



Cabinet Office

The  
Electoral  
Commission

# Guidance for Electoral Registration Officers

## Part 5 – Absent voting

Originally published September 2013 (last updated July 2016)



**SAA**

*Scottish Assessors Association  
Electoral Registration Committee*



## Updates to this document

<b>Updated</b>	<b>Description of change</b>
September 2013	Original publication
May 2015	Updated for the 2015 canvass and the period leading up to the May 2016 polls
July 2015	Revised for Scotland to reflect The Scottish Elections (Reduction of Voting Age) Act 2015. This change applies to any elections in Scotland that use the local government register (and only the local government register) for the purpose of determining the franchise.
November 2015	Revised to reflect the end of the transition being brought forward to December 2015
July 2016	Updated to remove references to electors who are not registered individually; to reflect the new performance standards; and to reflect the Representation of the People (England and Wales) (Amendment) Regulations 2016

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# 1 About this guidance

1.1 This is part five of the comprehensive guidance to support Electoral Registration Officers (EROs) in planning for and delivering well-run electoral registration services.

1.2 Parts 3: '[2015 canvass](#)' and 4: '[Maintaining the register throughout the year](#)' also contain guidance and information that is relevant to managing absent vote applications and so, where relevant, the guidance given in other Parts is cross-referenced from this Part.

1.3 The guidance is directed towards the ERO and the duties they carry out. As these duties may, in practice, be carried out by deputies and/or appointed staff, we use the term 'you' throughout this guidance to mean the ERO and whoever is carrying out the ERO's functions on their behalf. Throughout this document we use 'must' to refer to a specific legal requirement and 'may / should' for recommended practice.

1.4 It has been developed in close consultation with members of the Society of Local Authority Chief Executives (SOLACE), the Association of Electoral Administrators (AEA), the Scottish Assessors Association (SAA), the UK Electoral Advisory Board (EAB) and the Elections, Registration and Referendums Working Group (ERRWG). It reflects the ERO's legal obligations and what we, the AEA, SOLACE, the SAA, the EAB and the ERRWG believe that EROs should expect of their staff in planning for and delivering well-run electoral registration services.



The guidance relating to the Scottish Elections (Reduction of Voting Age) Act 2015 has been developed in close consultation with the SAA, AEA and the Electoral Management Board for Scotland (EMB), and reflects what the SAA, AEA and EMB believe EROs in Scotland should expect of their staff in planning for and delivering well-run electoral registration services in relation to young electors.

Any specific considerations or differences arising from this legislation are highlighted in break-out boxes like these throughout the guidance.

1.5 The guidance is based on the legislation listed in paragraph 1.10 of [Part 1: Planning for the delivery of electoral registration activity](#). Whenever there are any changes to the legislation, we will provide further guidance and support to EROs and update the relevant guidance Parts as appropriate.

1.6 You will find references to the performance standards framework embedded throughout the guidance. The overall objective of the performance standards framework is to support EROs in planning for and delivering well-run electoral registration services. The framework was developed around key outcomes from

the perspective of ensuring that all eligible people are able to participate in the electoral process, should they wish to do so, and of achieving electoral registers that are as accurate (including ensuring no fraudulent entries on the electoral register) and complete as possible.

1.7 Our guidance, tools and templates, along with support provided by our teams across England, Scotland and Wales, will help you to prepare for and deliver well-run electoral registration services. The tools and templates we have made available are highlighted in break-out boxes throughout the guidance.

## 2 Postal voting

### Eligibility

2.1 Electors who are or will be registered are entitled to apply for a postal vote for an indefinite period, a definite period or for a particular election. For someone to meet the 'will be registered' criteria, the five day objection period must have passed and you must have positively determined their registration application, which means they will be added to the register on publication of the next notice of alteration or on publication of the revised register, whichever is first.

2.2 There is no requirement for an elector to provide a reason why they want to vote by post.

### Applying to vote by post

#### Content of applications

2.3 There is no prescribed postal vote application form and so an application can be made on any form, although there are requirements for the signature and date of birth to be presented in a specific format, as set out later in this section.

2.4 A postal vote application must be made in writing, but can be in any format: a letter, a fax, an email with a scanned signature or an absent vote application form are acceptable, as long as the personal identifier information is clear and unambiguous and is provided in the format prescribed in the regulations and as explained below. Unlike applications to register, postal vote applications cannot be made online or by telephone.

2.5 Where a registration application is made online and the applicant indicates that they wish to vote by post and provides their email address, the IER Digital Service will automatically email them a postal vote application form. The applicant can print off and complete the form, then return it to their ERO. Where the applicant does not provide their email address but indicates that they wish to vote by post, you will be notified of this via the IER Digital Service and you will need to send them a paper copy of the application form.

2.6 There are a number of pieces of information that must be included on a postal vote application by law. The application must be made in writing and be dated, and include the following information:

- the full name of the elector
- the address where the elector is (or has applied to be) registered to vote



- the elector's signature (or a request for a signature waiver - see below)
- the elector's date of birth
- whether the application is for a particular election (and if so, identify which one), a particular period or an indefinite period, and if it is for a particular period, it should specify that period
- whether it is for parliamentary elections, local government elections or both
- the address where the postal ballot pack should be sent and, if this is not the registered address, a reason for the redirection

2.7 Where an applicant is unable to provide a signature, or a consistent signature, due to any disability or inability to read or write, they can request that the requirement for a signature is waived. The elector must provide with their application the reason for the request and the name and address of any person who has assisted them with completing the application. Further guidance on the waiver procedure can be found in the section '[Waivers](#)', below.

2.8 Although there is no prescribed form for applying for a postal vote, the regulations require that on an application the personal identifiers (i.e. the signature and date of birth) are set out in a manner that is sufficiently clear and unambiguous as to allow electronic scanning into your records, by configuring the information as follows:

- the signature shall appear against a background of white unlined paper of at least 5 cm long and 2 cm high, and
- the applicant's date of birth shall be configured numerically in the sequence of day, month and year, i.e. DD MM YYYY

2.9 This provision is limited to requiring the information to be configured in the above two ways. You cannot impose any other conditions on the way the information is configured, even if to do so would make it easier to scan the identifiers: for example, you cannot mandate a certain thickness or colour of paper for an application. As long as the identifier fields feature the required contrast and the application meets all of the other legislative requirements, the form must be accepted.

2.10 The location of the signature and date of birth on an application is not prescribed. If the signature and date of birth fields are set out so as to meet the size, format and contrast requirements outlined above, wherever the fields may be on the form, they must be deemed to be in accordance with the regulations.

2.11 You must accept any application that arrives in the prescribed format – i.e. with the date of birth and signature fields as prescribed. Your software system must be able to accept applications if these provisions are fulfilled, and applications should not be rejected on the grounds that they are not made on a particular form.

2.12 The design of postal vote application forms is important in helping to facilitate the provision and data capture of personal identifiers. If you are producing postal vote application forms you should ensure that these meet accepted good practice in terms of accessibility and usability, and that you lay out the form clearly to help ensure that it is completed accurately. For example, you could position the date of birth box before the signature box, followed by the space for date of completion, to reduce the risk that applicants will give the date of completion first by mistake.

2.13 A number of other organisations, including the Electoral Commission and political parties, also provide postal vote application forms.



You can access the Commission's postal vote application form from [www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)

2.14 You should liaise with local political parties and any local organisations or groups who produce postal vote application forms to make them aware of the requirements for postal vote applications and to provide advice on the content and format of the forms they produce. This should help to ensure that there are no unnecessary delays in processing applications received on other forms and help to avoid electors having to re-submit an application because it has not been made correctly. This is particularly important at election time when any delay in an application being received could result in the elector missing the postal vote application deadline.

2.15 You should also ensure that local political parties and candidates and agents at elections are aware of their responsibilities in relation to handling postal vote applications. If they are given a completed application form, they should forward it directly and without delay to the elections office.

2.16 The Commission has developed a Code of conduct for campaigners at elections and referendums. This code has been agreed by the political parties represented on the House of Commons Parliamentary Parties Panel and the panels for the Scottish Parliament and the National Assembly for Wales, and is endorsed by the members of the Electoral Commission's UK Electoral Advisory Board of senior Returning and Electoral Registration Officers and by the Electoral Integrity Roundtable.

2.17 The code provides a guide for campaigners, electoral administrators and police forces to what is, and is not, considered acceptable behaviour at polling stations and in the community during the lead-up to polling day, including in relation to postal and proxy vote applications. Any concerns that the code has been breached should be raised first with the candidate, political party or campaigner in question. If you have any further concerns or wish to report a

breach of the code you should contact your local Commission team in the first instance.

2.18 You should liaise with the Returning Officer (unless that is also you) at any elections that are taking place to ensure that all candidates and agents are provided with copies of the Code of conduct, and know how to obtain additional copies if required.



You can access the Commission's [Code of conduct for campaigners](#) on our website.

## Availability of forms

2.19 You should ensure that electors are made aware that they have the option to vote by post, proxy or in person. This will allow them to make an informed choice about the option that is most appropriate to their circumstances.

2.20 As part of this, you must supply, free of charge, a reasonable quantity of absent vote application forms to people who wish to use them in connection with an election, which includes political parties.

2.21 Application forms should also be made available as a matter of course at all of the public offices of the local authority and at other premises frequented by electors, such as post offices, libraries, doctors' surgeries and Citizens Advice Bureaux. You should also make the forms available to download from your local authority's website. Alternatively, you could include a link to the application forms that are available to download from [our website](#).

