragraph (1) insert—</p> <p>“(1A) In the case of a person within entry 2, 3, 4 or 5 of the table in paragraph 5(2)</p>

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<i>Provision</i>	<i>Modification</i>
	of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011 or entry 2, 3, 4 or 5 of the table in paragraph 8(6) of that Schedule (electors and proxies entitled to vote by post for an indefinite or definite period), no postal ballot paper (and no postal voting statement) for the referendum shall be issued until after 5 pm on the eleventh day before the date of the poll (computed in accordance with paragraph 9(7) of Schedule 3 to this Order).”
	In sub-paragraph (2), omit “by the CRO”.
Paragraph 8 (procedure on issue of postal ballot papers)	For sub-paragraph (3) substitute— “(3) Sub-paragraphs (3A) and (3B) apply where— (a) proceedings on the issue of postal ballot papers are taken together by virtue of paragraph 2; and (b) a combined postal voters list or proxy postal voters list is produced by virtue of paragraph 31 of Schedule 7 to the Parliamentary Voting System and Constituencies Act 2011. (3A) In a case where a postal ballot paper is issued at the same time in respect of the Scottish parliamentary election and the referendum, a single mark must be placed in the list under sub-paragraph (1). (3B) In any other case, a mark must be placed in the list under sub-paragraph (1) identifying the poll to which each postal ballot paper issued relates. (3C) Where proceedings on the issue of postal ballot papers are taken together by virtue of paragraph 2, the number of each postal ballot paper issued shall be marked on the postal voting statement under paragraph (2).”
	In sub-paragraph (4), for the words from the beginning to “but” substitute “Where”.
	In sub-paragraph (6)— (a) after “sub-paragraph (5)” insert “in relation to a Scottish parliamentary election”;

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<i>Provision</i>	<i>Modification</i>
	(b) at the end insert— “and, in relation to the referendum, the items specified in sub-paragraph (5) must be sent to the address to which postal ballot papers should be sent as mentioned in column 3 of the table in paragraph 5(2) or 8(6) of Schedule 3 to the Parliamentary Voting System and Constituencies Act 2011.”
Paragraph 9 (refusal to issue postal ballot papers)	For paragraph 9 substitute— “9 Refusal to issue ballot papers Where the relevant returning or counting officer is satisfied that two or more entries in either the postal voters list, 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, regional ballot paper or referendum ballot paper (as the case may be) in respect of the same elector.”
Paragraph 10 (envelopes)	In sub-paragraph (1)— (a) for “CRO” substitute “relevant returning or counting officer”; (b) after “Rules” insert “or rule 12 of the referendum rules”. In sub-paragraph (2)— (a) for “CRO” substitute “relevant returning or counting officer”; (b) in paragraph (c), at the beginning insert “unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed,”. In sub-paragraph (3), for the words from the beginning to “but” substitute “Where”.
Paragraph 11 (delivery of postal ballot papers)	In sub-paragraph (1)— (a) for “CRO” substitute “relevant returning or counting officer”; (b) for “CRO’s” substitute “relevant returning or counting officer’s”. In sub-paragraph (2), for “CRO” substitute “relevant returning or counting officer”.
Paragraph 12 (security of marked lists)	In sub-paragraphs (1) and (2), for “CRO” substitute “relevant returning or counting officer”.

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<i>Provision</i>	<i>Modification</i>
Paragraph 13 (spoilt postal ballot papers)	For “CRO” (in each place) substitute “relevant returning or counting officer”.
Paragraph 14 (lost postal ballot papers)	For “CRO” (in each place) substitute “relevant returning or counting officer”.
Paragraph 15 (notice of opening of postal ballot paper envelopes)	<p>In sub-paragraph (1)—</p> <p>(a) for “CRO” substitute “relevant returning or counting officer”;</p> <p>(b) for paragraphs (a) and (b) substitute “each of the persons mentioned in sub-paragraph (1A)”.</p> <p>After sub-paragraph (1) insert—</p> <p>“(1A) The persons are—</p> <p style="padding-left: 40px;">(a) in relation to the Scottish parliamentary election, each candidate for return as a constituency member, each individual candidate for return as a regional member and the election agent for each registered party standing nominated;</p> <p style="padding-left: 40px;">(b) in relation to the referendum, the referendum agents.”</p> <p>In sub-paragraph (2)(b), after “candidate” insert “or referendum agent (as the case may be)”.</p>
Return of postal ballot papers etc	<p>After paragraph 15 insert—</p> <p>“15A Return of postal ballot papers etc</p> <p>(1) A postal ballot paper shall not be taken to be duly returned for the purposes of Part 1 of Schedule 7 to the Parliamentary Voting System and Constituencies Act 2011 unless—</p> <p style="padding-left: 40px;">(a) before the close of the poll—</p> <p style="padding-left: 80px;">(i) it is returned by hand or post and reaches the relevant returning or counting officer; or</p> <p style="padding-left: 80px;">(ii) it is returned by hand to a polling station in the constituency or voting area for which the officer acts;</p> <p style="padding-left: 40px;">(b) the postal voting statement duly signed is, before that time, also returned either—</p>

