

Part D – Absent voting

Council elections in Scotland:
guidance for Returning Officers

December 2016 (updated September 2022)

In this guidance we use 'must' when we refer to a specific legal requirement. We use 'should' for items we consider to be recommended practice, but which are not legal requirements.

Translations and other formats

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Updates to this document

<u>Updated</u>	Description of change	Paragraph number
March 2017	Updated to reflect that the Representation of the People (Absent Voting at Local Elections) (Scotland) Amendment Regulation 2017 now provides for emergency proxy applications for work or services reasons	2.7
May 2017	Updated to remove the section on postal voters who have been removed from the register during the election period	N/A
Sept 2020	Updated to reflect legislation providing for someone affected by Coronavirus to apply for an emergency proxy	2.7
November 2021	Updated to reflect the new provisions on being able to change the proxy appointment and additional grounds to apply for an emergency proxy. The deadline to replace lost or spoilt postal ballot papers are now aligned at 10pm on polling day.	



You should read the guidance in conjunction with any additional

guidance and directions issued by the Convener of the EMB. The Convener has the power to give general or specific directions to ROs relating to the discharge of their functions, and so when acting as RO you must comply with any such directions and consider any additional guidance issued.

1 Absent voting timetable

1.1 Postal ballot packs must be issued to electors as soon as is practicable, which in practice means any time after the details to be printed on the ballot papers have been confirmed, i.e. after the deadline for withdrawals, which is 4pm on the twenty-third working day before polling day¹.

1.2 The Electoral Registration Officer (ERO) is required to publish two interim election notices of alteration before publishing the final election notice of alteration on the fifth working day before the poll². This supports the dispatch of postal votes at an early stage in the timetable to those electors who have applied to register close to the registration deadline, as you are only able to issue a postal vote to someone who has already been added to the register. The early dispatch will maximise the time available for electors – especially service voters and those who have requested that their postal ballot pack is sent overseas – to receive, complete and return their postal vote.

1.3 If not included in the first issue, postal ballot packs for validly registered postal voters included in the second interim notice of alteration should be dispatched in a separate issue as soon as practicable. The EMB will provide further information about the dispatch of postal vote packs to registered postal voters included in the second interim notice of alteration.

1.4 The Convener's direction do not preclude ROs from issuing postal vote packs at other times if necessary e.g. because an elector is going to be on holiday or away on business by the time of the next issue of postal votes (see also paragraph 3.29)

1.5 The ERO will produce the postal voters list and the proxy voters list, and you will need these lists as soon as possible after the publication of the first interim election notice of alteration for use in the initial dispatch of postal votes. This notice must be published on the day of the deadline for nominations, which is 4pm on the 23rd working day before polling day. You will also need any updates once the second interim election notice of alteration and the final election notice of alteration have been published. You should liaise with the ERO at an early stage to agree a process for obtaining the lists.

a Further information on the publication of election notices of alteration can be found in the [Election notices of alteration](#) section on the Running Electoral Registration pages of the Commission's guidance for EROs.

1.6 The deadline for electors to make changes (including cancellations) to existing absent vote arrangements (i.e. postal, proxy and postal proxy) is 5pm, 11 working days before polling day. If, however, an elector is a postal voter and has already returned their postal ballot paper, they cannot make changes after that time, even if this is before the deadline³.

1.7 The deadline for new postal and postal proxy applications is also 5pm, 11 working days before polling day. The deadline for new proxy applications (not postal proxy), excluding emergency proxy applications, is six working days before polling day⁴.

a The deadline for emergency proxy applications is 5pm on polling day.⁵ See paragraph **2.7** below for further information on emergency proxies.

1.8 The ERO will provide you with the final absent voters, i.e. the list of postal voters list, the list of postal proxy voters list and the list of proxies, after the deadline for applications has passed. The final absent voting lists may not be available until after the registration determination deadline, which is six working days before the poll. For example, where a completed registration application is made by the deadline but the applicant's identity cannot be verified against DWP records or through local data matching, the ERO has until the determination deadline to receive the required evidence from the applicant under the exceptions process and make a determination; where the applicant has also applied for an absent vote by the relevant absent vote deadline, the absent vote cannot be granted until the registration application has been positively determined.

A Further information on providing the lists of absent voters to those standing for election can be found in [Part C – Administering the poll](#) of the Commission's guidance for ROs.

Information for EROs can be found in the [Supply and inspection of absent voting lists section](#) of the Running Electoral Registration pages of the Commission's guidance for EROs.

Changes to absent voting arrangements ahead of the elections

1.9 A person who is sent their postal vote early in the election timetable may receive it but subsequently decide they no longer wish to vote by post and still be within time to make changes to their absent voting arrangements to take effect at the election.

1.10 While the deadline for making changes to existing absent voting arrangements or cancelling an absent vote is 5pm, 11 working days before the poll, an elector who has received their postal ballot pack and who 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 spoiled 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 vote.

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

1.12 You should liaise with the ERO on postal voting processes. You should liaise with them to decide how any requests for changes to absent voting arrangements and information on returned postal ballot papers will be exchanged after that time so that:

- the ERO knows whether or not they can allow a request for changes to absent voting arrangements to take effect for the elections
- you can cancel the postal ballot paper if the request has been allowed

1.13 Further guidance on cancelling postal ballot papers and retrieving any ballot papers that are received after having been cancelled is included in paragraphs **6.47 and 6.49**.

A General guidance for EROs on dealing with absent voting applications and cancellations can be found in the [Changing or cancelling a postal vote section of the Running Electoral Registration pages](#) of the Commission's guidance for EROs.

2 Proxy voting

2.1 You must supply Presiding Officers with the relevant parts of the list of proxies and the list of postal proxies.⁶ The ERO will, as soon as practicable, provide you with a list of all electors who have, by 5pm, six working days before polling day, appointed a proxy to vote on their behalf. They will also provide you with a separate list which contains the details of postal proxies.

2.2 The polling station register must be marked with an 'A' against the name of an elector who has a postal proxy⁷.

Limits on numbers of proxies and voting as proxy

2.3 A person may not have more than one proxy at any time⁸.

2.4 A person is not entitled to vote as proxy at the same local government election in any particular ward on behalf of more than two electors who are not close relatives⁹.

2.5 A person can act as proxy for any number of close relatives. A close relative is defined for these purposes as spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

2.6 A proxy would be committing an offence if they voted on behalf of more than two electors who are not close relatives in any particular ward at the same local government election¹⁰.

Emergency proxies

2.7 Emergency proxies may be appointed for a particular election in all of the following circumstances¹¹:

- In the case of a disability (whether a medical condition, illness or otherwise) arising after the deadline for ordinary proxy applications
- If a person becomes disabled before 5pm 6 working days before polling day and the person's disability meant that they could not reasonably be expected by virtue of that disability, to have made an application for a proxy before the deadline for an ordinary proxy application; they may apply for an emergency proxy, but they must provide an explanation of why they were unable to apply before the ordinary deadline¹²
- If the person is a mental health patient detained under civil powers (i.e. those who are not detained offenders).

- If a person's occupation, service or employment means that they cannot go to the polling station in person and they became aware of this fact after the deadline for ordinary proxy applications
- If a person appointed to vote as a proxy, and who is not voting by post, is unable, or likely to be unable to attend the polling station to act as a proxy, the elector can replace the person acting as proxy with a new person¹³. Any such application must state the reason why the circumstances of the proxy on the date of poll will, or are likely to, be such that they cannot reasonably attend the polling station¹⁴.
- A person detained in a penal institution (to serve a sentence of 12 months or less) may apply for an emergency proxy until 5pm on polling day¹⁵. The application must state that the applicant is detained and include the name of the penal institution¹⁶.

2.8 You should liaise with the ERO to agree with them a method for communicating any additions to the list of proxies that result from the granting of emergency proxy applications.