2.22 At the places where you decide to make the forms available, you should also consider publicising the closing date for the return of applications ahead of an election, including the deadlines for making changes to existing arrangements, with an indication of when postal votes are likely to be dispatched. If you are not also the Returning Officer for the election, you will need to liaise with them to ensure that the information you provide about the dispatch of postal votes is accurate.

## Redirection

2.23 A person may, as part of their application for a postal vote, ask for their postal ballot papers to be sent to a different address from their qualifying address. Where you have granted a redirection request, you must confirm this to the elector, which you can do at the same time as you confirm whether their postal vote application has been successful.



Existing postal voters with a postal vote for a definite/indefinite period may subsequently ask for their postal vote to be redirected. See paragraph 2.72 for further guidance.

2.24 As part of any request to have postal ballot papers redirected the elector must (unless they are an anonymously registered elector) set out why their circumstances will, or are likely to, require their ballot paper to be sent to that address. They cannot simply say 'because I prefer it that way'. This does not set out their circumstances and, therefore, is not a valid reason. In this case, you should put the application on hold and request further information from the elector. If they do not respond setting out their circumstances, you can reject the application on the grounds that it does not meet the prescribed requirements.

2.25 There are many circumstances that may lead a person to request a postal vote redirection: they may be on holiday, be in hospital, have work commitments elsewhere, etc. If a person has indicated that they wish their postal vote to be redirected but has failed to include any reasons, you should write to the elector and ask them to provide an explanation of why their circumstances require, or will require, their postal ballot papers to be redirected.

2.26 If they do not respond setting out their circumstances, you can, if the request has been made as part of an application for a postal vote, reject the application on the grounds that it does not meet the prescribed requirements. In the case of an elector with an existing postal vote for a definite / indefinite period who applied for redirection, you should write to them and explain why you could not action their redirection request.

2.27 Where an explanation of the circumstances has been provided, you cannot reject a postal vote application or redirection request on the grounds that you are not satisfied with the explanation given. If the reason does cause suspicion, or you have concerns because of other circumstances linking the redirection request to others in the area, or to a particular address, this should be reported to your police Single Point Of Contact (SPOC), even though you may have no grounds on which to reject the application or redirection request.

2.28 Levels of postal vote redirections should be monitored. It is important for you and your team to be vigilant as regards emerging patterns of redirections. In particular, you should agree with your police SPOC a threshold number of applications being directed to any one address, and consider notifying the police if this threshold is reached.



To meet the challenge of maintaining the integrity of absent vote applications, as set out in [Performance standard 1](#), you will need to ensure that you have in place processes to identify any patterns of activity that might indicate potential integrity problems, including what steps are to be taken to deal with any such problems.

Setting a threshold for the number of postal vote applications being redirected to one address will help you demonstrate that you are meeting the challenge.

For further information, see also [Chapter 4: Identifying suspicious absent vote applications](#).

## Signature waivers (postal)

2.29 You may dispense with the signature requirement on a postal vote application if you are satisfied that the applicant is unable to provide a signature, or a consistent signature, due to a disability or inability to read or write. If an applicant is unable to provide a signature or a consistent signature due to any disability or inability to read or write, they can request that the requirement for a signature on the postal vote application (and postal voting statement) is waived. The applicant must provide with their application the reason for the request and the name and address of any person who has assisted them with completing the application.

2.30 The level of proof or evidence that is needed in order to be satisfied that the applicant is unable to provide a signature, or a consistent signature, due to a disability or an inability to read or write is for you to decide, although you have no power to investigate or to make judgements on the nature or extent of an elector's disability. You should, however, be satisfied that the request is genuine and not being used as an attempt to avoid the postal vote security measures. You should take a consistent approach to considering requests for signature waivers that balances both the accessibility and integrity of the postal voting process.

2.31 If you are making further enquiries you should bear in mind that the person requesting the waiver may not be able to respond to written correspondence or provide further information themselves. You can, however, ask the person who has assisted the applicant for clarification or further information. You could, for example, ask this person to complete a signed declaration that to the best of their knowledge and belief the elector in question is unable to provide a signature or a consistent signature due to any disability or inability to read or write. You should make clear to anyone from whom you request information or a declaration that it is an offence to provide false information in connection with an application for an absent vote, and that this carries (on summary conviction) a maximum penalty of six months' imprisonment and/or an unlimited fine in England and Wales or a fine of up to £5,000 in Scotland.

2.32 The decision to grant a waiver is for you to make. If you are satisfied as to the waiver request and the accompanying absent vote application, you should give confirmation in writing to the elector that you have accepted the application and the waiver request.

2.33 If, having made any appropriate enquiries, you are not satisfied as to the authenticity of the waiver request, you should refuse it. If a waiver request is refused, you must reject the absent vote application and notify the applicant in writing of the reasons for your decision. For further details, see '[Processing](#)' later in this Chapter.

2.34 You should remain vigilant as to any trends which may be revealed through the receipt of waiver requests. The following should raise suspicion:

- large numbers of applications assisted or signed by one person with no plausible explanation (for example, while it may be plausible for nursing or care home staff to assist a number of electors to complete their waiver requests, it is less plausible that ordinary members of the public who do not have a connection with such establishments, would need to assist a large number of applicants)
- large numbers of applications from one street or area with no plausible explanation (for example, while it may be plausible that a larger than usual number of waivers are requested by residents in a nursing or care home, it is less plausible that a high number of residents in an ordinary HMO would need a waiver).

## Submitting applications

2.35 A postal vote application must be made in writing, but can be in any format: a letter, a fax, an email with a scanned signature or a form, provided it meets the prescribed requirements described in paragraphs **2.7-2.10** above. If you receive an application that meets those requirements you must accept it and not ask the applicant to re-submit the application on one of your forms.

2.36 Applications sent by fax must be legible and the personal identifiers need to be set out in the prescribed manner.

2.37 Applications submitted as a scanned attachment to an email should also be accepted, although there must be a signature on the attachment. An application should only be accepted by email if it contains the legible scanned image of the signed application.

## Application deadlines

2.38 Postal vote applications can be made at any time, and you should process all applications as soon as possible after receipt. There are, however, deadlines

in legislation by which postal vote applications must have been received in order to apply at a particular election.

<b>Deadline for new postal and postal proxy applications</b>	5pm – 11 working days before the date of the poll
<b>Deadline for changes (including cancellations) to existing absent voting arrangements</b>	5pm – 11 working days before the date of the poll Except in the case where a postal ballot paper has been issued before then and has been returned (but not under the lost / spoilt / not received provisions) - in that case, no changes may be made after the ballot paper has been returned.

2.39 Deadlines for absent vote applications at an election are statutory. There can be no extension to any of the deadlines for any reason. Applications received after the closing date and time for a particular election cannot be accepted for that election, although if the application is for a definite or indefinite period, it must still be processed and determined and will apply for subsequent elections.

2.40 Deadlines for postal voting are calculated in working days by excluding Saturdays, Sundays and bank holidays.

2.41 In general terms, the bank holidays that apply when calculating absent voting deadlines at a particular election, will be the ones that apply anywhere across the area in which the election as a whole takes place. So, at a UK Parliamentary general election, a bank holiday in Scotland will also apply in England and Wales.<sup>1</sup> However, at UK Parliamentary by-elections and local government elections, only the bank holidays that apply in the area that has the election must be taken into account and bank holidays taking place elsewhere must be disregarded.

2.42 In cases where the application was for a particular election and they missed the application deadline, applicants should be notified that their application was not received by the statutory deadline and so cannot be allowed in respect of that election. You should highlight the option to vote by proxy and include the relevant form if the deadline to apply to vote by proxy has not also passed. You should also include an application form and mention the option electors have to apply for

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<sup>1</sup> The only exceptions to this are the European elections – where bank holidays apply by European electoral region – and where the proceedings at a UK Parliamentary general election in a particular constituency are commenced afresh because a candidate has died. In this case, only the bank holidays that apply in the affected area will be included in the calculation of the absent voting deadlines.

a definite or indefinite period, in case they wish to have a postal vote for any other elections happening in future.

2.43 Where the application was for a definite or indefinite period but the applicant missed the application deadline for an impending election, you should also let them know that they missed the deadline to be issued a postal vote for that election, but that the postal vote will be in place for future elections.

2.44 Postal ballot papers may be issued from the deadline for withdrawals. If, before you have determined an application to change an elector's method of voting, the elector returns their postal ballot paper (unless they have spoilt it or claim it has been lost or not received), you must disregard the application for the election for which the postal ballot paper has been issued. If you are not the Returning Officer at the election you will need to closely liaise with them to ensure you can check any requests for changes after postal ballot packs have been issued against the list of returned postal ballot papers.

## Requirement to notify the Returning Officer at an election of changes to absent voting arrangements

2.45 As postal ballot papers may be sent out to electors from the close of withdrawals, but the deadline for changes to absent voting arrangements is not until 5pm, 11 working days before the poll, there are provisions to allow the Returning Officer to cancel an already issued ballot paper (provided the completed postal ballot paper has not already been returned by the elector for the election – see paragraphs **2.78** and **2.79**). To allow the Returning Officer to cancel the relevant ballot paper, you must notify them whenever you have granted:

- cancellation of postal vote arrangements
- change from postal to proxy
- application for a postal ballot paper to be sent to a different address

2.46 If a person returns to you a postal ballot paper that has been or is to be cancelled, the ballot paper, together with any other ballot papers returned, the postal voting statement or covering envelopes must be forwarded to the Returning Officer.

