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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**The Crofting Commission (Elections)  
(Scotland) Regulations 2011**

**PART III**

**ISSUE AND RECEIPT OF BALLOT PAPERS**

**Interpretation of Part III**

- 27.** For the purposes of this Part of these Regulations—
- “absent electors list” means the list kept under regulation 21;
  - “agent” includes a counting agent referred to in regulation 36;
  - “issue” includes the original and any subsequent issue; and
  - “return envelope” means the envelope which the returning officer is required by regulation 28 to send to an elector for the return of the ballot paper.

**Issue of ballot papers**

- 28.** The returning officer must issue to each elector at the home address—
- (a) given in the crofting electoral register; or
  - (b) determined in accordance with regulation 21 or 22,

a ballot paper together with instructions for completing it in such form as the returning officer thinks fit, a return envelope and the candidate statements referred to in regulation 13.

**Notice of issue of ballot papers**

- 29.** The returning officer must give each candidate not less than 48 hours’ notice in writing of when he or she will issue ballot papers.

**Refusal to issue ballot paper**

- 30.** Where the returning officer is satisfied that 2 or more entries in the absent electors list or in the crofting electoral register relate to the same elector he or she must not issue more than one ballot paper in respect of that elector in respect of any election.

**Delivery of ballot papers**

- 31.—(1)** For the purposes of issuing ballot papers, the returning officer may use—
- (a) a universal postal service provider;
  - (b) a commercial delivery firm.

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

(3) Delivery of all envelopes addressed to electors and all return envelopes must be pre-paid by the returning officer.

### **Spoilt ballot papers and return envelopes**

**32.**—(1) If a ballot paper issued to an elector is inadvertently spoiled or accidentally damaged in such manner that it cannot be used as a ballot paper, it may be returned (either by hand or by post) to the returning officer together with the return envelope.

(2) If a return envelope issued to an elector is inadvertently spoiled or accidentally damaged in such manner that it cannot be used as a return envelope it may be returned (either by hand or by post) to the returning officer.

(3) On receipt of a document referred to in paragraph (1) or (2), the returning officer must issue another ballot paper or return envelope or both, as the case may be, except where the returning officer considers the document is received too late for another ballot paper or return envelope to be returned before 4.00 p.m. on the day before the day of the count.

### **Ballot papers received late**

**33.** A ballot paper received by the returning officer after 4.00 p.m. on the day before the day of the count is not to be counted.

### **Lost and destroyed ballot papers**

**34.**—(1) Where an elector has not received a ballot paper by the seventh day before the day of the count or it is accidentally destroyed, the elector may apply (whether or not in person) to the returning officer for a replacement ballot paper.

(2) Such an application must include evidence of the elector's identity.

(3) The returning officer must issue another ballot paper only if—

(a) the application is received by the returning officer before 5.00 p.m. on the fifth day before the day of the count; and

(b) the officer is satisfied—

(i) as to the elector's identity; and

(ii) that the elector did not receive the original ballot paper or, as the case may be, that it was accidentally destroyed.

(4) The returning officer must enter in a list kept for the purpose—

(a) the name and number of the elector as stated in the crofting electoral register; and

(b) the number of the lost or destroyed ballot paper and of its replacement issued under this regulation.

(5) Where an elector applies in person, the returning officer may hand a replacement ballot paper to the elector instead of issuing it in accordance with regulations 28 and 31.

### **How votes are to be given**

**35.**—(1) An elector votes by marking the ballot paper with—

(a) the number "1" opposite the name of the candidate who is the elector's first preference (or, as the case may be, the only candidate for whom the elector wishes to vote);

- (b) if the elector wishes, the number “2” opposite the name of the candidate who is the elector’s second preference,

and so on.

(2) The elector may mark as many preferences (up to the number of candidates) as the elector wishes.

### **Appointment of counting agents**

**36.**—(1) Each candidate may, no later than 10 days before the day of the count, appoint such number of counting agents as the returning officer considers appropriate to attend at the counting of the votes.

(2) Notice in writing of the appointment, stating the names and addresses of the persons appointed, must be given by the candidate to the returning officer not later than 3 weeks before the day of the count.

### **Ballot box**

**37.**—(1) The returning officer must keep securely one or more ballot boxes for the receipt of ballot papers.

(2) Every ballot box referred to in paragraph (1) must be marked “ballot papers” and with the name of the election, the date of the day of the count and constituency for which the election is held.

(3) Every return envelope received by the returning officer before 4.00 p.m. on the day before the day of the count (other than those returned under regulation 32(2)) is to be placed in a ballot box.

(4) Every such ballot box must not be opened before the counting of the votes under regulation 38.