2.9 Whenever an emergency proxy has been appointed, every effort should be made to contact the appropriate polling station staff to inform them of this, including by phone, particularly as there is no requirement in law for the proxy to provide any documentation in order to be permitted to vote.

2.10 Whenever possible, however, the ERO should provide the proxy of any voter whose emergency proxy application has been accepted a letter authorising them to act as a proxy, which should include details of the person on whose behalf they are voting. The ERO should advise the proxy to take that authorisation letter with them when they go to vote and to hand it to the polling station staff. This letter should then be marked by the polling station staff to show that the proxy has been issued with ballot papers and then retained with the list of proxies.

2.11 The ERO should also, where possible, provide a supplementary list of proxies which can be issued to the relevant polling station and added to the list originally supplied.

2.12 The agreed method for communicating additions to the list of proxies on polling day should be covered at the training session for polling station staff. Further information on training polling station staff can be found in [Part B – Planning and organisation](#).

2.13 You could ask polling station inspectors to liaise with the electoral registration office regarding emergency proxy applications granted on polling day and, if you do ask them, you should advise them of procedures to be followed.

Further information on emergency proxy applications can be found in the [Emergency proxy section](#) of the Running Electoral Registration pages of the Commission's guidance for EROs.

3 Preparing for the postal vote processes

In practice, arrangements for printing and issuing postal vote packs will be managed under the national e-count and printing contract. You should liaise with your project manager accordingly.

3.1 Your project plan should include a plan to deliver key electoral processes, including the management of the absent voting process.

A Further information on planning for the election can be found in Chapter 1 of [Part B – Planning and organisation](#).

Staffing and training

3.2 Information on staffing postal vote issue and opening sessions and the training of postal vote issue and opening staff can be found in Chapter 2 of [Part B – Planning and organisation](#).

Layout of venues

A Guidance on the identification of suitable venues for postal vote issuing and opening sessions can be found in Chapter 4 of [Part B – Planning and organisation](#).

3.3 You should produce layout plans of your issuing and opening venues. These plans should include the positioning of staff and the equipment needed and outline the workflows to be followed. When mapping out workflows, you should take into account factors including any lessons learnt from previous electoral events and expected turnout. If your last postal vote opening session is to take place at the verification and count venue, you should ensure that your verification and count layout plan makes provision for this.

3.4 Going through the process of producing layout plans will help to highlight any potential issues prior to the setting up of the venues and will allow for any modifications to workflow or the positioning of staff or equipment to be made in good time. Layout plans also contribute towards transparency, as these plans can be handed out to anyone entitled to be present in order to help them to follow what is happening, where and when.

3.5 You should ensure that whatever layout you choose, it is accessible to all those working on the processes and those entitled to observe them.

3.6 Even where the handover of postal ballot packs to the postal services is carried out by the printer, you should be satisfied that there are adequate arrangements in place to administer the issue effectively and in a transparent manner. As part of this, you could ask for layout plans. These plans would also help to ensure that any observers present understand the processes that are being followed and will be of particular assistance to your staff who have been appointed to conduct spot-checks during the printing, collation and issuing of postal ballot packs. You should designate a member of the project team to monitor the printing and issuing of postal ballot packs.

Equipment for the issue, receipt and opening of postal votes

3.7 If you are issuing postal votes in-house, you should ensure that you have the necessary equipment in place to do so, including:

- ballot papers, postal voting statements, envelopes
- the list of postal voters and the list of postal proxy voters
- stamping instruments (if being used to add the official mark to ballot papers) corresponding number list
- sets of envelopes for the corresponding number list
- statement of postal votes issued
- control sheets to document the number of postal votes issued and dispatched
- staff signature sheet to check off the staff that attend labelled trays
- fingerettes
- assorted stationery, such as pens, pencils, bulldog and paper clips, rubber bands, adhesive tape and rulers

3.8 You must provide a ballot box for the covering envelopes returned by postal voters (the 'postal voters' ballot box') and for the postal ballot papers (the 'postal ballot box'¹⁷).

3.9 At each opening session, you must also provide receptacles for the following¹⁸:

- rejected votes
- postal voting statements
- ballot paper envelopes
- rejected ballot paper envelopes

3.10 In addition, you are required to have a copy of the postal voters list and the postal proxy voters list so that entries can be marked as postal voting statements are returned¹⁹.

3.11 You should also consider what other equipment you will require at the opening of postal votes and ensure that it is in place and tested in advance. This should include:

- scanners
- extension leads
- printer
- projector and screen
- laptops and/or computers
- rejected stamp and pad
- assorted stationery

Delivery of postal ballot packs

3.12 You will need to put in place arrangements for the delivery of postal ballot packs in line with any directions or recommendations which may be issued by the Convener of the EMB. The Convener may direct when postal ballot packs are to be dispatched for scheduled polls.

3.13 As part of your integrity planning for the elections, you should inform your police single point of contact (SPOC) when you will start dispatching postal ballot packs to electors.

3.14 You should also ensure that:

- The printer is aware of the timings of data transfers and the times for providing the completed packs to the postal service.
- You have resource available to monitor and check the production process.
- You have sufficient staff to manage the process.

3.15 You should have in place a mechanism for monitoring the delivery of postal ballot packs, with a view to ensuring that they have been delivered across the whole of the council area and to agreed timeframes. If possible, you should have arrangements in place to track deliveries in order to assist with responding to any enquiries from electors regarding the delivery of their postal ballot pack. You should monitor any unusually low returns of completed postal ballots by polling districts as that may be an indication of delivery issues.

3.16 You should liaise regularly with either Royal Mail or the commercial delivery firm you have contracted, including to discuss any delivery issues.

3.17 If you are using Royal Mail to deliver your postal votes, you should put in place arrangements for the relevant licenses and Business Reply numbers as soon as possible and confirm that your proposed stationery meets their specifications in order to avoid any potential delays at the time when your postal ballot packs are due to be distributed to electors. This should include taking steps to ensure that the correct postage can be included on any postal votes being sent to addresses outside the UK. If you are using a commercial delivery firm, you should make similar arrangements as appropriate.

3.18 Your contingency planning should address how you would issue and receive any returned postal ballot packs in the event that Royal Mail or the commercial delivery firm you have contracted are unable to deliver the postal ballot packs, for example, due to industrial action.

3.19 If you are using Royal Mail to deliver your postal votes, you should ensure that you have an up-to-date copy of Royal Mail's best practice guidance on postal voting, [Managing Postal Voting](#).

A We have published guidance for ROs on [quality assurance of the production and delivery of election materials](#).

Issuing postal votes to overseas addresses

3.20 There may be electors who have requested to have their postal ballot pack sent to an overseas address. Any postal ballot packs that are to be sent overseas should be prioritised in order to allow as much time as possible for the ballot pack to reach the elector and to be completed and returned. As part of your preparations for the issue of postal votes, you should agree with the printer a process that will enable you to do this.

3.21 Postal votes going overseas should be sent via air mail (or by the British Forces Post Office for relevant service voters) in order to allow the maximum possible time for postal votes to be received, completed and returned. Postal ballot packs to be sent overseas should be sorted and identified to the mail service provider so that they can be sent via the appropriate mail service.

3.22 You should liaise with Royal Mail about the cost of postage for sending items overseas and ensure that the correct postage is included on all outgoing postal ballot packs. You must include an envelope to facilitate the return of the postal ballot pack, but for items sent overseas the envelope should not include UK return postage as this will not be sufficient for the return of the postal ballot pack to the UK and could result in a delay to the return of the completed postal ballot pack. You should explore with Royal Mail and your printer what you can do to facilitate the timely return of completed postal ballot packs from outside the UK, including the potential for the inclusion of appropriate pre-paid postage for items being returned from overseas.