## Processing of applications

### Receiving applications

2.47 All applications should be date-stamped upon receipt. This is particularly important in the lead-up to an election. On the last day for applications ahead of a



particular election, it is also advisable to record the time of receipt, so that you have a clear audit trail of which applications were received before and which applications were received after the deadline.

2.48 Electors may well deliver an application form to a local authority contact or enquiry centre. You should consider where you will receive absent vote applications – for example, will you appoint staff at contact, reception or enquiry centre as your clerks for the purposes of receiving application forms? If you do, you should ensure that these staff are also aware of the postal voting deadlines and you should emphasise the importance of transmitting to you any absent vote applications they receive in a timely fashion.

2.49 You should also ensure that all in-trays, post boxes and desks of any absent registration staff are checked regularly to ensure that no forms are missed.

2.50 Occasionally, electors will send their applications to the wrong ERO. Again, you should have in place robust arrangements for the rapid, onward transmission of such forms. It may be necessary to fax or scan and email the application to the correct ERO if the application is received close to the closing date for a particular election.

2.51 At certain times – for example, in an election period – you may need to deal with a large volume of applications. You will need to consider what arrangements you will need to put in place to allow you to process such applications. If you are using temporary staff, you will need to ensure that training and precise instructions are provided.

## Determining applications

### Step

1

**Is the applicant registered, or will they be?**

2.52 Only electors who are registered, or will be registered, can apply for a postal vote. For someone to meet the ‘will be registered’ criteria, the five day objection period must have passed and you must have positively determined their registration application, which means they will be added to the register on publication of the next notice of alteration or on publication of the revised register, whichever is first. You will therefore need to check that the applicant is or will be registered before granting a postal vote application.

## Step

2

**Check the application meets the prescribed requirements**

2.53 Once the application has passed the registration check, it must be scrutinised to ensure that it satisfies the prescribed requirements set out in paragraphs **2.7** to **2.9** above. Where it does, you must confirm to the elector the outcome of the application (see paragraph **2.61** below).

2.54 If applications are incomplete you should, where possible, make further enquiries to obtain the missing information. If the missing information is not submitted, the application must not be allowed.

2.55 Where it appears that the elector has made a mistake when completing their postal vote application (for example, where they have transposed their date of birth figures), you should contact the elector and ask them to resubmit an application form with their identifiers.

2.56 Where you have any integrity concerns, you should contact your SPOC for further advice and handle the application form in accordance with any instructions provided by your SPOC on evidence handling.

2.57 It will be for you to determine how much checking you wish to undertake to satisfy yourself as to the authenticity of a date of birth or signature in each case, taking into account available resources and access to this information.

## Confirming the outcome of an application

2.58 You are legally required to write to all applicants to let them know whether their application has been accepted or rejected. If an application is rejected, you must give the reason(s) why it has been rejected.

2.59 Such confirmations provide an opportunity to safeguard against potential fraud, or misunderstanding, on the part of the elector. You may, additionally, decide to acknowledge receipt of applications. If an elector receives an acknowledgement for a postal vote that they have not requested, receipt of the acknowledgement would give the elector an opportunity to get in touch with you.

2.60 All responses, along with incidents of confirmation notices or acknowledgements returned to you as undelivered/not known at this address, should be monitored and, if you have concerns, you should contact your SPOC for further advice. For further information, see also [Chapter 4: Identifying suspicious absent vote applications](#).

2.61 Any postal vote applications received after the deadline for a particular election must be disallowed for that election, and the elector notified of the fact. If, however, it is an application for a definite or indefinite period going beyond the election, and the application meets all the prescribed requirements, the elector should be advised on the confirmation notice that their application will become valid for future elections. If the application is refused, you must notify the applicant of the decision and the reason for it.

## Appeals

2.62 An appeal procedure is provided for persons whose applications have been disallowed. Any person wishing to appeal must give notice to you within 14 days of the date of the decision on the application and must specify the grounds of appeal. You must immediately forward the notice to the county court or, in Scotland, the Sheriff, together with a statement:

- of the material facts which have, in your opinion, been established in the case
- of your decision upon the whole case, and
- of any point which may be specified as grounds of appeal

2.63 If there are several appeals, all made on the same or similar grounds you may group them when dispatching them to the court or, in Scotland, the Sheriff.

2.64 The legislation does not specify the procedure that should be followed should the court (or, in Scotland, the Sheriff) allow the appeal, but you should be prepared to add the electors to the record and, if appropriate, to the list prepared for an election.

## Storage of forms

2.65 Any forms containing the personal identifiers of postal voters must be stored securely. Forms may be scanned and stored electronically, or you may keep the originals in paper form.

2.66 You may keep these documents after your determination of the application. The Data Protection Act 1998 (DPA) does not set out any specific maximum periods for retention of personal data, but it says that personal data processed for any purpose shall not be kept for longer than is necessary for that purpose. You will therefore need to consider whether it would be appropriate for you to hold on to the information. Copies of documents (either scanned or in hard copy) could be retained for a specific period (for example, one elections cycle) to take account of the possibility of a legal challenge and any analysis the police may need to carry out if there are any integrity concerns.

2.67 Unless there is a legal change or investigation you should not retain any documents relating to a particular elector for more than 12 months after their postal vote has been cancelled, as 12 months is the usual time limit for any prosecutions.



The Information Commissioner's Office provides general advice on the retention of personal data: <https://ico.org.uk/for-organisations/guide-to-data-protection/principle-5-retention>

2.68 Postal voters' signatures are refreshed every five years (see [Chapter 6: Refreshing absent vote signatures](#)). Where the signature has been refreshed, you should consider whether it would be appropriate to keep the original or an electronic copy of the refresh notice.

## Changing or cancelling a postal vote

### Redirection requests

2.69 Existing postal voters with a postal vote for a definite or indefinite period may ask for their postal vote to be redirected at any time and up until 5pm, 11 working days before an election to be effective at that election. The exception to this is where the completed postal ballot paper has already been returned by the elector for the election – see paragraphs **2.78** and **2.79** below.

2.70 The request must be made in writing and may be hand-delivered, faxed or emailed to you and must contain:

- the elector's full name and registered address
- the redirection address
- the circumstances that require, or will require, the redirection
- the date of the request

2.71 Where a request for redirection has been granted, you must confirm this to the elector.

2.72 Those with a postal vote for a particular election may not alter their postal vote delivery details, but may submit a fresh application with a new address for the postal vote to be sent to.

## Changes from postal to proxy

2.73 Postal voters who have a postal vote for a definite or indefinite period may change their voting option from postal to proxy at any time and up until 5pm, 11 working days before an election to be effective at that election. The exception to this is where the completed postal ballot paper has already been returned by the elector for the election – see paragraphs **2.78** and **2.79** below.

2.74 Applications to change the voting option must be made in writing and may be hand-delivered, faxed or emailed to you and must contain:

- the elector's full name and registered address
- the proxy's name and address
- the reason why the elector cannot vote in person on polling day
- the date of application
- the relationship to the proxy (if any)
- a statement that they have consulted the proxy and that the person is capable of being and willing to be appointed as their proxy

## Cancelling a postal vote

2.75 Postal voters who have a postal vote for a definite or indefinite period may cancel their postal vote at any time and up until 5pm, 11 working days before an election to be effective at that election. However, since postal ballot papers may be issued to electors as soon as practicable, an elector who has received their postal ballot and has returned their completed postal ballot paper for the election will not be allowed to cancel or make any changes to their absent voting arrangements so that they take effect at the election (except if the ballot paper has been returned as spoilt or lost). This is also the case for an elector voting by proxy, where their proxy has a postal vote and has already voted on behalf of the elector by returning their completed postal proxy vote.

2.76 It is the return of the ballot paper that is relevant in determining whether or not an elector can make changes to their postal voting arrangements to take effect at that election. Returning Officers will therefore need to have in place a system that will allow them to identify promptly whether or not a postal ballot paper has been returned.

2.77 There are no provisions for those electors with a postal vote at a particular election to cancel their postal vote. However, they may change their voting method by submitting a fresh proxy application by 5pm, 11 working days before the election, which would supersede the earlier application for a postal vote.

## Name changes

2.78 An elector can apply to change their name on the register by submitting a completed change of name form with supporting evidence. The change of name will need to be reflected in the absent voting record. When an elector with a postal vote changes their name, you should send them a new postal vote application in order to collect their new signature.



Guidance on change of name on the register is contained in Chapter 8 of Part 4: [‘Maintaining the register throughout the year’](#).

## 3 Proxy voting

### Eligibility

3.1 Electors who are or will be registered are entitled to apply for a proxy vote. For someone to meet the 'will be registered' criteria, the five day objection period must have passed and you must have positively determined their registration application, which means they will be added to the register on publication of the next notice of alteration or on publication of the revised register, whichever is first.

3.2 Electors may have a proxy vote for an indefinite period, a definite period or for a particular election. While everyone is entitled to a proxy vote at a particular election, applications for a definite or indefinite period require a specific reason and generally need to be supported by an attestation.

### Qualifications for acting as a proxy

3.3 Any person is capable of being appointed to vote as proxy for another, as long as they are, or will be, registered and are entitled to vote in the type of poll they are appointed for.