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<i>Provision</i>	<i>Modification</i>
	<ul style="list-style-type: none">(i) by hand or post and reaches the relevant returning or counting officer; or(ii) by hand and reaches such a polling station;
	<ul style="list-style-type: none">(c) the postal voting statement also states the date of birth of the elector or, as the case may be, proxy; and(d) in a case where the relevant returning or counting officer takes steps to verify the date of birth and signature of the elector or, as the case may be, proxy in accordance with paragraph 21 or, as the case may be, paragraph 22, he so verifies the date of birth and signature of that elector or, as the case may be, proxy.
	<p>(2) The presiding officer of the polling station shall deliver or cause to be delivered any postal ballot paper or postal voting statement returned to that polling station to the relevant returning or counting officer in the same manner and at the same time as he delivers, or causes to be delivered, the packets referred to in rule 53 of Schedule 2 or rule 38 of the referendum rules.</p>
	<p>(3) The relevant returning or counting officer may collect, or cause to be collected, any postal ballot paper or postal voting statement which by virtue of sub-paragraph (2) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to him.</p>
	<p>(4) Where the relevant returning or counting 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.”</p>

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<i>Provision</i>	<i>Modification</i>
Paragraph 16 (postal ballot boxes and receptacles)	<p>For “CRO” (in each place) substitute “relevant returning or counting officer”.</p> <p>For sub-paragraph (2) substitute—</p> <p style="padding-left: 40px;">“(2) Each of those ballot boxes—</p> <p style="padding-left: 80px;">(a) shall be marked “postal voter’s ballot box” or “postal ballot box” as appropriate;</p> <p style="padding-left: 80px;">(b) shall be marked with the name of each constituency, electoral area or voting area in relation to which it is to be used.”</p> <p>In sub-paragraph (4)—</p> <p style="padding-left: 40px;">(a) for “CRO’s” substitute “relevant returning or counting officer’s”;</p> <p style="padding-left: 40px;">(b) after “then” insert “lock the ballot box (if it has a lock) and”.</p>
Paragraph 17 (receipt of covering envelope)	<p>In sub-paragraphs (1) and (2), for “CRO” substitute “relevant returning or counting officer”.</p> <p>Omit sub-paragraphs (3) and (4).</p>
Paragraph 18 (opening of postal voters’ ballot box)	<p>In sub-paragraphs (1) and (2), for “CRO” substitute “relevant returning or counting officer”.</p> <p>In sub-paragraph (3), for “votes under rule 55 of the Scottish Parliamentary Election Rules” substitute “ballot papers”.</p>
Paragraph 19 (opening of covering envelopes)	<p>For “CRO” (in each place) substitute “relevant returning or counting officer”.</p> <p>In sub-paragraph (10), for “or (3)(a)” substitute “, (3A) or (3B)”.</p>
Paragraph 20 (procedure in relation to postal voting statements)	<p>For “CRO” (in each place) substitute “relevant returning or counting officer”.</p> <p>In sub-paragraph (4)(c), for “CRO’s” substitute “relevant returning or counting officer’s”.</p>
Paragraph 21 (procedure in relation to postal voting statements: personal identifier verification)	<p>For “CRO” (in each place) substitute “relevant returning or counting officer”.</p> <p>In sub-paragraph (4)(c), for “CRO’s” substitute “relevant returning or counting officer’s”.</p>
Paragraph 22 (postal voting statements: additional personal identifier verification)	<p>For “CRO” (in each place) substitute “relevant returning or counting officer”.</p> <p>In sub-paragraphs (3)(c) and (5), for “CRO’s” substitute “relevant returning or counting officer’s”.</p>