3.23 Where it may not be realistic for a postal ballot pack to be despatched, completed and returned before the close of poll, the ERO should make the elector aware of this fact and advise the elector to appoint a proxy as an alternative. It is, of course, the choice of the elector as to which method of voting they prefer, but it is important that electors are fully advised of the circumstances surrounding their choice so that they can make an informed decision.

Issuing postal votes to anonymous electors

3.24 Postal ballot packs sent to anonymously registered electors must be sent in an envelope or covering that does not disclose that the elector is registered anonymously²⁰. You should therefore send postal ballot packs to anonymously registered electors in a plain outgoing envelope. The postal voting statement must also omit the elector's name²¹. As part of your preparations for the issue of postal votes, you should agree with the printers a process that will enable you to do this. The ERO's records of granted applications will include the address to which the anonymous elector has requested that their postal vote should be sent.

Subsequent issues of postal votes

3.25 While the Convener may direct the timing of three issues of postal votes, this does not mean that you cannot also issue postal ballot packs at other times if necessary. For example, following the initial issue of postal ballot packs, a subsequent issue of postal ballot packs may be required where electors have applied to vote by post leading up to the postal voting deadline. Any subsequent issue is likely to be at an already busy time in the election timetable.

3.26 You should ensure that you have planned to have the necessary arrangements in place to issue and delivery postal ballot packs as quickly as possible.

3.27 You should ensure that:

- Your printer is aware of the timings of data transfers and dispatch of postal ballot packs
- You have resource available to monitor and check the production process
- You have sufficient staff to manage the process

3.28 You should also be prepared to issue postal ballot packs to individual electors outside of your scheduled issues if necessary, for example where you become aware that one or more electors are going to be on holiday or away on business by the time of the next scheduled issue of postal votes. You should put a mechanism in place to ensure that you are able to carry out additional unscheduled issues.

Delivering postal votes by hand

There may be circumstances where you will need to issue postal votes by hand (e.g. when replacing lost or spoilt postal ballot packs, or when conducting an additional issue as described in the paragraph above) and you should therefore plan for how this will work in practice, including by agreeing a process with the printer.

Number and timing of postal vote opening sessions

3.29 In planning for the elections, you should identify the number of postal vote opening sessions that you think you will require and when these should be held, and make arrangements for these as necessary.

3.30 The number of postal vote opening sessions you will require will depend largely on the total number of postal voters that you have and your estimated turnout of postal voters. Your turnout estimate should be based on the assumption that, as a minimum, the turnout of postal voters will be not less than the turnout at the last equivalent polls. The resources you have available to conduct these processes, including numbers of staff and size of venue, will also be a relevant consideration.

3.31 You should also consider the patterns of return rates at previous polls and anything that might affect this.

3.32 Your first opening session should be held within a couple of days of your first issue. Even if you have not received a high number of returned postal votes by then, you should still conduct a session at that time and take the opportunity to test your equipment and assess your workflows under real conditions. After this first session you should gauge whether your estimate of the number of postal vote opening sessions required is sufficient or whether it will need to be revised. Nothing prevents the opening of postal votes being carried out on a Saturday, Sunday or bank holiday, and indeed you may wish to consider doing so, particularly if additional postal vote opening sessions are found to be required.

3.33 You must give each candidate at least 48 hours' notice, in writing, of the time and location of each opening session and of the maximum number of postal voting agents that may be appointed to attend the opening of postal votes²².

4 Production of postal vote stationery

In practice, arrangements for printing and issuing postal vote packs will be managed under the national e-count and printing contract. You should liaise with your project manager accordingly.

Corresponding number list

4.1 You must produce a corresponding number list to be used at the issue of postal votes. The corresponding number list is prescribed and must contain the ballot paper number and unique identifying number of all ballot papers²³.

4.2 The corresponding number list relating to the ballot papers that have been issued must be sealed in a packet as soon as practicable after each issue of postal ballot packs, and can only be opened and inspected by the order of a court²⁴. A new list and associated packets are therefore required at every issue. The list could be printed single-sided and cut at the point where the last ballot paper was issued at any particular issue of postal ballot packs. The remaining corresponding number list can then be used at any further issuing sessions and for the issue of replacement postal ballot papers.

Producing the postal vote stationery

4.3 You should liaise with the EMB regarding e-counting and printing of ballot papers and postal vote packs. However, you are still responsible for ensuring that the postal voting stationery has been printed to specification and without any errors.

4.4 At an early stage in discussions with the printer you should address in what format they will send any proofs and how you will carry out any checks on printed packs.

The ERO will need to liaise with the printer to ensure that you can produce a data file that the printer can use to produce the materials to the specification required. They should conduct a test-run by submitting sample data to the printers in advance of 'live' data being submitted. This will also enable pre-proofs to be developed, so that it is clear which part of the data will go where on the postal voting statement and envelopes. You should also test the postal vote statement to ensure that the signature and date of birth fields are in the correct place and format to be able to be processed on their return by your personal identifier verification system.

Carrying out checks of the printing process

4.5 You should have a process in place for proof-checking postal vote stationery. In particular, you should ensure that you have a member of your staff in attendance when the postal ballot packs are being printed to check that there are no errors and they are being printed to the required specification. You should liaise with the printer to agree how to facilitate these checks and how any replacements to correct any errors would be produced. Further information is available in our [contract development and management check list document](#).



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure that robust processes are in place for ensuring that there are no errors on voter materials. You will also need to ensure that arrangements are in place for the management of contractors and suppliers so that the work is delivered as required by the specification.

To demonstrate that the outcome can be delivered you will need to set out the processes you have in place for the proof-checking of voter materials.

4.6 You should carry out regular checks on the process and check how the proof has been reproduced on the actual stationery. This will highlight any issues with the quality of the print-run and if any of the signed-off proofs have been inadvertently altered. For example, you could check the beginning and end of the print runs for each polling district for accuracy. Random spot checks within polling districts could also be carried out so that a representative cross-section can be checked.

4.7 You should produce guidelines for those checking the postal voting stationery. Particular attention should be paid to checking that:

- the official mark as agreed by the EMB and unique identifying number appear on each ballot paper
- the ballot paper includes the details of all validly nominated candidates
- electors' names and addresses are accurate on the postal voting statement and outgoing envelopes
- there is no bleeding of ink and the print quality is good and consistent

4.8 You will need to consider how you will keep a record of stationery that has been checked to provide a clear audit trail of the processes that have been undertaken and which you can refer back to should any issues subsequently arise.

a Guidance on carrying out checks at the postal vote issuing process can be found in **Chapter 5: Procedure for issuing and distributing postal votes**.

We have also published a resource on [quality assurance of the production and delivery of election materials](#).

Handling of personal data by contractors

4.9 If you send absent vote data to a contractor to produce postal ballot packs for the election, you are using a processor. When a data controller uses a processor, data protection legislation imposes a legal obligation to formalise the working relationship in a contract which sets out:

- the subject matter, nature and purpose of the processing;
- the obligations and rights of the data controller;
- duration of the processing; and
- the types of personal data and categories of data subjects.

4.10 In addition, the contract must set out specific obligations on the processor, including that they:

- comply with your instructions
- are subject to a duty of confidentiality
- keep personal data secure and notify you of any breach
- maintain written records of the processing activities they carry out for you
- only use a sub-processor with your consent
- submit to audits and inspections and provide you with whatever information you need to ensure compliance with data protection requirements
- delete or return all personal data to you as requested at the end of the contract.

4.11 You should ensure your agreement/contract specifically confirms that:

- electoral registration data held by the processor should be destroyed as soon as possible after polling day.
- information from the full electoral register cannot be disclosed at any time, confirming that they will not disclose data to any unauthorised party and
- after the election, they will return any discs and paper records provided to them and securely destroy any other electronic or paper copies of the data in line with the Information Commissioner's guidelines.