3.4 You will need to be satisfied that the person an elector has requested to be appointed as their proxy is an elector who is, or will be, registered. For someone to meet the 'will be registered' criteria, the five day objection period must have passed and you must have positively determined their registration application, which means they will be added to the register on publication of the next notice of alteration or on publication of the revised register, whichever is first.

3.5 Where the proxy is resident in your own local authority area, you will be able to check this on your own register. However, where the proxy is registered in another local authority area you will need to obtain confirmation from another ERO that they are or will be registered. You can require another ERO to provide information 'as soon as reasonably possible' about whether a proxy is or will be registered. You should let the ERO know if you require an urgent response due to an imminent election. You should consider how to most effectively draw their attention to the urgency of any required response, for example, by using a clear subject heading in your email, such as "ERO registration status check for proxy application". You will also need to have in place a mechanism for monitoring and following up on any non-responses. Equally, you should ensure that you provide this information as quickly as possible to any ERO who requires this information from you.

3.6 If they are not and will not be registered, you should contact the applicant to explain the qualification criteria and ask them to nominate someone else who is

or will be registered as their proxy, or suggest that they ask their proxy to apply to register (and explain how they can do this) and notify you if the registration application is successful. If the proxy application was made close to a registration deadline you should attempt to contact the applicant quickly, such as by phone or email if you have their contact details, and ask them to provide details of an alternative proxy.

3.7 A person is not entitled to vote as proxy in any electoral area on behalf of more than two electors, except where they are the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the electors. There is no limit to the number of these close relatives that a proxy may vote on behalf of.

3.8 It is not an offence to be appointed as proxy by more than two people, but it is an offence to vote for more than two people who are not close relatives (as defined above).

## Applying to vote by proxy

### Content of applications

3.9 There is no prescribed proxy vote application form and so an application can be made on any form, although there are requirements for the signature and date of birth to be presented in a specific format, as set out later in this section.

3.10 A proxy vote application must be made in writing, but can be in any format: a letter, a fax, an email with a scanned signature or an application form are acceptable, as long as the personal identifier information is clear and unambiguous and is provided in the format prescribed in the regulations and as explained below. Unlike applications to register, proxy vote applications cannot be made online or by telephone.<sup>2</sup>

3.11 There are a number of pieces of information that must be included on a proxy application by law. The application must be made in writing and be dated, and include the following information:

- the full name of the elector
- the elector's date of birth
- the elector's signature
- the address in respect of which the applicant is (or has applied to be) registered to vote

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<sup>2</sup> The online form makes this clear to electors when they are applying to register. However an application is made, the applicant will be asked whether they want to apply to vote by post or by proxy. Where the elector wishes to vote by proxy you will need to send them a proxy vote application form.



- the grounds on which the elector claims to be entitled to vote by proxy
- the full name and address of the proxy
- the family relationship between the elector and proxy (if any)
- whether the application is for a particular election, a particular period or an indefinite period, and if it is for a particular period it should specify that period
- whether it is for parliamentary elections, local elections or both
- the date of application

3.12 The applicant must also either:

- where only they have signed the form, include a statement stating that they have consulted the proxy and that that person is able and willing to be appointed as a proxy, or
- where the proxy has also signed the form, include a statement by the proxy stating that they are able and willing to be appointed as the applicant's proxy

3.13 All electors wishing to appoint a proxy are required to supply their personal identifiers. If a person appointed as a proxy wishes to apply for a postal vote, they will also have to supply their identifiers. The following table illustrates the identifier requirements:

Method of voting	Identifiers required	
	Elector	Person appointed as proxy
Proxy to vote at polling station	Yes	No
Proxy to vote by post	Yes	Yes

3.14 Where an applicant is unable to provide a signature, they must provide, together with their application, reasons for their request to have the signature requirement waived, along with the name and address of any person who has assisted them with the completion of the application. Further guidance on the waiver procedure can be found in the section ['Waivers'](#), below.

3.15 Although there is no prescribed form for applying for a proxy vote, the regulations require that on an application the personal identifiers (i.e. the signature and date of birth) are set out in a manner that is sufficiently clear and unambiguous as to allow electronic scanning into your records, by configuring the information as follows:

- the signature shall appear against a background of white unlined paper of at least 5 cm long and 2 cm high, and
- the applicant's date of birth shall be configured numerically in the sequence of day, month and year, i.e. DD MM YYYY

3.16 This provision is limited to requiring the information to be configured in the above two ways. You cannot impose any other conditions on the way the information is configured, even if to do so would make it easier to scan the identifiers: for example, you cannot mandate a certain thickness or colour of paper for an application. As long as the identifier fields feature the required contrast and the application meets all of the other legislative requirements, the form must be accepted.

3.17 The location of the signature and date of birth on an application is not prescribed. If the signature and date of birth fields are set out so as to meet the size, format and contrast requirements outlined above, wherever the fields may be on the form, they must be deemed to be in accordance with the regulations.

3.18 You must accept any application that arrives in the prescribed format – i.e. with the date of birth and signature fields as prescribed. Your software system must be able to accept applications if these provisions are fulfilled, and applications should not be rejected on the grounds that they are not made on a particular form.

3.19 A number of other organisations, including the Electoral Commission and political parties, also provide proxy vote application forms.



You can access the Commission's proxy vote application forms from [www.aboutmyvote.co.uk/](http://www.aboutmyvote.co.uk/)

3.20 Applicants must, as part of the application, specify why they cannot reasonably be expected to vote in person. This requirement does not, however, apply to those registered as overseas electors or service voters or in respect of a Crown Servants declaration, where you can be satisfied by the nature of their registration that they cannot reasonably be expected to go to their allotted polling station. Also, this requirement does not apply if the applicant is an anonymous elector.

### **Voting by proxy at a particular election**

3.21 Applications for a particular election only require the applicant to give a reason for voting by proxy – it does not have to be a specific one.

3.22 The decision as to whether the reason given is satisfactory is made at your discretion, taking each case on its own merits.

3.23 There are many reasons why a person may decide to vote by proxy at a particular election. If no explanation of the relevant circumstance is given, the application will be incomplete and you should write to the elector to ask them to

provide an explanation. If no explanation is provided, you can decide to reject the application on the grounds that it does not meet the prescribed requirements.

3.24 You cannot, however, reject a proxy vote application solely on the grounds that you are not satisfied with the explanation provided. You should accept these applications at face value. If the reason for any particular application does cause suspicion, or if you have concerns because of other circumstances linking the application to others in the area, or to a particular address, this should be reported your police Single Point Of Contact (SPOC) for further advice, even though you may have no grounds on which to reject the application.

### **Voting by proxy for a definite or indefinite period**

3.25 While applications for a particular election only require the applicant to give a reason for voting by proxy, an application for a proxy vote for a definite or indefinite period requires specific reasons.

3.26 These reasons are:

- blindness
- other disability
- occupation/employment/service/attendance on a course
- registered as a service voter or overseas voter
- registered as an anonymous elector
- journey necessary by sea or air to get from the registered address to their polling station

3.27 In some of these cases, an attestation in support of the application is also required.

## **Attestations**

3.28 The following proxy applications for a definite or indefinite period require an attestation:

- applications for reasons of blindness or other disability (excluding those who are registered blind or severely sight impaired by the local authority or who are in receipt of the higher rate of the mobility component of the Personal Independence Payment)
- applications due to occupation, employment, service or attendance on a course

3.29 Those having to make a journey by sea or air to get to their polling station do not require their application to be attested. You will be able to verify whether a journey by sea or air is required to get from the qualifying address to the relevant polling station from your own local knowledge. This provision only covers journeys from the qualifying address to the polling station, and not any such

journeys required due to being temporarily absent from the qualifying address, such as being on holiday.

### **Disability or blindness**

3.30 Forms must be attested by:

- a registered medical practitioner or registered nurse treating the applicant for their disability or from whom the applicant is receiving care in respect of that disability
- a person registered as a member of a profession to which the Health Professions Order 2001 applies (i.e. arts therapists, chiropodists, clinical scientists, dieticians, medical laboratory technicians, occupational therapists, orthoptists, paramedics, physiotherapists, prosthetists and orthotists, radiographers, and speech and language therapists) treating the applicant for their condition or from whom the applicant is receiving care in respect of that disability
- a registered dentist, dispensing optician, optometrist, pharmaceutical chemist, osteopath or chiropractor treating the applicant for their disability or from whom the applicant is receiving care in respect of that disability
- the manager of a care home service registered under Part 2 of the Care Standards Act 2000 in England and Wales and under Part 1 of the Regulation of Care (Scotland) Act 2001
- the warden of residential premises provided for persons of pensionable age or disabled persons, where the applicant states that they reside in such an establishment
- the manager (or their authorised representative) of a hospital registered in accordance with Section 145 of the Mental Health Act 1983 in England and Wales and Section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003
- a registered social worker who has arranged care or assistance for the applicant
- a registered chartered psychologist who is treating the applicant for their condition or from whom the applicant is receiving care in respect of that disability

3.31 In most circumstances, the person attesting the form must provide their name and address. The only exception is where an application is made by an elector detained in a hospital under Section 145 of the Mental Health Act 1983 in England and Wales and Section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003. In this case, there is no need for the attestor to provide their address.

3.32 In all cases, the attestor must state:

- the post or office that qualifies them to attest the application
- that to the best of their knowledge and belief the applicant cannot reasonably be expected to go to the polling station or to vote there unaided by reason of their disability
- that the medical condition or disability is likely to continue either indefinitely or for a period specified by the attestor

3.33 Where an application is made by an elector detained in a hospital under Section 145 of the Mental Health Act 1983 in England and Wales and Section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003, the person attesting the application must also state the statutory provision under which the applicant is liable to be detained.