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<i>Provision</i>	<i>Modification</i>
	In sub-paragraph (4), for “reseal the postal ballot box” substitute “lock the postal ballot box (if it has a lock), and reseal it”.
Paragraph 23 (opening of ballot paper envelopes)	In sub-paragraph (1), for “CRO” substitute “relevant returning or counting officer”.
Paragraph 24 (retrieval of cancelled postal ballot papers)	In sub-paragraphs (1) and (2), for “returning officer”, and for “CRO”, substitute “relevant returning or counting officer”.
	In sub-paragraph (2)(f), for “votes under rule 55 of the Scottish Parliamentary Election Rules” substitute “ballot papers”.
	In sub-paragraph (3)—
	(a) for “CRO” substitute “relevant returning or counting officer”;
	(b) for “CRO’s” substitute “relevant returning or counting officer’s”.
Paragraph 25 (lists of rejected postal ballot papers)	In sub-paragraph (1), for “any election, the CRO” substitute “the Scottish parliamentary election and in respect of the referendum, the relevant returning or counting officer”.
Paragraph 26 (checking of lists of rejected postal ballot papers)	For “CRO” (in each place) substitute “the relevant returning or counting officer”.
	In sub-paragraph (3), at the end insert “or voting area under rule 38 of the referendum rules”.
Paragraph 27 (confirming receipt of postal votes and postal voting statements)	In sub-paragraphs (1) and (2), for “CRO” substitute “the relevant returning or counting officer”.
Paragraph 28 (sealing of receptacles)	In sub-paragraph (1), for “CRO” substitute “the relevant returning or counting officer”.
Paragraph 29 (abandoned poll)	In sub-paragraph (2), for “election” substitute “poll”.
Paragraph 30 (forwarding or retention of documents)	In sub-paragraph (1)—
	(a) for the words before sub-paragraph (a) substitute “The relevant returning or counting officer shall retain, together with the documents mentioned in rule 69(1) of the Scottish Parliamentary Election Rules and rule 49 of the referendum rules”;
	(b) in paragraph (a), for the words from “the election to which” to the end substitute “the election or referendum to which it relates and the area to which it relates”;
	(c) in paragraph (b), at the end insert “in respect of the election, and a completed statement in the form set out in Form 10 in Part 3 of Schedule 7 to the Parliamentary Voting

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<i>Provision</i>	<i>Modification</i>
	<p>System and Constituencies Act 2011 in respect of the referendum”.</p> <p>In sub-paragraph (2)—</p> <p>(a) in paragraph (a), for “Rule 53(2)(g) of the Scottish Parliamentary Election Rules” substitute “paragraph 15A”;</p> <p>(b) for “CRO” substitute “relevant returning or counting officer”.</p> <p>In sub-paragraph (3), for “Rules 68, 69, 70 and 71(1) of the Scottish Parliamentary Elections Rules” substitute “The rules specified in sub-paragraph (3A)”.</p> <p>After sub-paragraph (3) insert—</p> <p>“(3A) The rules are—</p> <p>(a) in a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2—</p> <p>(i) rule 51 of the referendum rules and rule 70 of the Scottish Parliamentary Elections Rules, and</p> <p>(ii) rule 52 of the referendum rules;</p> <p>(b) in any other case—</p> <p>(i) in relation to a document or packet relating to the Scottish parliamentary election, rules 68, 69, 70 and 71(1) of the Scottish Parliamentary Election Rules;</p> <p>(ii) in relation to a document or packet relating to the referendum, rules 50 and 51 of the referendum rules.”</p> <p>In sub-paragraph (4), for “CRO” substitute “relevant returning or counting officer”.</p>
In the Appendix, form W	<p>In a case where proceedings on the issue and receipt of postal ballot papers are taken together by virtue of paragraph 2 of Schedule 4 to the Scottish Parliamentary Election Order, for “Returning Officer” or “Constituency Returning Officer”, in each place, substitute “Counting Officer”.</p>

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Paragraph 10(3)

Postal Voting Statement

*Voter’s name: Ballot paper nos.