Contents of postal ballot packs

4.12 You must send a postal ballot pack to all eligible postal voters²⁵.

4.13 Postal ballot packs must include the following²⁶:

- an outgoing envelope

- return envelopes: envelope 'A' (the ballot paper envelope) and envelope 'B' (the covering envelope for the return of envelope 'A' and the postal voting statement)
- ballot paper
- a postal voting statement

4.14 To comply with legislation, you must also issue to those entitled to vote by post such information as you think appropriate about how to obtain²⁷:

- translations into other languages of any directions to or guidance for voters sent with the ballot paper
- a translation into Braille of such directions or guidance
- a graphical representation of such directions or guidance
- the directions or guidance in any other form (including any audible form)

Envelopes

4.15 You must address the outgoing envelope to the elector at the address they have asked for their ballot papers to be sent to and which is shown in the list of postal voters or the list of postal proxies²⁸.

4.16 Whenever you communicate with an anonymous elector you are required to send the communication in an envelope or other form of covering in such a way that does not disclose to any other person that the voter has an anonymous entry²⁹. Postal ballot packs should, therefore, be sent to anonymously registered electors in a plain outgoing envelope.

4.17 To preserve the secrecy of the ballot, you must provide two separate envelopes for returning the ballot papers and the postal voting statement³⁰:

- Envelope 'A' – this is the envelope for the return of the ballot papers, which is to be marked with the letter 'A', the words 'ballot paper envelope' and the number of the ballot papers.
- Envelope 'B' – this is the covering envelope for the return of the ballot paper envelope (envelope 'A') and the postal voting statement. It is to be marked with the letter 'B' and your address.

4.18 You should print the name of the council on all 'A' and 'B' envelopes as this will help to reduce instances of postal votes becoming undeliverable if, for example, a voter returns the 'A' envelope with both the ballot papers and postal voting statement inside it, without putting it in the 'B' envelope.

4.19 You are required to pre-pay postage on the outgoing envelope addressed to the postal voter³¹. The EMB may direct how outgoing envelopes are dispatched. You are also required to pre-pay postage on all return envelopes, except where postal votes have been sent to an address outside of the UK³². You should, however, explore with Royal Mail and the printer what you can do to facilitate the timely return of completed postal ballot packs from outside the UK, including the potential for the inclusion of appropriate pre-paid postage for items being returned from overseas.

The ballot papers

4.20 The e-counting contract that has been agreed by the EMB and the Scottish Government includes the printing of all ballot papers. However, you are still responsible for ensuring that the ballot papers being printed meet all legislative requirements and any requirements directed or otherwise specified by the Convener of the EMB.

A Guidance on the printing of ballot papers can be found in [Part C – Administering the poll](#).

Postal voting statement

4.21 The postal voting statement is set out in the legislation and must be produced in the prescribed form. The postal voting statement must include the voter's name (unless they are an anonymous elector) and the number of the ballot paper being issued with the statement. Additionally, the postal voting statement must contain the prescribed instructions to the voter on how to vote by post. The postal voting statement also contains space for a barcode³³.

4.22 You must produce different forms of the postal voting statement for anonymous electors and for those who have been granted a waiver. The postal voting statement for anonymous electors must not show the name of the elector. Where an elector has been granted a waiver by the ERO, you must omit the signature box and any references to signing the form in the instructions to voters.

Additional instructions to voters

4.23 In addition to the prescribed content, you should consider providing additional, more specific instructions, for example, graphical instructions for voters to help them complete the statement and ballot paper and return their postal vote stationery in the correct envelopes. As part of these instructions, you should also include information explaining the personal nature of the vote, setting out that it is secret and that anyone interfering with the voter marking their vote would be committing an offence. You should also include information on how to report any concerns or suspected instances of electoral fraud.

Marking of polling station registers

4.24 To indicate that an elector is entitled to vote by post and must not be given an ordinary ballot paper at a polling station, the polling station register must be marked with an 'A' using the information contained in the postal voters' list and the postal proxy voters' list.³⁴

5 Procedure for issuing and distributing postal votes

Who must be sent a postal vote?

5.1 The following must be sent a postal vote³⁵:

- any elector who appears on the postal voters list for the election
- any proxy who appears on the postal proxy voters list for the election

Who can attend?

5.2 In addition to you and your staff, Commission representatives and accredited observers are entitled to attend the issuing process³⁶. Regardless of whether you are carrying out the issue in-house or it is carried out by the printer, you should ensure that anyone entitled to attend the issue is able to attend. Anyone attending a postal vote issue session, including your staff, must be provided with a copy of the relevant [secrecy provisions](#).³⁷

Checking the issuing process

5.3 Regardless of whether the printer will be handing the postal ballot packs directly to your postal delivery service, you remain responsible for ensuring that the process is carried out in accordance with the legislation. You should therefore ensure that you have arrangements in place which enable you to quality-assure the whole issuing process.

5.4 As part of this, you should ensure that you have appointed someone to be in attendance when postal ballot packs are being issued and instruct them to carry out regular spot checks during each issue to ensure not only that the correct details appear on the stationery but also that the postal ballot packs have been properly collated. For example, you could check that the postal ballot packs are accurate at the beginning and end of each polling district. Random spot checks within polling districts could also be carried out so that a representative cross-section can be checked.

5.5 Particular attention should be paid to checking that:

- the ballot paper number on the reverse of the ballot paper exactly matches the ballot paper number given on the accompanying postal voting statement
- the name of the elector on the postal voting statement matches the name of the elector on the outgoing envelope
- all required items are in the outgoing envelope

5.6 If the issuing process is carried out by the printer, discussions to facilitate these checks should occur at the time the contract is negotiated and reflected in it.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure that robust processes are in place for ensuring that there are no errors on voter materials. You will also need to ensure that arrangements are in place for the management of contractors and suppliers so that the work is delivered as required by the specification.

To demonstrate that the outcome can be delivered you will need to set out the arrangements that are in place for the management of contractors and suppliers, as well as the processes you have in place for the proof-checking of voter materials.

The issuing process

5.7 The processes to be followed when issuing postal ballot packs are provided for in legislation:

- The elector number must be marked on the corresponding number list beside the ballot paper number and unique identifying number relevant to the ballot papers to be issued to that elector³⁸.
- The numbers of the postal ballot papers must be included on the postal voting statement to be sent with the ballot papers³⁹.
- The address to which the postal ballot pack should be sent is the address shown in the relevant postal voters' list. In the case of a postal proxy, this is the address shown in the postal proxy voters list. In the case of an anonymous elector, the address can be found in the records of granted applications⁴⁰.
- A mark must be placed in the postal voters list (or the postal proxy voters list as the case may be) to show that a postal ballot pack has been issued⁴¹.
- You must seal in a packet the corresponding number list that relates to the ballot papers that have been issued as soon as practicable after each issue. These packets can only be opened and inspected by the order of a court. New lists and packets are therefore required at every issuing session. The list could, however, be printed single-sided and cut after the last ballot paper that has been issued so that the remainder of the list can then be used at the next issuing session⁴².

5.8 A [flowchart summarising the stages of the issuing process](#) is available.

5.9 You should maintain a clear audit trail of the issue of postal ballot packs. As part of this, you should ensure that the number of postal votes issued is accurately recorded at the end of each issuing session and when issuing replacement postal ballot packs. These numbers will be required for the completion of the statement on absent voters.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to maintain a clear audit trail of the issue, receipt and opening of postal ballot packs.

To demonstrate that the outcome can be delivered you will need to set out the arrangements that are in place for keeping an audit trail of the issue, receipt and opening of postal ballot packs.

5.10 You should make arrangements for the secure transfer of the postal ballot packs to Royal Mail or a commercial delivery firm. You should ensure that a clear procedure and audit trail is in place for transferring postal ballot packs.

5.11 You should prioritise any postal votes that may need to be sent overseas in order to maximise the time that postal voters have to receive, complete and return their postal vote.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to ensure that postal ballot packs are received by voters as soon as possible.