### **Occupation, employment, service or attendance on a course**

3.34 Forms must be attested:

- by the applicant's employer or an employee delegated to do so on the employer's behalf, or
- if the applicant is self-employed, by a person aged 18 years or over (16 years or over in Scotland for applications for Scottish Parliamentary and local government elections) who knows the person but is not related to them, or
- if the applicant is attending a course, by the tutor of that course or the principal of the educational institution where the course is taking place, or an employee delegated to do so on the principal's behalf

## Availability of forms

3.35 You should ensure that electors are made aware that they have the option to vote by post, proxy or in person. This will allow them to make an informed choice about the option that is most appropriate to their circumstances.

3.36 As part of this, you must supply, free of charge, a reasonable quantity of absent vote application forms to people who wish to use them in connection with an election, which includes political parties. It is not currently possible for proxy vote application forms to be sent via the IER Digital Service.

3.37 Application forms should also be made available as a matter of course at all of the public offices of the local authority and at other premises frequented by electors, such as post offices, libraries, doctors' surgeries and Citizens Advice Bureaux. You should also make the forms available to download from your local authority's website. Alternatively, you could include a link to the application forms that are available to download from [our website](#).

3.38 At the places where you decide to make the forms available, you should also consider publicising the closing date for the return of applications ahead of an election, including the deadlines for making changes to existing arrangements. If you are not also the Returning Officer for the election, you will need to liaise with them to ensure that the information you provide about the dispatch of postal proxy votes is accurate.

## Voting by post as proxy

3.39 Those appointed as a proxy can choose to apply to vote by post. You should consider sending application forms for this purpose when notifying the proxy of their appointment. The application made by the proxy to vote by post must meet the same prescribed requirements as for any application to vote by post, including the requirement to provide personal identifiers, all of which are outlined in [Chapter 2: Postal voting](#).

## Emergency proxies

3.40 An elector may appoint an emergency proxy at a particular election up to 5pm on polling day in the following circumstances:

- in the case of a medical condition, illness or disability arising after the deadline for ordinary proxy applications
- if they are a mental health patient detained under civil powers
- if their occupation, service or employment means they cannot go to the polling station in person and they became aware of this after the deadline for ordinary proxy applications

### Attestations for emergency proxies

3.41 In the case of emergency proxies for medical reasons or on the grounds of occupation, service or employment, the application form must be attested.

3.42 Where the emergency proxy application is due to a medical condition, illness or disability, the attestor must be one of the individuals included in the list in paragraph **3.32** above who may attest proxy applications made on the grounds of disability or illness. The attestation must include the day on which, to the best of the knowledge and belief of the person attesting, the applicant became ill or

disabled, which must be after 5pm on the sixth working day before polling day if the application is to be accepted.

3.43 Where a person applies for an emergency proxy because they have been called away as a result of their occupation, service or employment, the application must include the date on which they became aware of the circumstances which will not allow them to vote in person.

3.44 Applications on the grounds of occupation, service or employment must be attested as follows:

- by the applicant's employer or an employee delegated to do so on the employer's behalf, or
- if the applicant is self-employed, by a person aged 18 years or over (16 years or over in Scotland for applications for Scottish Parliamentary elections) who knows the person but is not related to them

3.45 A person is related to another in this context if they are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

#### **Communicating emergency proxy appointments to polling station staff**

3.46 If the application is made on polling day, or after the list of proxies has been dispatched to the polling station, it will be necessary to find a way to communicate the information to the Presiding Officer at the polling station where the proxy will be voting, as clearly they will not be on the list of proxies originally supplied.

3.47 Local arrangements between you and the Returning Officer will be required in order to determine how any emergency proxy appointments will be notified to the Presiding Officer.

3.48 For example, you could give the proxy of any voter whose application has been accepted a letter authorising them to act as a proxy, which would also include details of the person for whom they are voting. The proxy could then be instructed to take that authorisation with them when they go to vote and hand it to the Presiding Officer. The letter should then be retained with the list of proxies as a record that the proxy has been issued with a ballot paper.

3.49 Every effort should be made to contact the appropriate Presiding Officer directly to notify them that an emergency proxy has been appointed, particularly as there is actually no requirement in law that the proxy must provide any documentation in order to be permitted to vote on behalf of the elector. Wherever possible, it is recommended that a supplementary list of proxies be issued to the polling station, which should then be added to the list originally supplied.

## Signature waivers (proxy)

3.50 You may dispense with the signature requirement on a proxy application if you are satisfied that the applicant is unable to provide a signature, or a consistent signature, due to a disability or inability to read or write. If an applicant is unable to provide a signature or a consistent signature due to any disability or inability to read or write, they can request that the requirement for a signature on the application is waived. The applicant must provide with their application the reason for the request and the name and address of any person who has assisted them with completing the application.

3.51 The level of proof or evidence that is needed in order to be satisfied that the applicant is unable to provide a signature, or a consistent signature, due to a disability or an inability to read or write is for you to decide, although you have no power to investigate or to make judgements on the nature or extent of an elector's disability. You should, however, be satisfied that the request is genuine and not being used as an attempt to avoid security measures. You should take a consistent approach to considering requests for signature waivers that balances both the accessibility and integrity of the postal voting process.

3.52 If you are making further enquiries you should bear in mind that the person requesting the waiver may not be able to respond to written correspondence or provide further information themselves. You can, however, ask the person who has assisted the applicant for clarification or further information. You could, for example, ask this person to complete a signed declaration that to the best of their knowledge and belief the elector in question is unable to provide a signature or a consistent signature due to any disability or inability to read or write. You should make clear to anyone from whom you request information or a declaration that it is an offence to provide false information in connection with an application for an absent vote, and that this carries (on summary conviction) a maximum penalty of six months' imprisonment and/or an unlimited fine in England and Wales or up to a £5,000 fine in Scotland.

3.53 The decision to grant a waiver is for you to make. If you are satisfied as to the waiver request and the accompanying absent vote application, you should give confirmation in writing to the elector that you have accepted the application and the waiver request.

3.54 If, having made any appropriate enquiries, you are not satisfied as to the authenticity of the waiver request, you should refuse it. If a waiver request is refused, you must reject the absent vote application and notify the applicant in writing of the reasons for your decision. For further details, see ['Processing'](#) later in this Chapter.

3.55 You should remain vigilant as to any trends which may be revealed through the receipt of waiver requests. The following should raise suspicion:



- large numbers of applications assisted or signed by one person with no plausible explanation (for example, while it may be plausible for nursing or care home staff to assist a number of electors to complete their waiver requests, it is less plausible that ordinary members of the public who do not have a connection with such establishments, would need to assist a large number of applicants)
- large numbers of applications from one street or area with no plausible explanation (for example, while it may be plausible that a larger than usual number of waivers are requested by residents in a nursing or care home, it is less plausible that a high number of residents in an ordinary HMO would need a waiver)

## Submitting applications

3.56 A proxy vote application must be made in writing, but can be in any format: a letter, a fax, an email with a scanned signature or a form, provided it meets the prescribed requirements described in paragraph **3.13** above. If you receive an application other than on the application form that you produced, you must accept it – provided it provides the required information – and must not ask the applicant to re-submit the application on one of your forms.

3.57 Applications sent by fax must be legible and the personal identifiers need to be set out in the prescribed manner.

3.58 Applications submitted as a scanned attachment to an email should also be accepted, although there must be a signature on the attachment. An application should only be accepted by email if it contains the legible scanned image of the signed application.

## Application deadlines

3.59 Proxy vote applications can be made at any time, and you should process all applications as soon as possible after receipt. There are, however, deadlines in legislation by which proxy vote applications must have been received in order to apply at a particular election.

<b>Deadline for changes to existing proxy and postal proxy arrangements (including cancellations)</b>	5pm – 11 working days before the date of the poll
<b>Deadline for new proxy applications (excluding emergency proxies) and new proxy appointments</b>	5pm – 6 working days before the date of the poll
<b>Deadline for emergency proxy applications</b>	5pm – polling day

3.60 If a postal proxy returns their postal ballot paper (unless they have spoilt it or claim it has been lost or not received) before you have determined an application from the elector to cancel their proxy, or from the proxy to change their method of voting from postal to voting in person, you must disregard the application for the election for which the postal ballot paper has been issued. Further information relating to the cancellation of postal votes, which also applies in the case of a postal proxy, is contained in paragraphs **2.75** and **2.76** above.

3.61 Deadlines for absent vote applications at an election are statutory. There can be no extension to any of the deadlines for any reason. Applications received after the closing date and time for a particular election cannot be accepted for that election, although if the application is for a definite or indefinite period, it must still be processed and determined and will apply for subsequent elections.

3.62 Deadlines for voting by proxy are calculated in working days by excluding Saturdays, Sundays and bank holidays.

3.63 In general terms, the bank holidays that apply when calculating absent voting deadlines at a particular election will be the ones that apply anywhere across the area in which the election as a whole takes place. So, at a UK Parliamentary general election, a bank holiday in Scotland will also apply in England and Wales.<sup>3</sup> However, at UK Parliamentary by-elections and local government elections, only the bank holidays that apply in the area that has the election must be taken into account and bank holidays taking place elsewhere must be disregarded.