*Counting officer to insert name but omit where ballot papers sent to an anonymous elector
[other identifying mark]

You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.

I AM THE PERSON THE BALLOT PAPERS NUMBERED ABOVE WERE SENT TO

Date of birth

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

 (voter’s date of birth)

#Signature

--

 (voter’s signature)
IMPORTANT - Keep signature within border

*(Counting officer to omit where a person has been granted a waiver)

It is an offence to vote using a ballot paper that is not addressed to you.

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PLEASE READ INSTRUCTIONS TO THE VOTER

Issued by the counting officer

INSTRUCTIONS TO THE VOTER

Complete the ballot papers yourself and in private. If you need help, contact the counting officer's staff as shown below.

[contact details for assistance; include address as appropriate]

1. You must provide your [#signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote(s) will not be counted.
 2. When you are voting in the referendum on the voting system for United Kingdom parliamentary elections ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the ballot paper opposite the answer you are voting for. Vote once only. Do not mark the ballot paper in any other way or your vote may not be counted.
 3. When you are voting in the Scottish Parliament election, you have two ballot papers (a constituency ballot paper coloured [insert colour] and a regional ballot paper coloured [insert colour]). Vote only once on each ballot paper. Vote by marking a cross (X) in the box opposite the name of the party or candidate you are voting for. Do not put any other marks on the ballot papers or your votes may not count.
 4. If you need help voting, the person helping you must not tell anyone how you voted.
 5. Put all the ballot papers in the small envelope marked **A** and seal it.
 6. Complete the postal voting statement by [#signing it, and] providing your date of birth.
 7. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.
 8. **After receiving this postal vote, you cannot vote in person at a polling station in the referendum or election.**
 9. If you accidentally spoil any of your ballot papers, you can apply to the counting officer for replacements before 5 pm on [day/date of poll]. You must return all the ballot papers, the postal voting statement and the envelopes marked **A** and **B**. Make sure you contact the counting officer as soon as possible.
- ! Your ballot papers and the postal voting statement must be received by the counting officer by 10 pm on [day/date of poll]. You can deliver your completed postal votes to any polling station in your voting area on polling day.

It is an offence to vote using a ballot paper that is not addressed to you.

It is illegal to vote more than once in the referendum (unless you are appointed as a proxy for another person).

It is illegal to vote more than once in the constituency poll at the election (unless you are appointed as a proxy for another person).

It is illegal to vote more than once in the regional poll at the election (unless you are appointed as a proxy for another person).

#(Counting officer to omit where a person has been granted a waiver)

*Delete as appropriate

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FORM 3 - FORM OF POSTAL VOTING STATEMENT (TO BE USED FOR REFERENDUM WHERE PROCEEDINGS ON ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS NOT COMBINED)

Paragraph 11(2)

Postal Voting Statement

*Voter's name:

Ballot paper no.
(insert colour)

*(Counting officer to insert name but omit where ballot papers sent to an anonymous elector)

[other identifying mark]

You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.

I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO

Date of birth

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

 (voter's date of birth)

#Signature

--

 (voter's signature)
IMPORTANT - Keep signature within border

*(Counting officer to omit where a person has been granted a waiver)

It is an offence to vote using a ballot paper that is not addressed to you.

Status: This is the original version (as it was originally enacted).

PLEASE READ INSTRUCTIONS TO THE VOTER

Issued by the counting officer

INSTRUCTIONS TO THE VOTER

Complete the ballot paper yourself and in private. If you need help, contact the counting officer's staff as shown below.