To demonstrate that the outcome can be delivered you will need to set out the method for delivery of postal ballot packs, including an estimation of when postal ballot packs will be delivered.

A Further information on interim notices is included on the Election notices of alteration section of the Commission's Running Electoral Registration guidance for EROs.

The [election timetable](#) for a Scottish council election also includes the relevant publication days.

Re-issuing postal ballot packs

5.12 It is possible to re-issue postal ballot packs in the following circumstances:

- to replace a spoilt postal ballot paper/papers and/or postal voting statement
- to replace a lost or not received postal ballot pack
- to correct a procedural error

Procedure for re-issuing spoilt postal votes

The deadline of 10pm for re-issuing spoilt postal votes will apply to polls taking place from or on 5 May 2022. For polls taking place on or before 4 May 2022, the deadline remains 5pm.

5.13 If a person spoils their postal ballot paper and/or postal voting statement, it is possible for them to obtain a replacement postal ballot pack. Replacements can be issued up until 10pm on polling day⁴³.

5.14 If the request for a replacement postal ballot pack is made between 5pm on the day before polling day and 10pm on polling day itself, the replacement postal vote may only be issued to the elector if the spoilt documents are returned by hand. In such cases, the issue of a replacement can only be made by hand⁴⁴.

5.15 You must be able to issue replacements up to 10pm on polling day itself and so you will need to put in place systems to ensure you are able to do so. Particular consideration will need to be given to this where the issue of postal votes has been outsourced.

5.16 You should consider whether or not particular arrangements need to be put in place for disabled electors when making arrangements to re-issue spoilt ballot papers, as there may be some electors who are unable to attend the elections office due to disability.

5.17 Before a replacement can be issued, the spoilt postal ballot paper or spoilt postal voting statement must be returned to you, along with the remaining ballot paper or postal voting statement, return envelope 'B' and ballot paper envelope 'A', regardless of whether or not these have been spoilt⁴⁵.

5.18 A new postal ballot pack can then be issued to the elector.

5.19 The legislation requires that any returned spoilt ballot papers and postal voting statements have to be cancelled and sealed in a packet for spoilt postal ballot papers, even if only one of them has actually been spoiled⁴⁶.

5.20 The elector's name and electoral number must be added to the list of spoilt postal ballot papers to show that the spoilt postal vote has been cancelled. The name must not, however, be added if the elector is registered anonymously. The ballot paper numbers of the replacement ballot papers must also be added to the list. In the case of a postal proxy, the name and address of the proxy must be added to the list alongside the other details⁴⁷.

5.21 A [flowchart summarising the procedure to be followed for retrieval of a cancelled postal vote](#) is available for you to use to support this process.

Procedure for re-issuing lost/not received postal votes

The deadline of 10pm for re-issuing lost/not received postal votes will apply to polls taking place from or on 5 May 2022. For polls taking place on or before 4 May 2022, the deadline remains 5pm.

5.22 Where a voter claims either to have lost or not to have received their postal ballot papers, postal voting statement or envelopes 'A' and/or 'B', it is possible for a replacement postal ballot pack to be issued at any time up until 10pm on polling day⁴⁸.

5.23 If the request for a replacement postal ballot pack is made between 5pm on the day before polling day and 10pm on polling day itself, the voter must apply in person and the issue of a replacement pack may only be made by hand⁴⁹. You may refuse to issue another postal ballot paper to a voter who is requesting a replacement for a lost/not received ballot paper if you consider that it is reasonable that there is still time for the postal ballot paper to be delivered, completed and returned.

5.24 You should consider whether or not particular arrangements need to be put in place for disabled electors when making arrangements to re-issue lost/not received ballot papers, as there may be some electors who are unable to attend the elections office due to disability.

5.25 If not all parts of the postal ballot pack have been lost or not received, the voter must return those documents that they do have. You are then required to immediately cancel those documents⁵⁰.

5.26 You must re-issue a postal ballot pack if you are satisfied as to the postal voter's identity, have no reason to doubt that they have lost or did not receive their original postal ballot pack and, where the ballot paper has not been received, you consider that there is not sufficient time for the ballot paper to be delivered, completed and returned⁵¹. To establish the postal voter's identity, a proportionate approach should be adopted that seeks to use some proof of identity that can be easily verified by staff, but that is not too onerous for the elector.

5.27 Voters may telephone your office to enquire about a replacement postal ballot pack if their postal vote has failed to arrive. If this is the case, your staff should advise about the procedure for re-issuing and explain what proof of identity they will be asked to produce before a replacement postal ballot pack will be issued.

5.28 The following is a set of recommendations regarding proof of identity that you should consider when determining how you will want to be satisfied as to the identity of an elector seeking to be issued with a replacement postal ballot pack.

Recommendation 1

5.29 One primary proof of identity should be provided before a replacement postal ballot pack is issued. This should be an official document that includes a photograph of the elector, together with the elector's name. The two most secure examples are:

- passport
- photocard driving licence

5.30 Other documents may be acceptable as primary proof, as long as they have a sealed photograph. Examples include:

- local bus pass
- student card issued by a recognised further or higher education body
- identity card issued by a recognised employer

5.31 Some electors may not be able to produce photographic identification. In these circumstances, it is recommended that they should be asked to provide two examples drawn from the list of secondary proofs as listed below.

Recommendation 2

5.32 If you still have any doubt about the identity of an elector requesting a replacement postal ballot pack, a secondary proof of identity could be sought. Also, if an elector cannot produce a primary proof of identity, two secondary proofs of identity could be requested.

5.33 Secondary proofs of identity include:

- full driving licence (without photograph)
- council tax payment book or recent council tax bill
- council or social landlord rent book
- recent rent receipts or tenancy agreement
- allowance, benefits or pension book issued by the Department for Work and Pensions
- cheque book, cheque card or National Savings book
- recent bank or building society statement (not a store card statement)
- recent utility bill (two different ones are preferable; not a mobile phone bill)
- P45
- correspondence from a government department
- identity card issued by a member state of the European Union/European Economic Area, travel document issued by the Home Office, or certificate of naturalisation or registration
- letter (attested statement) from a responsible person such as a solicitor, doctor, minister of religion, magistrate, teacher, hostel manager, social worker, district nurse, midwife or other responsible person, which says that they know the elector and can confirm their name and address. You may wish to include the elector's landlord or tenant in this category, and possibly stipulate that they are on the electoral register
- National Health Service medical card or National Insurance card

- birth, adoption, marriage, civil partnership, divorce or statutory declaration certificates (these should preferably have been issued within six months of the event to which they refer and not be replacements)

5.34 The following points should also be considered:

- for added security, originals, not photocopies, of the proof of identity should be produced
- the evidence provided by the voter should show a clear link between the name on the identifying document and the current entry on the electoral register
- birth certificates are not absolute proof of identity and so the voter may be asked to provide additional evidence to allow their identity to be checked
- where utility bills or bank statements are provided, they should be recent (i.e. issued within the last three months)
- cheque, bank or credit cards should be checked against the voter's signature
- before an attestation is sought, the voter should be advised that some signatories may charge a fee for the service
- you should state that proof of identity will not be retained and that the documents will be treated confidentially and originals will be returned

5.35 Data protection legislation does not set out any specific maximum periods for retention of personal data, but it states that personal data processed for any purpose shall not be kept for longer than is necessary for that purpose.

5.36 Where you re-issue a postal vote due to it being lost or not received, you must add the elector's name and elector number to the list of lost postal ballot papers to show that it has been cancelled (see paragraph **5.53**). The name must not, however, be added if the elector is registered anonymously. The ballot paper number of the replacement ballot papers must also be added to the list. In the case of a postal proxy, the name and address of the proxy must be added to the list alongside the other details⁵².

5.37 A [flowchart summarising the procedure for re-issuing lost/not received postal votes](#) is available for you to use to support this process.