3.64 In cases where the application is for a particular election only and the deadline has been missed, applicants should be notified that their application was not received by the statutory deadline and so cannot be allowed in respect of that election.

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<sup>3</sup> The only exceptions to this are the European elections – where bank holidays apply by European electoral region – and where the proceedings at a UK Parliamentary general election in a particular constituency are commenced afresh because a candidate has died. In this case, only the bank holidays that apply in the affected area will be included in the calculation of the absent voting deadlines.

3.65 Where the application was for a definite or indefinite period but the applicant missed the cut-off for an impending election, you should also let them know that they missed the deadline to be given a proxy vote for that election, but that the proxy arrangement will be in place for future elections.

## Processing of applications

### Receiving applications

3.66 All applications should be date-stamped upon receipt. This is particularly important in the lead-up to an election. On the last day for applications ahead of a particular election, it is also advisable to record the time of receipt, so that you have a clear audit trail of which applications were received before and which applications were received after the deadline.

3.67 Electors may well deliver an application form to a local authority contact or enquiry centre. You should consider where you will receive absent vote applications – for example, will you appoint staff at contact, reception or enquiry centre as your clerks for the purposes of receiving application forms? If you do, you should ensure that these staff are also aware of the absent voting deadlines and you should emphasise the importance of transmitting to you any absent vote applications they receive in a timely fashion.

3.68 You should also ensure that all in-trays, post boxes and desks of any absent registration staff are checked regularly to ensure that no forms are missed.

3.69 Occasionally, electors will send their applications to the wrong ERO. Again, you should have in place robust arrangements for the rapid, onward transmission of such forms. It may be necessary to fax or scan and email the application to the correct ERO if the application is received close to the closing date for a particular election.

3.70 At certain times – for example, in an election period – you may need to deal with a large volume of applications. You will need to consider what arrangements you will need to put in place to allow you to process such applications. If you are using temporary staff, you will need to ensure that training and precise instructions are provided.

## Determining applications

### Step

1

**Is the applicant registered, or will they be?**

3.71 Only electors who are registered, or will be registered, can apply for a proxy vote. For someone to meet the 'will be registered' criteria, the five day objection period must have passed and you must have positively determined their registration application, which means they will be added to the register on publication of the next notice of alteration or on publication of the revised register, whichever is first. You will therefore need to check that the applicant is, or will be, registered before granting the proxy vote application.

### Step

2

**Check the application meets the prescribed requirements**

3.72 Once the application has passed the registration check, it must be scrutinised to ensure that it satisfies the prescribed requirements set out in paragraph **3.13** above. Where it does, you must confirm to the elector and their proxy the outcome of the application (see paragraph **3.84** below).

3.73 If applications are incomplete you should, where possible, make further enquiries to obtain the missing information. If the missing information is not submitted, the application must not be allowed.

3.74 Where it appears that the elector has made a mistake when completing their application (for example, where they have transposed their date of birth figures), you should contact the elector and ask them to resubmit an application form with the correct details.

3.75 Where you have any integrity concerns, you should contact your SPOC for further advice and handle the application form in accordance with any instructions provided by your SPOC on evidence handling.

3.76 It will be for you to determine how much checking you wish to undertake to satisfy yourself as to the authenticity of a date of birth or signature in each case, taking into account available resources and access to this information.

## Confirming the outcome of an application

3.77 You are legally required to write to all applicants to let them know whether their application has been accepted or rejected. If an application is rejected, you must give the reason(s) why it has been rejected.

3.78 When you have granted an application, you must confirm that the proxy has been appointed, the name and address of the proxy and the duration of their appointment. A proxy must also be notified of their appointment. The form of the proxy paper for this purpose is prescribed, except where the proxy has been appointed to vote at a Scottish Parliamentary election. However, if the appointment is made in respect of other elections as well, you may combine the proxy paper for a Scottish Parliamentary election with a proxy paper issued in respect of any other election.

3.79 Confirmations provide an opportunity to safeguard against potential fraud, or misunderstanding, on the part of the elector or the proxy. You may, additionally, decide to acknowledge receipt of applications. If an elector receives an acknowledgement for a proxy vote that they have not requested, receipt of the acknowledgement would give the elector an opportunity to get in touch with you.

3.80 All responses, along with incidents of confirmation notices or acknowledgements returned to you as undelivered/not known at this address, should be monitored and, if you have concerns you should contact your SPOC for further advice. For further information, see also [Chapter 4: Identifying suspicious absent vote applications](#).

3.81 Any proxy vote applications received after the deadline for a particular election must be disallowed for that election, and the elector notified of the fact. If, however, it is an application for a definite or indefinite period going beyond the election, and the application meets all the prescribed requirements, the elector should be advised on the confirmation notice that their application will become valid for future elections. If the application is refused, you must notify the applicant of the decision and the reason for it.

## Appeals

3.82 An appeal procedure is provided for persons whose applications have been disallowed. Any person wishing to appeal must give notice to you within 14 days of the date of the decision on the application and must specify the grounds of appeal. You must immediately forward the notice to the county court or, in Scotland, the Sheriff, together with a statement:

- of the material facts which have, in your opinion, been established in the case
- of your decision upon the whole case, and
- upon any point which may be specified as grounds of appeal

3.83 If there are several appeals, all made on the same or similar grounds you may group them when dispatching them to the court or, in Scotland, the Sheriff.

3.84 The legislation does not specify the procedure that should be followed should the court (or, in Scotland, the Sheriff) allow the appeal, but you should be prepared to add the electors to the record and, if appropriate, to the list prepared for an election.

## Storage

3.85 Any forms containing the personal identifiers of proxy voters and postal proxies must be stored securely. Forms may be scanned and stored electronically, or you may keep the originals in paper form.

3.86 You may keep these documents after your determination of the application. The DPA does not set out any specific maximum periods for retention of personal data, but it says that personal data processed for any purpose shall not be kept for longer than is necessary for that purpose. You will therefore need to consider whether it would be appropriate for you to hold on to the information. Copies of documents (either scanned or in hard copy) could be retained for a specific period (for example, one elections cycle) to take account of the possibility of a legal challenge and any analysis the police may need to carry out if there are any integrity concerns.

3.87 Unless there is a legal change or investigation you should not retain any documents relating to a particular elector for more than 12 months after their proxy vote has been cancelled, as 12 months is the usual time limit for any prosecutions.



The Information Commissioner's Office provides general advice on the retention of personal data:

[http://www.ico.org.uk/for\\_organisations/data\\_protection/the\\_guide/information\\_standards/principle\\_5](http://www.ico.org.uk/for_organisations/data_protection/the_guide/information_standards/principle_5)

3.88 Proxy voters' signatures are refreshed every five years (see [Chapter 6: Refreshing absent vote signatures](#)). Where the signature has been refreshed, you should consider whether it would be appropriate to keep the original or an electronic copy of the refresh notice.

# Changing or cancelling a proxy vote

## Changes from proxy to postal

3.89 Proxy voters who have a proxy vote for a definite or indefinite period may change their voting option from proxy to postal at any time and up until 5pm, 11 working days before an election to be effective at that election.

3.90 Applications to change the method of voting must be made in writing and may be hand-delivered, faxed or emailed to you and must contain:

- the elector's full name and registered address
- the date of application

## Cancelling a proxy vote

3.91 Proxy voters who have a proxy vote for a definite or indefinite period may cancel their proxy vote at any time and up until 5pm, 11 working days before an election to be effective at that election.

3.92 There are no provisions for those electors with a proxy vote at a particular election to cancel their proxy vote. However, they may change their voting method by submitting a postal application by 5pm, 11 working days before the election, which would supersede the earlier application for a proxy vote.

## Changing a proxy appointment

3.93 A proxy voter who has a proxy vote for a definite or indefinite period may apply to change their proxy appointment at any time and up until 5pm, 11 working days before an election to be effective at that election.

3.94 There are no provisions for those electors with a proxy vote at a particular election to change their proxy appointment. However, they may submit a fresh application to vote by proxy, which would supersede the earlier one.

## Name changes

3.95 An elector can apply to change their name on the register by submitting a completed change of name form with supporting evidence. The change of name will need to be reflected in the absent voting record.



Guidance on change of name on the register is contained in Chapter 8 of Part 4: [‘Maintaining the register throughout the year’](#).

## Enquiries to establish continued eligibility

3.96 You may make additional enquiries at any time, but you are legally required to make enquiries of all proxy vote applications granted on the specific grounds of occupation, service, employment or attendance on an educational course within three years of granting the application, or of the last such enquiry. The purpose of those enquiries is to establish whether there has been a material change in circumstances that would mean that the person is no longer entitled to their proxy vote.

3.97 You will need to put arrangements in place to schedule and track the progress of any such enquiries. You could, for example, include this into your monthly procedures for publishing a notice of alteration.

3.98 The format and content of those enquiries is not prescribed and you may contact the elector via email, by phone or by letter. Where you make an enquiry by telephone, you should keep a written note for your records. Your communications should also clearly state the deadline for replying to you and the consequences of not responding.

3.99 If an elector fails to respond to the enquiry within a period of one month, you are entitled to regard this as sufficient evidence of a material change of circumstances, and cancel the absent vote. Cancellation in these circumstances is discretionary and you may wish to send the elector further reminders before cancelling their absent vote. Also, if the cancellation would fall immediately before an election, you should consider not exercising the discretion until after the election to avoid the elector potentially being disenfranchised. Whatever approach you take, you should ensure that it is applied consistently to all electors.