[contact details for assistance; include address as appropriate]

1. You must provide your [#signature and] date of birth. You must do this even if you have already signed a postal voting statement in respect of the Scottish Parliament election which is to be held on the same day. If you do not, the postal voting statement will be invalid and your vote will not be counted.
 2. Vote once only. Do not mark the ballot paper in any other way or your vote may not be counted.
 3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the answer you are voting for.
 4. If you need help in voting, the person helping you must not tell anyone how you voted.
 5. Put the ballot paper in the small envelope marked **A** and seal it.
 6. Complete the postal voting statement by [#signing it, and] providing your date of birth.
 7. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.
 8. **After receiving this postal vote, you cannot vote in person at a polling station in this referendum.**
 9. If you accidentally spoil your ballot paper, you can apply to the counting officer for a replacement before 5 pm on [day/date of poll]. You must return the spoiled ballot paper, the postal voting statement and the envelopes marked **A** and **B**. Make sure you contact the counting officer as soon as possible.
- !** Your ballot paper and the postal voting statement must be received by the counting officer by 10 pm on [day/date of poll]. You can deliver your completed postal vote to any polling station in your voting area on polling day.

It is an offence to vote using a ballot paper that is not addressed to you.

It is illegal to vote more than once (unless you are appointed as a proxy for another person) in this referendum.

#(Counting officer to omit where a person has been granted a waiver)

**Delete as appropriate*

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FORM 4 - FORM OF POSTAL VOTING STATEMENT (TO BE USED FOR SCOTTISH
 PARLIAMENTARY ELECTION WHERE PROCEEDINGS ON ISSUE AND RECEIPT OF
 POSTAL BALLOT PAPERS NOT COMBINED)

Paragraph 11(4)

**Scottish Parliamentary Election on 5 May 2011
 Postal Voting Statement**

Voter's name*: [Voter's name]

Ballot Paper Nos: [Ballot Paper Nos]

Constituency/Region: [Constituency/Region]

[Other identifying mark]

Please read the accompanying 'Instructions to the Voter'

For your votes to be counted you must provide your date of birth [and signature]**.
 Please write clearly in black ink.

I am the person the ballot papers numbered above were sent to. (The ballot paper
 number can be found above and on the back of your ballot papers and you should
 check they match. If they do not please contact the Returning Officer.)

Enter your **Date of Birth**
 in the boxes on the right
 e.g. 8 September 1961
 would be 08 09 1961

Day		Month		Year			

Status: This is the original version (as it was originally enacted).

[Please sign your name
inside the grey box on
the right]**



Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

ISSUED BY THE RETURNING OFFICER

Instructions to the Voter

If you need help or require replacement documents please contact the Returning Officer at [insert contact details for assistance including address as appropriate].

After receiving this postal vote, you cannot vote in person at a polling station at this election. You must not vote more than once (unless you are appointed as a proxy for another elector) at the same election.

This postal voting statement relates to the ballot papers for the Scottish parliamentary election only. You will receive your ballot papers and instructions for the referendum on the voting system for United Kingdom parliamentary elections separately. If you have not received them by [insert date], please contact the Returning Officer.

You must provide your [signature and]** date of birth even if you have already signed a postal voting statement in respect of the referendum on the voting system for United Kingdom parliamentary elections which is to be held on the same day.

You have two ballot papers (a constituency ballot paper coloured [insert colour] and a regional ballot paper coloured [insert colour]). Please check that the ballot paper number on the back of each ballot paper matches the number at the top of the postal voting statement. If it does not match, contact the Returning Officer at the address above.

Your vote is personal – complete it yourself and in private. If you need help voting, the person helping you must not tell anyone how you voted.

For your votes to be counted you must provide your date of birth and signature** on the postal voting statement. Please use black ink. Your date of birth and signature** will be checked against the date of birth and signature** you provided to the Electoral Registration Officer when you asked for a postal vote to ensure that you are the same person who applied for the postal vote.

The ballot papers and postal voting statement must be received by the Returning Officer by **10 pm** on [day and date of poll]. You can also deliver your completed postal vote to any polling station in this constituency on polling day up to 10 pm.

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How do I complete my postal vote?

Step A – Completing your Ballot Papers

1. Vote only once on each ballot paper.
2. Vote by marking a cross (X) in the box opposite the name of the candidate or party you are voting for.
3. Do not mark the ballot papers in any other way or your votes may not count.
4. Put the completed ballot papers in the envelope marked 'A' and seal it.

Step B – Completing your Postal Voting statement

5. For your votes to be counted you must provide your **date of birth** and **signature****. Please use black ink. Put your **date of birth** in the boxes provided and **sign** in the grey box**.