Procedure for re-issuing as a result of a procedural error

5.38 If you have issued incorrect or incomplete postal ballot packs in error, you may be able to re-issue postal ballot packs using your powers to correct a procedural error⁵³.

5.39 Depending on the circumstances, you will need to decide whether to re-issue some or all of the postal ballot packs. For example, if an error in collation affected a certain range of packs, only those packs would need to be re-issued.

5.40 Decisions about re-issuing as a result of a procedural error should be made on a case-by-case basis. In each case, consideration should be given to the impact that the error and any action to correct it could have on electors. For example, you will need to ensure that any action will rectify the error and not cause unnecessary confusion or result in a different error.

5.41 Any decision to take action to rectify a procedural error should be made following legal advice. Both the error and any corrective action taken should be documented in case there is a challenge to the election and a need to claim against insurance.

5.42 Whatever action is taken, you should ensure that any communications to those voters who are affected clearly explain the error and the steps that you are taking to remedy it. You should also notify parties, candidates and agents of the error and your intended corrective action as soon as possible. By being transparent about the problem and the solution you will minimise the risk of a loss of confidence in the administration of the election.

5.43 When a postal vote has been re-issued as a result of a procedural error, the original ballot paper must be cancelled, added to the list of cancelled ballot papers and must not be allowed to go forward to the count.

A See [Part A: Returning Officer role and responsibilities](#) for further details on your power to correct procedural errors.

Cancelling postal ballot packs

5.44 As postal ballot packs must be issued as soon as practicable to electors, there may be circumstances where a person you have already sent postal ballot papers to subsequently applies to the ERO to cancel their postal vote, or make any changes to their absent voting arrangements, within time for the changes to be able to take effect at the election. In that case, on receiving notification from the ERO, you must immediately cancel any postal ballot papers that have been issued to such an elector or postal proxy, and add the details of the cancelled ballot papers to the list kept for that purpose⁵⁴ (see paragraph **5.54**).

5.45 Where the change to the absent voting arrangements relates only to the address to which the ballot papers should be sent, you must, in addition to cancelling the original postal ballot papers, issue a replacement postal ballot pack to the new address⁵⁵.

5.46 You should make arrangements for how you will deal with cancellations after postal packs have been issued, including:

- agreeing with the ERO how any applications for changes to absent voting arrangements will be communicated in a timely manner so that you know which ballot papers need to be cancelled

- how you will be able to retrieve and cancel any postal ballot papers and postal voting statements that are going through or have already gone through the postal vote opening process
- how you will be able to maintain an audit trail of all the cancellations, including how your software system can be used to log all cancellations to enable you to produce the required list of cancelled postal ballot papers (see paragraph 5.54) and identify any postal ballot papers that have been cancelled but have been returned and so need to be retrieved
- how you will explain what is happening to candidates and agents present at an opening session at which you need to retrieve and cancel a postal ballot paper.

5.47 You must also cancel any spoilt or lost postal ballot papers you have had to replace (see paragraphs 6.21 and 6.24).

Retrieval of cancelled postal votes

5.48 Where any postal ballot papers have been cancelled, both the postal voting statement and the ballot papers must, if they have been returned, be retrieved so that they do not go forward to the count. You must ensure that the postal ballot box is resealed in the presence of the agents once cancelled postal ballot papers have been retrieved from the postal ballot box⁵⁶.

5.49 If postal ballot papers to be cancelled are returned to the ERO they must be given to the RO to be cancelled.

5.50 A [flowchart summarising the procedure to be followed for retrieval of a cancelled postal vote](#) is available.

Record-keeping

5.51 You must record the details of all cancelled postal ballot papers. There is a separate list which must be made for each category; list of spoilt papers, list of lost ballot papers and a list of cancelled postal ballot papers.

List of spoilt ballot papers

5.52 The list of spoilt ballot papers must contain⁵⁷:

- the name and number of the elector as stated in the register (or, in the case of an elector who has an anonymous entry, only their electoral number)
- where the postal voter is a postal proxy, the postal proxy's name and address
- the number of the replacement postal ballot paper

List of lost ballot papers

5.53 The list of lost ballot papers must contain⁵⁸:

- the name and number of the elector as stated in the register (or, in the case of an elector who has an anonymous entry, only their electoral number)
- where the postal voter whose ballot paper is lost is a proxy, the postal proxy's name and address
- the number of the lost/cancelled postal ballot paper and the replacement postal ballot paper

List of cancelled postal ballot papers as a result of any change to absent voting arrangements after a postal vote has been sent

5.54 The list of cancelled ballot papers must contain⁵⁹:

- the name and number of the elector as stated in the register (or, in the case of an elector who has an anonymous entry, only their electoral number)
- where the postal voter whose ballot paper is cancelled has a proxy, the postal proxy's name and address
- the number of the postal ballot papers cancelled
- the number of the replacement postal ballot papers

5.55 The contents of any postal ballot pack that has been cancelled, including any envelopes, must be made into a packet and sealed. The seal must only be opened to include additional cancelled documents in the packet⁶⁰.

6 Receiving and opening postal votes

Receipt of postal votes

6.1 For a postal ballot pack to have been duly returned, it must have been received by you by the close of poll. A person must still be permitted to return a postal ballot pack if at 10pm they are in a queue inside the polling station, or in a queue outside the polling station for the purpose of delivering a postal ballot pack⁶¹. Postal ballot packs can only be returned⁶²:

- to you as RO, by hand or by post, or
- by hand to any polling station in the council area

A Further guidance on the dealing with postal votes returned to polling stations can be found in chapter 5 of [Part C – Administering the poll](#).

6.2 At scheduled elections the Convener of the EMB may direct that you make arrangements with Royal Mail for a sweep of the sorting office in your area, based on a national service level agreement that would be agreed by the EMB. You should make contact with Royal Mail to discuss arrangements for managing this in practice.

Postal ballot boxes and packets

6.3 You should maintain the secure storage of returned postal ballots at all times and ensure that postal votes are transported securely to the opening and verification and count venues. The methods of storage and transportation should be such that you can be satisfied that you have taken all necessary steps to ensure that the returned postal ballots are kept securely and cannot be interfered with.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to maintain the secure storage of ballot papers and postal ballot packs at all times.

To demonstrate that the outcome can be delivered, you will need to set out your arrangements for securely storing ballot papers and postal ballot packs.

6.4 All postal votes received by you, either at your office or at a polling station on polling day must be stored in appropriate receptacles. You must take proper precautions for the safe custody of these ballot boxes⁶³. You are required to have two types of ballot box for returned postal votes: the postal voters' box and the postal ballot box.

Postal voters' box

6.5 The postal voters' box is used to store any returned postal vote covering envelopes. Any postal ballot papers, postal voting statements or ballot paper envelopes that are not received as a complete pack must also be placed in the postal voters' box. You must mark all postal voters' boxes with the words 'postal voters' ballot box' and the name of the council or ward⁶⁴.

6.6 You are required to take proper precautions to ensure the safe custody of the postal voters' box. You should maintain the secure storage of the postal ballots at all times and ensure the security of the contents of the postal voters' box by sealing it and storing it in a secure place until the next scheduled opening of postal votes.

Postal ballot boxes

6.7 Postal ballot boxes are used to store the postal ballot papers which have been through the opening process and are to go forward to the count. You are required to mark each postal ballot box with the words 'postal ballot box' and the name of the council or ward⁶⁵.

6.8 You are required to seal all postal ballot boxes and store them securely until the count. Any agents present at a postal vote opening are entitled to add their seals to postal ballot boxes if they wish⁶⁶.

6.9 For postal votes handed in to polling stations on polling day, you should emphasise to polling station staff, including polling station inspectors, the importance of maintaining the security of the returned postal votes at all times. You should put arrangements in place to collect postal votes from polling stations at various points throughout polling day. This will help to avoid receiving large quantities of those postal votes at the count and should help to reduce the risk of delays to the start time of the count. You should provide polling stations with sufficient packets for received postal votes. These packets should be clearly labelled as containing postal votes and include the name of the polling station and polling station identifier.

a Further guidance on dealing with postal votes returned to polling stations can be found in chapter 5 of [Part C – Administering the poll](#) and the Commission's [polling station handbook](#).