## 4 Identifying suspicious absent vote applications

4.1 You are uniquely placed to identify incidents and patterns of activity that might indicate electoral fraud in your area. Although there are no definitive signs of possible absent vote application fraud, and each specific case will be different, you should ensure that you have mechanisms in place to monitor indicators of possible fraud. These indicators and any trigger points for further action will need to be informed by:

- the context of your local area
- whether they are consistent or inconsistent with any other data available to you
- the specific circumstances surrounding an application or applications

4.2 The following could, depending on the context, be indicators of possible fraud:

- Any number of application forms completed in the same hand.
- Unusually large numbers of absent vote applications in any particular area.
- Unusually large numbers of postal and postal proxy redirections to one particular property or properties.
- Unusually large numbers of proxy attestations.
- Unusually large numbers of signature waiver requests. For example:
  - large numbers of applications assisted or signed by one person with no plausible explanation
  - large numbers of applications from one street or area with no plausible explanation
- The signature and date of birth provided on the application form is inconsistent with data that you already hold.
- Acknowledgements/confirmation notices returned as undelivered.

4.3 You should put in place mechanisms that will help you to identify suspicious absent vote applications:

- Provide training for office staff on what to look out for
- Review data regularly to identify patterns
- Consider how best to share data about patterns of applications with local political parties and elected representatives to improve transparency and confidence, and so that they can help identify any applications which might be suspicious.



To meet the challenge of maintaining the integrity of absent vote applications, as set out in [Performance standard 1](#), you will need to ensure that you have in place processes to identify any patterns of activity that might indicate potential integrity problems, including what steps are to be taken to deal with any such problems.

The following will allow you to demonstrate that you are meeting the challenge:

- Setting a threshold for the number of absent vote applications being directed to any one address
- Setting and documenting the steps that are to be taken to deal with concerns about absent vote applications
- Setting and documenting how the approach to preventing and detecting electoral fraud is communicated to voters, candidates and other local contacts



For information on how to liaise with the police, see 'Your local police Single Point Of Contact (SPOC)' in Chapter 4 of Part 4: ['Maintaining the register throughout the year'](#).

# 5 Absent voting records, lists and register markers

## Absent voting records and lists

5.1 You are required to keep records of those applications for absent votes that have been granted. Three separate records are required, as follows:

<b>Postal voters</b>	The record must indicate the elector's full name (unless the elector is registered anonymously) and elector number, and the address to which the ballot paper is to be sent.
<b>Proxy voters</b>	The record must indicate the elector's full name (unless the elector is registered anonymously) and elector number, and the full name and address of the proxy.
<b>Postal proxy voters</b>	The record must indicate the elector's full name (unless the elector is registered anonymously) and elector number, and the full name of the proxy and the address to which the ballot paper is to be sent.

5.2 For any particular election, you must produce a postal voters list, a list of proxies and a postal proxy list based on the information contained in these records and supply these to the Returning Officer for the election, provided you are not also the Returning Officer, and those entitled to receive the lists (see next section). If an elector is registered anonymously only the elector number and period of anonymous registration is included on the lists.

5.3 You should ensure that the records and lists are accurate, and should take steps to ensure that electors who are deleted from the register are also removed from the absent voting records and lists.

5.4 You are also required to maintain a personal identifiers record. This record must include the names, signatures and dates of birth of all absent voters (except that where a waiver request has been granted, the record will not include a signature). You must keep the personal identifiers of an absent voter for a definite or indefinite period until the expiry of twelve months from the date on which a person is removed from the records of granted applications. In the case of the identifiers belonging to an absent voter for a particular election, you must keep the record until the expiry of twelve months from the date of the poll for the purposes of which the person's application for an absent vote was granted.



In Scotland, only EROs and their staff will have access to and be able to make use of data relating to those under 16 years of age, and no version of the register or any absent voting lists published or otherwise made available should contain that data. However, there are limited exceptions where the data, including on absent voting lists, may be disclosed, and these are detailed under 'Supply and Inspection' below.



You must require absent voters to provide a fresh signature when the signature on their record is more than five years old and update the signatures on the personal identifiers record accordingly. For guidance on carrying out the signature refresh exercise, see Chapter 6: [Refreshing absent vote signatures](#).

## Supply and inspection

5.5 Absent voting lists and the information contained on the absent voting record which would be used to generate the lists in case of an election are available for public inspection and copies may be supplied, free of charge, to:

- elected representatives (in as much as they relate to their area)
- local constituency parties
- political parties (in as much as they relate to their area)
- candidates (in as much as they relate to the area in which they are standing or intending to stand)



In Scotland, only EROs and their staff will have access to and be able to make use of data relating to those under 16 years of age, and no version of the register or any absent voting lists published or otherwise made available should contain that data. However, the data may be disclosed:

- to the individual themselves (including to demonstrate that they are a permissible donor, in which case the data must be disclosed) or to a person they have appointed as proxy to vote for them
- for the purposes of a criminal investigation or criminal proceedings relating to the registration of electors or the conduct of elections
- in a pre-printed HEF sent to a household for the annual canvass, although the date of birth of any person aged under 16 years old must not be pre-printed
- to EROs and Returning Officers in connection with the registration of electors or the conduct of elections.

The only other exception is that before a Scottish Parliamentary or local government election, the information on those under 16 years of age **who will be eligible to vote at the election** (i.e. will attain the age of 16 on or before polling day), can, for the purposes of or in connection with the election, be disclosed in the electoral register, postal voters list, list of proxies and list of postal proxies, that is supplied to:

- candidates at Scottish Parliamentary and local government elections for electoral purposes or to comply with the rules on political donations
- the Returning Officer for the purposes of Scottish Parliamentary or local government elections
- the Electoral Commission. In this case, the Commission is only allowed to use the information in connection with its functions relating to donation controls and publication of information about donors, but the latter does not enable publication of the names and addresses of those under 16 years old
- a local authority Returning Officer for the purposes of an election to a National Park authority. In this case, the information can only be used for the purposes of a National Park authority election.

The information supplied before an election must not contain dates of birth, or anything else that would identify a voter as under 16 years old.

No other individuals or bodies may be supplied with any information relating to those aged under 16 years old.

5.6 Ahead of an election, you should explain to candidates and parties that these lists are available for supply and set out how a request can be made. If you receive a request for the supply of absent voting lists, you should action it promptly. Sharing absent voting lists with candidates and parties in a timely manner will help promote confidence in the administration of the election and help candidates and parties to campaign.

5.7 A request must be made in writing and specify:

- the information that is being requested
- whether the request is in respect of the current lists only, or whether it includes a request for the supply of any final list
- whether the information is to be supplied in printed or data form

5.8 Any updates that you need to make to the lists to include the details of those who have made successful emergency proxy applications must also be shared with those who have requested to be supplied with a copy of the final lists.

5.9 Ahead of an election, you must also make the absent voting lists available for public inspection as soon as practicable after 5pm on the sixth working day before the poll.



General guidance on access and supply is contained in Chapter 12 of Part 4: [‘Maintaining the register throughout the year’](#)

5.10 The personal identifiers record is not open to public inspection and is not available for supply. It may only be provided to the Returning Officer for the purposes of carrying out the personal identifier checks on returned postal voting statements.

## Absent voting register markers

5.11 After all absent vote applications have been processed ahead of an election, and the sixth day before the poll has passed, you will need to prepare the electoral registers which are to be used in the polling stations at that election. .

5.12 Electors who have been allowed to vote by post and electors whose proxies have been allowed to vote by post must have the letter ‘A’ marked alongside their names in the register to be used in the polling station. Your EMS system should have the facility to print registers especially for use in the polling station at a particular election. There is no prescribed way of marking proxy voters on polling station registers, although in many cases, they will be prefixed with the letter ‘P’.

## 6 Refreshing absent vote signatures

6.1 The law requires EROs, by 31 January each year, to send every absent voter (postal, proxy and postal proxy voters)<sup>4</sup> whose signature on the personal identifiers record is more than five years old a notice in writing:

- requiring them to provide a fresh signature if they wish to remain an absent voter, and
- informing them of the date on which they would cease to be entitled to vote by post or by proxy in the event of a failure or refusal to provide a fresh signature (i.e. six weeks from the date of sending the notice)

6.2 You cannot require an absent voter to refresh their signatures outside the formal refresh exercise, except where you have sent a rejection notice to a postal voter after an election on the grounds that the signature provided on the returned postal voting statement did not match the example held on the personal identifiers record (and the person continues to be shown on your records as an absent voter) – for further information, see [Chapter 7: Postal vote identifier rejection notices](#).

6.3 There may be occasions where an elector may ask you to update their signature, e.g. as a result of a name change. Where this is the case, you should send them a new postal vote application in order to collect their new signature.

### Timing of the refresh

6.4 The next refresh exercise will be in January 2017 and will cover those absent voters whose signatures on the personal identifiers record will become more than five years old between 31 January 2016 and 30 January 2017.

### Calculating deadlines

6.5 Six weeks from the sending of the original notice, absent voters will lose their entitlement to vote by post or proxy if no response is received. This means that absent voters have just under six weeks to return the notice – the entitlement would be lost on the last day of the six-week period.

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<sup>4</sup> Absent voters who have been granted a waiver are not affected by the refresh provisions as they do not have a signature on the personal identifiers record.

6.6 You should date the notice on the day you expect to send it to absent voters, as the six-week period is calculated from the date the notice is sent.