Step C – Before returning your Postal Vote

6. Check you have marked the ballot papers, put them in envelope 'A' and sealed the envelope.
7. Check you have your **date of birth** and **signature**** on the Postal Voting Statement.
8. Put the envelope marked 'A' together with the Postal Voting Statement in the envelope marked 'B' and seal the envelope.
9. Post it as soon as possible. If you delay posting your vote it may not be received by the Returning Officer in time to be counted.

If you accidentally spoil or lose your ballot papers, you can apply to the Returning Officer for replacements before 5 pm on *[insert day and date of poll]*. After 5pm on *[insert day and date of day before the date of poll]* replacement papers can only be issued if you apply in person to the Returning Officer. You must return the spoilt ballot papers, the postal voting statement, and the envelopes marked 'A' and 'B'. Make sure you contact the Returning Officer as soon as possible at the address above.

Direction for postal voting statement being sent to an anonymous elector

(This direction does not form part of the postal voting statement.)

**Returning Officer to omit name.*

Status: This is the original version (as it was originally enacted).

Paragraph 21(1)

1. When you are given your ballot papers go to one of the compartments.
2. On the [*insert colour*] referendum ballot paper, mark a cross (X) in the box on the right hand side of the ballot paper opposite the answer you are voting for.
3. On the Scottish Parliament ballot papers, coloured [*insert colour or colours*], mark your choices with a cross (X) in the box on the right hand side of each ballot paper opposite the name of the candidate or party you are voting for. Put only one X on each ballot paper.
4. Vote once only in the referendum and on each ballot paper for the Scottish Parliament election. Put no other mark on the ballot paper, or your vote may not be counted.
5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.
6. Fold each ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put each ballot paper in the [*appropriate*]* ballot box and leave the polling station.

* Complete or omit as necessary.

FORM 7 - GUIDANCE FOR VOTERS TO BE EXHIBITED IN EVERY POLLING STATION
COMPARTMENT

Paragraph 22(1)

REFERENDUM ON THE VOTING SYSTEM FOR UNITED KINGDOM PARLIAMENTARY ELECTIONS

Referendum ballot paper ([insert colour] ballot paper)

Votes cast in this poll will decide on the voting system for United Kingdom parliamentary elections.

- You have one vote on this paper.
- You should place a cross (X) in one box only.

SCOTTISH PARLIAMENT ELECTIONS

Constituency ballot paper ([insert colour] ballot paper)

Votes cast in this poll will decide the election of a member to represent your constituency in the Scottish Parliament.

- You have one vote on this paper.
- You should place a cross (X) in one box only.

Regional ballot paper ([insert colour] ballot paper)

Votes cast in this poll will decide the allocation of the 7 additional seats in the Scottish Parliament for this region. You may use this vote [either]* for a political party putting forward a list of candidates [or for an individual candidate not standing on a party list]*.

- You have one vote on this paper.
- You should place a cross (X) in one box only.

**PUT NO OTHER MARKS ON THE BALLOT PAPERS OR YOUR VOTES MAY
NOT BE COUNTED**

** Omit as necessary.*

FORM 8 - FORM OF CERTIFICATE OF EMPLOYMENT

Status: This is the original version (as it was originally enacted).

Paragraph 26(2)

Referendum on the voting system for United Kingdom parliamentary elections

[insert name of voting area]

I certify that (name) who is numbered in the register of electors cannot reasonably be expected to go in person to the polling station allotted to him or her in the referendum on *(date of poll)* by reason of the particular circumstances of his or her employment on that date for a purpose connected with the referendum *as a constable / *by me.

*Delete whichever is inappropriate.

Signature

*Counting officer / police officer (inspector or above)

Date

Note: The person named above is entitled to vote at any polling station in the voting area specified above on production and surrender of this certificate to the presiding officer.

FORM 9 - FORM OF DECLARATION TO BE MADE BY THE COMPANION OF A VOTER WITH DISABILITIES

Status: This is the original version (as it was originally enacted).

Paragraph 33(1)

I, (name of companion)
of (address of companion)
having been requested to assist (name of voter)
[in the case of a person with disabilities voting as proxy, add
voting as proxy for (name of elector)]
whose number on the register is to record their vote
at the [referendum]* [and]* [election(s)]* being held in this [voting area]* [/
constituency]*
hereby declare that

- (a) [I am entitled to vote as an elector at the said [referendum]* [and]*
[election]*,]*
- (b) [I am the #..... of the said voter and have attained the age
of 18 years,]* and
- (c) I have not previously assisted any voter with disabilities [except
..... (name of other elector), of (address of other
elector)], to vote at the [referendum]* [or]* [election]*]*.