Record-keeping

6.10 You should maintain a clear audit trail of the receipt and opening of postal ballot packs, recording the total number of envelopes received and the number of envelopes counted as part of the opening process ensuring that all of the figures are accurately recorded.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to maintain a clear audit trail of the issue, receipt and opening of postal ballot packs.

To demonstrate that the outcome can be delivered you will need to set out the arrangements that are in place for keeping an audit trail of the issue, receipt and opening of postal ballot packs.

6.11 In order to maintain a clear audit trail you should keep a record of the total number of envelopes received at your office and placed in a postal voters' box and use this record for audit purposes and check it against the number of envelopes counted as part of the opening process.

6.12 You should also complete a postal vote ballot paper account for every postal ballot box. A [template postal vote ballot paper account](#) is available that you can use for this purpose.

6.13 In addition, you should prepare a schedule recording the total number of postal votes placed in each postal ballot box, as well as the total number of such boxes. You should also batch ballot papers to ensure that you are able to retrieve and cancel any particular ballot paper as required (for example, if you have had to re-issue following a procedural error).

6.14 You must complete a statement as to postal ballot papers for the election which includes details as to the postal ballot papers for each ward⁶⁷, which forms a key part of your audit trail.

6.15 You should ensure that all of the figures required for the statement are accurately recorded during the receipt, opening and verification of postal votes. For information on keeping a record of postal voting statements that have gone through the opening process and have been rejected, see paragraph **8.41**.

Marking the postal voters and postal proxy voters lists

6.16 You must mark the list of postal voters or the list of postal proxy voters, as appropriate, whenever a postal voting statement is returned, regardless of whether or not it is accompanied by a ballot paper⁶⁸.

Confirming to voters their postal vote has been returned

6.17 If requested, you are required to confirm to a voter or postal proxy whether you have received a postal voting statement back from that voter or postal proxy by checking the marked lists. You are also required to confirm if the number of the ballot papers issued to the elector or postal proxy has been recorded on either of the lists of provisionally rejected votes that are required to be kept and used for matching up documents⁶⁹ (see paragraph **8.28**).

6.18 If you receive a request for confirmation, you must satisfy yourself that the request has been made by the elector or postal proxy before providing the

confirmation⁷⁰. In order to determine whether you are satisfied in any particular case, you should consider asking for name, address and date of birth.

Opening of postal votes

Who can attend the opening of postal votes?

6.19 In addition to you and your staff, the following people are entitled to attend the opening of postal votes⁷¹:

- the Returning Officer and their staff
- candidates and their election agent
- postal voting agents
- Commission representatives
- accredited observers

6.20 You must give each candidate, at least 48 hours' notice, in writing, of the time and location of each opening session and of the number of postal voting agents that may be appointed to attend the opening of postal votes⁷².

6.21 The postal vote opening process should be transparent. You should ensure that all those entitled to attend opening sessions are able to follow what is happening, where and when. Anyone attending should be provided with information on the opening processes you are going to follow, whether as a verbal explanation or through the provision of written guidance notes. Also, copies of your layout plan could be handed out to anyone entitled to be present in order to help them to follow what is happening, where and when.



To be able to achieve the outcome set out in [performance standard 2](#), you will need to ensure that those entitled to attend postal vote opening sessions are able to follow what is happening, where and when. To demonstrate that the outcome can be delivered you will need to have in place a layout plan and set out the information provided to attendees at postal vote opening sessions.

6.22 Anyone attending a postal vote opening session, including your staff, must be provided with a copy of the [secrecy requirements](#)⁷³.

6.23 You are required to take proper precautions for preventing any person from seeing the votes made on the ballot papers. Throughout the opening sessions you must keep the ballot papers face down⁷⁴. There may be occasions when the front of a ballot paper becomes visible. However, it is an offence for anyone to attempt to ascertain the candidate or the registered party for whom any vote is given on any particular ballot paper or communicate any such information obtained at those proceedings⁷⁵. Anyone attending the opening of postal votes, which includes your staff working at the opening session, must maintain the secrecy of voting⁷⁶.

Postal vote opening procedure

6.24 The processes to be followed when opening postal ballot packs are provided for in legislation:

Stage 1: opening of the postal voters' box

- Count and record the number of returned postal ballot packs (i.e. the number of envelopes 'B' in the postal voters' box⁷⁷)
- Open covering envelope 'B' and remove the postal voting statement and ballot paper envelope⁷⁸
- Check the number on the postal voting statement matches the number on the ballot paper envelope (envelope 'A')⁷⁹
- Place a mark in the postal voters list or postal proxy voters list as appropriate to show that a postal voting statement has been returned⁸⁰

Stage 2: checking the personal identifiers

- Check that the elector has signed the statement and given a date of birth⁸¹
- Check the signature and date of birth on the postal voting statement matches those on the personal identifiers record⁸²
- If you reject a postal voting statement, you must mark the statement 'rejected', attach to it the ballot paper envelope (if there is no such envelope you must attach it to the ballot papers and place it in the receptacle for rejected votes). Before placing it in the receptacle, you must show it to the agents and, if any of them object to your decision, add the words "rejection objected to". You should also record the reason for the rejection⁸³

Stage 3: opening of postal ballot paper envelopes⁸⁴

- Open the ballot paper envelope (envelope 'A') and remove the ballot papers, ensuring the ballot papers are kept face down at all times.
- Check the numbers on the ballot paper envelope (envelope 'A') matches the numbers on the back of the ballot papers.
- Place the ballot papers in postal ballot box(es).

Stage 4: sealing the postal ballot boxes

- Count and record the number of postal ballot papers to be sealed in each postal ballot box.
- Seal and securely store the postal ballot boxes. Any candidates and agents present may also attach their seals⁸⁵.

6.25 A [postal vote opening flowchart](#) is also available, which provides a summary of this process.

6.26 You should batch ballot papers in such a way as to ensure that you will be able to retrieve and cancel any particular ballot paper (for example, because you have had to re-issue following a procedural error). For this reason, and taking into account the need to verify the contents of all postal

ballot boxes at the verification, you should consider how many ballot papers you want to store in each box.

Checking the personal identifiers

6.27 You must check the identifiers on all returned postal voting statements.



To be able to achieve the outcome set out in [performance standard 1](#), you will need to 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. To demonstrate that the outcome can be delivered, you will need to have in place processes for dealing with integrity problems.

6.28 Any person who will be undertaking the verification of postal vote identifiers and has been delegated the authority by you to make decisions on postal voting statements should be provided with a copy of the [Commission and Forensic Science Service guidance on signature checking](#), which is supported by supported by the Scottish Police Authority Forensic Services, and be instructed to follow it.

6.29 Complete absence of a signature (where the elector has not been granted a waiver) or a date of birth must always lead to a rejection⁸⁶.

6.30 In determining the validity of the postal voting statement, neither the signature nor the date of birth is more important than the other – both must be provided (unless the signature has not been provided and the elector has been granted a waiver), and both must match.

6.31 If the date of completion is given on the statement instead of the elector's date of birth, the statement must be rejected as this will not match the voter's date of birth as contained on the personal identifiers record. Similarly, if the date of completion had been given on the original postal vote application form in error, this will not match the date of birth given on the postal voting statement and the statement must be rejected.

6.32 It is possible that the voter may complete the date of birth field in a different format to the one asked for on the postal voting statement. In such a case, if you are satisfied that the voter's date of birth has been given and matches that held on the personal identifiers record, you may still be able to satisfy yourself that the postal voting statement has been duly completed.