6.7 Where the end of the six-week period falls on a non-working day, the deadline is extended to the next working day.

6.8 After three weeks of the date of the original notice, if no reply is received, a reminder notice needs to be sent to the absent voter. In this instance, the three weeks are inclusive, i.e. absent voters have a full three weeks to complete the notice and for it to arrive back at the ERO's office before a reminder should be sent.

## Identifying the size of the refresh

6.9 You should determine the age of the signature based on:

- the date of the signature the voter originally provided, or
- if the signature is undated, the date that the ERO received the original signature, or
- if the signature is undated and the ERO does not have a record of the date on which the signature was received, the date the signature was scanned into the electoral management system in order to be added to the personal identifier record.

6.10 If an absent voter has submitted a new signature to replace an existing signature at any point, the age of the signature is calculated based on the latest signature provided.

6.11 You should identify the size of the refresh exercise as early as possible by reviewing the personal identifiers record to check the numbers of signatures that will be subject to the refresh process, to inform your planning. As part of the planning process, you should consider what resources will be required to carry out the exercise, including whether any additional staff will be required, and ensure that you have the necessary technology in place to support the process. You should check with your EMS supplier that your system is able to identify the relevant absent voters.

6.12 You should also ensure that you have the appropriate notices in place to send to electors to obtain refreshed signatures, and to notify any electors whose absent vote you have cancelled because they did not provide a fresh signature.



## Date of birth

6.13 The date of birth is not part of the refresh process as set out in legislation. Existing absent voters **do not** need to provide their date of birth again in order for their absent vote to continue.

6.14 There is no provision in law for the elector's date of birth to be pre-printed on the refresh notice. As you will be required to send a postal vote identifier rejection notice after an election to absent voters whose date of birth was not included on the postal voting statement or did not match the one on your records, you should not use the signature refresh exercise as a mechanism for confirming an elector's date of birth.

## Contents of the refresh notice

6.15 The notice should be dated on the day that it is being sent. You should keep a record of the name of each person you have sent a notice to, the address to which you sent it, and the date of the notice, so that you can calculate the point at which the absent voter will lose their entitlement if they have not provided a fresh signature.

6.16 The notice must require the absent voter to supply a specimen of their signature, and explain that if this is not received before six weeks of the date of the notice, their absent voting facility will be cancelled. You should also include information in the notice, or accompanying it, to explain the following:

- how the required personal identifiers are used and how the personal identifiers assist in deterring misuse of the entitlement to vote by post/proxy
- the details of the absent vote currently in place for that person and the types of elections at which the person would no longer be able to vote by post/proxy if they do not provide the required signature
- that cancellation of the absent vote for failure or refusal to supply a new sample signature does not prevent the elector subsequently re-applying for an absent vote
- the circumstances in which the signature requirement may be waived
- the deadline for the ERO to receive the signature (i.e. before six weeks from the date of the notice)

## Sending the notice

6.17 You are required by law to send the notice to the current or last known address of the absent voter and must enclose a pre-addressed pre-paid postage reply envelope with every notice sent to a UK-based absent voter. Notices sent to

absent voters with non-UK addresses must also enclose a pre-addressed reply envelope but this is not required to have pre-paid postage.

## Reminder notice

6.18 If an absent voter who has been sent a notice has not responded within three weeks of the original notice date, you must send a reminder notice that is a copy of the contents of the original notice as soon as is practicable, unless the absent voter has in the meantime cancelled their absent vote.

6.19 You will need to have a mechanism to register or scan in returned notices to allow you to produce an accurate list of those electors who need to be sent a reminder notice.

## Notices without a signature or where the signature is not returned in the prescribed format

6.20 A returned signature must meet the prescribed requirements of an absent vote application, i.e. appear against a background of white unlined paper of at least five centimetres long and two centimetres high.

6.21 If you receive a notice that does not include a signature or where the signature does not meet the prescribed requirements, you should send another notice to request a new signature and explain why the notice originally returned could not be accepted – provided there is time left for the absent voter to complete and return it before the deadline. Otherwise, you should treat the absent voter as having failed to return the notice, as set out below.

## Return of the notice or reminder notice after the deadline

6.22 Any fresh signature that is received after the deadline cannot be used to add the previous absent voter back onto the relevant absent voter record. In this case you should send the person a letter explaining that the notice cannot be accepted and that if they wish to continue to have an absent vote they must re-apply and provide their identifiers on the application. You should include an application form with the letter. There is no provision for you to pre-print the date of birth you already hold on the new application form.

## Removing an absent voter from the absent voting records and lists

6.23 If you have not received a fresh signature before six weeks of the date of the original notice, you are required by law to remove the absent vote facility from the relevant absent voting records and lists (postal voters list, list of proxies or proxy postal voters list). You must also remove that person's entry from the relevant record of granted absent vote applications. The absent vote should be removed and the records and lists updated on the day after the deadline, and takes effect immediately.

6.24 You must, however, keep the elector's signature and date of birth previously provided on the 'record of personal identifiers' for a period of twelve months from the date on which the elector is removed from the record of granted applications.

### Notification of removal of an absent vote

6.25 You must notify the person in writing that their absent vote has been removed. This applies equally where the person has refused to provide a signature or has failed to respond to the notice or reminder notice. The notice must:

- explain that the person's absent vote has been removed because of a failure to provide a fresh signature, and so if they wish to vote they can only do so at a polling station
- inform them of their polling station, and
- remind them that they may make a fresh absent vote application, which must include their identifiers

6.26 You should include a new absent vote application form with the removal notice. There is no provision to pre-print the date of birth that you already hold for the elector on the new application form.

6.27 Where a postal proxy is removed from the record and list of postal proxies, you must also write to the elector who appointed the proxy whose entry has been removed and explain that while the proxy appointment remains in place (provided the elector has not also lost their entitlement to vote by proxy), their proxy must now attend the elector's polling station to vote on their behalf, or re-apply for a postal vote.

6.28 You should also write to any proxy or postal proxy where the elector has failed to respond to the request notices to inform them that their proxy or postal proxy appointment has been cancelled.

## 7 Postal vote identifier rejection notices

7.1 Where an absent voter appears on the list of rejected postal ballot papers you must, within three months of the date of the poll, notify the elector or postal proxy that the ballot paper was rejected because the Returning Officer was not satisfied that the postal voting statement was duly completed.

7.2 Where you are not the Returning Officer for the election you should put in place arrangements for obtaining the list of rejected postal voting statements from the Returning Officer.

7.3 You are not required to send a notification:

- if at the time you propose to send out the notification, the person is no longer shown in your records as an absent voter, or
- if the Returning Officer suspects that an offence may have been committed in relation to the postal ballot paper, postal voting statement or the absent voter's registration as an elector

7.4 If you are not also the Returning Officer for the election you should liaise with them after the election, so you do not send a rejection notice to a postal voter where fraud is suspected. Separate guidance will be provided to Returning Officers in the relevant election guidance.

### Contents of rejection notices

7.5 The rejection notice must include information on why the postal vote was rejected, i.e. whether:

- the signature provided on the postal voting statement did not match the example held by you; and, or
- the date of birth provided alongside the postal voting statement did not match the one held by you ; and, or
- no signature was provided on the postal voting statement; and, or
- no date of birth was provided on the postal voting statement

7.6 The notice may also include any other information that you consider appropriate, but **must not include the date of birth or signature.**

## Requirement to provide fresh signature

7.7 If you have sent a rejection on the grounds that the signature provided on the returned postal voting statement does not match the example held on the personal identifiers record (and the person continues to be shown on your records as an absent voter) you may require the absent voter to provide a fresh signature for the personal identifiers record, which could be done at the same time as you send them the rejection notice.

7.8 Where you do require the absent voter to provide you with a fresh signature you must inform the absent voter of the date (six weeks from the date of the notice) on which the absent voter would cease to be entitled to vote by post in the event of a failure or refusal to provide a fresh signature.

7.9 If the absent voter has not responded to the notice within three weeks from the date on which the notice was sent, you must send a reminder notice that is a copy of the contents of the original notice.

7.10 The notice and any reminder notice must be sent to the current or last known address of the absent voter and must be accompanied by a pre-addressed reply envelope with (for any address in the United Kingdom) prepaid return postage.

7.11 It is important for you to establish a clear audit trail for this process as following the date specified in the notice sent to the absent voter, you must determine whether the absent voter has failed or refused to provide a fresh signature. If they have, you must:

- remove that person's entry from the postal voters list or postal proxy voters list, as appropriate, and
- where a person has been removed from the postal proxy list, also notify the elector

## Notification of removal of an absent vote

7.12 You must notify the person in writing that their absent vote has been removed. The notice must:

- explain that the person's absent vote has been removed because of a failure to provide a fresh signature, and so if they wish to vote they can only do so at a polling station
- inform them of their polling station
- remind them that they may make a fresh absent vote application, which must include their identifiers

7.13 The notice should also set out that they have a right to appeal your decision and set out how an appeal may be made.

## Appeals

7.14 Any person wishing to appeal must give notice to you within 14 days of the date of your decision to remove their postal vote and must specify the grounds of appeal. You must immediately forward the notice to the county court or, in Scotland, the Sheriff, together with a statement:

- of the material facts which have, in your opinion, been established in the case
- of your decision upon the whole case, and
- upon any point which may be specified as grounds of appeal

7.15 If the appeal is successful you must add the person's details to the relevant records and lists.