#State the relationship of the companion to the voter.

*Delete as appropriate.

(Signed) (companion)

Date

I, the undersigned, being the presiding officer for the polling station for
..... the [insert name of voting area] hereby certify that the above declaration,
having been first read to the above-named declarant, was signed by the declarant
in my presence.

(Signed).....

Date

Time (am/pm)

NOTES: (1) If the person making the above declaration knowingly and wilfully
makes therein a statement false in a material particular, he or she will be guilty of
an offence.

(2) A voter with disabilities is a voter who has made a declaration that he or she is
so incapacitated by blindness or other disability, or by an inability to read, as to be
unable to vote without assistance.

Status: This is the original version (as it was originally enacted).

Paragraph 58

REFERENDUM ON THE VOTING SYSTEM FOR UNITED KINGDOM PARLIAMENTARY ELECTIONS			
STATEMENT AS TO POSTAL BALLOT PAPERS			
Voting area	[Name of voting area]	Date of poll	[Date of poll]
A	Issue of postal ballot papers		Number voting area
1	Total number of postal ballot papers issued under paragraphs 8(1), 13(3) and 14(6).		
B(1)	Receipt and replacement of postal ballot papers		Number voting area
2	Number of postal ballot papers received by the counting officer or at a polling station before the close of the poll (excluding any returned either as undelivered or under paragraph 13(2) or 14(3)).		
3	Number of covering envelopes received by the counting officer after the close of the poll, excluding any returned as undelivered.		
4	Number of postal ballot papers returned spoilt for cancellation in time for another ballot paper to be issued under paragraph 13(3).		
5	Number of postal ballot papers identified as lost or not received in time for another ballot paper to be issued under paragraph 14(6).		
6	Number of postal ballot papers cancelled and retrieved in time for another ballot paper to be issued under paragraph 14(6).		
7	Number of postal ballot papers returned as spoilt too late for another ballot paper to be issued under paragraph 13(3).		
8	Number of postal ballot papers identified as lost or not received too late for another ballot paper to be issued under paragraph 14(6).		

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9	Number of postal ballot papers received and cancelled too late for another ballot paper to be issued under paragraph 14(6).	
10	Number of covering envelopes returned as undelivered up to the date of this statement.	
11	Total number of postal ballot papers returned (total of lines 2 to 10).	
12	Number of postal ballot papers which have been issued but which have not been received by the counting officer at the date of this statement. (This should be the total at line 1 above minus the total at line 11 above.)	
B(2)	Receipt of postal ballot papers – Personal identifiers (Cancellations under paragraph 13 (spoilt) or 14 (lost or not received) should not be included in lines 14 to 17 below.)	Number voting area
13	Number of covering envelopes set aside for the verification of personal identifiers on postal voting statements in accordance with paragraph 19(2) or (7).	
14	Number of postal voting statements not subject to verification procedure rejected as not completed under paragraph 20(3).	
15	Number of postal voting statements subject to verification procedure rejected as not completed under paragraph 21(3).	
16	Number of postal voting statements rejected following verification procedures due to the personal identifiers on the postal voting statement not matching those in the personal identifiers record under paragraph 21(3).	
17	Number of ballot papers rejected following verification procedures due to the number on the postal voting statement not matching the number on the ballot paper under paragraph 21(5) to (8).	
C	Count of Ballot Papers	Number voting area
18	Number of ballot papers returned by postal voters which were included in the count of ballot papers.	
19	Number of cases in which a covering envelope or its contents were marked “Rejected”.	

Status: This is the original version (as it was originally enacted).

Signed:

Counting officer

NOTES

1. The references to paragraphs are to paragraphs of Schedule 4 to the Scottish Parliament (Elections etc.) Order 2010 as applied by the Parliamentary Voting System and Constituencies Act 2011.
2. The completed statement must be sent to the Secretary of State and to the Electoral Commission during a period of 6 days starting 10 days after the day of the poll.