6.33 You are not confined to making a determination on a postal voting statement based solely on the information on the postal voting statement and personal identifiers record. You may also refer to other sources and consider any additional information you have when making your decision. You could, for example, also refer to a signature provided on a registration form.

6.34 Also, an elector may contact you to say, for example, that they have broken their arm since supplying their identifiers to the ERO and are unable to

replicate their normal signature. If you are satisfied that this is the case, you may decide to accept their postal voting statement as valid, even if it has a signature that looks different to the one on the personal identifiers record.

6.35 Every decision on a postal voting statement should be taken on an individual basis.

6.36 Candidates, election agents and postal voting agents may object to the rejection of a postal voting statement. If they object to a rejection, the postal voting statement must be marked “rejection objected to” before being attached to the ballot paper envelope and placed in the receptacle for rejected votes⁸⁷. Accredited observers and representatives of the Commission have no right to object to the rejection of a postal voting statement.

The final opening of postal votes

6.37 You should keep to a minimum the number of postal votes that have still to be opened during the verification and count in order to avoid any potential delay to the verification and count processes.

6.38 Irrespective of whether the last opening of postal votes takes place at the verification and count venue or elsewhere, you must ensure that the opening of postal votes is carried out in full view of any candidates, agents and observers present. As with all other opening sessions, you are required to provide notice of the time and place of the final postal vote opening session (as set out in paragraph 7.21).

A Following the completion of the final opening of postal votes, you are required to securely seal and store various receptacles and documents. You can find further guidance on this in [Part F – After the declaration of results](#).

Keeping a record of incomplete postal ballot packs returned

6.39 Throughout the opening process, you will have kept two lists of provisionally rejected postal ballot papers⁸⁸:

- one to record the ballot paper number of any postal ballot paper that have been returned without a postal voting statement
- another to record the ballot paper number on any postal voting statement that was not returned with the ballot paper

6.40 After the last opening session, these will become, respectively, the final list of ballot papers with no valid postal voting statement received and the final list of valid postal voting statements received without one or both of the ballot papers.

6.41 A [spreadsheet](#) is available that you can use for this purpose. You should check these lists regularly to ensure that any mismatched documents can be matched up, enabling those postal ballots to be re-introduced into the process.

Dealing with cut or torn postal ballot papers⁸⁹

6.42 In some cases, you will find that electors have cut or torn their completed postal ballot papers. You will need to decide whether the returned extract is a valid ballot paper. There are various scenarios that may arise:

The extract has the ballot paper number and the official mark on it

6.43 The 'ballot paper' will pass through the postal vote verification process (as it contains the ballot paper number) and go forward to the count. This could be accepted as a valid vote at the count, provided the intention of the voter was clear.

The extract has only the ballot paper number and no official mark

6.44 The 'ballot paper' will pass through the postal vote verification process and go forward to the count. It must be rejected at the count as it does not contain the official mark.

The extract has only the official mark and no ballot paper number

6.45 The 'ballot paper' must be rejected at the postal vote verification stage as it will not be matched on the opening of the 'A' envelope or against the postal vote statement.

The extract has neither an official mark nor a ballot paper number

6.46 The 'ballot paper' must be rejected at the postal vote verification stage as again, it will not be matched on the opening of the 'A' envelope or against the postal vote statement.

Preparing a record of those postal votes that have failed the identifier checks

6.47 EROs are required to notify postal voters after an election if their postal vote has been rejected as a result of failing the personal identifier checks and to inform them of the specific reason for rejection⁹⁰. To enable this, you must keep a record of the categories under which you are rejecting individual postal voting statements.

6.48 Every postal voting statement that has been rejected must be accounted for. You are required to keep a list of those postal votes that have failed the personal identifier checks. This list must contain, for each such rejected postal vote⁹¹:

- the elector's name and address (and the name and address of the proxy if the elector has a proxy)
- the elector's number on the register of electors (and that of the proxy if the elector has a proxy)

- the specified reason(s) for the rejection of the postal voting statement
- any other information relating to the rejection that you consider appropriate, but not the ballot paper numbers

6.49 The specified reasons for rejection of a postal voting statement are⁹²:

- the signature does not match the example held on the personal identifiers record
- the date of birth does not match the one held on the personal identifiers record
- the signature field is blank
- the date of birth field is blank

6.50 Where a postal voter appears on the list of postal votes that have failed the personal identifier checks, the ERO is required to notify the postal voter of the rejection within three months of the date of poll⁹³.

6.51 If you suspect that an offence may have been committed in relation to a particular postal vote, the ERO's requirement to send a notification is suspended⁹⁴. You should therefore keep a record of any instances where you suspect an offence may have been committed for the ERO, so that they know in which cases they should not send out a postal vote identifier rejection notice.

6.52 Where fraud is suspected, you should package the contents of the postal ballot pack separately and inform your local police Single Point of Contact (SPOC). You should handle the postal ballot pack as little as possible and, where possible, make a note of each person who has handled the postal ballot pack.

A Guidance on issuing postal vote identifier rejection notices can be found on in the [postal vote identifier rejection notices](#) section of the Commission's Running Electoral Registration guidance for EROs.

¹ Rule 1 Schedule 1 Scottish Local Government Election Order 2011 (Local Government Rules 2011)

² Section 13AB and 13B Representation of the People Act (RPA) 1983

³ Regulation 11(1), (5) and (6) Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007 (Absent Voting Regulations 2007)

⁴ Regulation 11(2) – (3) Absent Voting Regulations 2007

⁵ Regulation 11(4) Absent Voting Regulations 2007

⁶ Rule 25(3)(c) Local Government Rules 2011

⁷ Regulation 19 Absent Voting Regulations 2007

⁸ Paragraph 6(2)(b) Schedule 4 RPA 2000

⁹ Section 61(3)(a)(ii) RPA 1983

¹⁰ Section 61(4) RPA 1983

¹¹ Regulation 11(4) Absent Voting Regulations 2007

¹² Regulations 10(3A) - (3B) and 11(4)(aaa) Absent Voting Regulations 2007 as amended 2021 (Amendment)

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- ¹³ Regulation 11(4A) and (4B) Absent Voting Regulations 2007 as amended 2021 (Amendment)
- ¹⁴ Regulation 7(d) Absent Voting Regulations 2007 as amended 2021 (Amendment)
- ¹⁵ Regulation 11(4)(c) Absent Voting Regulations 2007 as amended 2021 (Amendment)
- ¹⁶ Regulation 10(5E) Absent Voting Regulations 2007 as amended 2021 (Amendment)
- ¹⁷ Regulation 19(1) – (2) Representation of the People (Postal Voting at Local Government Elections)(Scotland) Regulations 2007(Postal Voting Regulations 2007)
- ¹⁸ Regulation 19(5) Postal Voting Regulations 2007
- ¹⁹ Regulation 22(6)Postal Voting Regulations 2007
- ²⁰ Section 9B(8) RPA 1983
- ²¹ Rule 21(1)(b) and Forms 8 Part VII Local Government Rules 2011
- ²² Regulation 18 Postal Voting Regulations 2007
- ²³ Rule 15 Local Government Rules 2011
- ²⁴ Regulation 13 Postal Voting Regulation 2007 and Rule 59 Local Government Rules 2011
- ²⁵ Rule 21 Local Government Rules 2011
- ²⁶ Rule 21(1) Local Government Rules 2011 and Regulation 12(2) – (3) Postal Voting Regulation 2007
- ²⁷ Rule 21(2) Local Government Rules 2011
- ²⁸ Regulation 10(8) – (9) Postal Voting Regulation 2007
- ²⁹ Section 9B RPA 1983
- ³⁰ Regulation 12(2) – (3) Postal Voting Regulation 2007
- ³¹ Regulation 14(3) Postal Voting Regulation 2007
- ³² Regulation 14(4) Postal Voting Regulation 2007
- ³³ Rule 21(1)(b) and Forms 8 Part VII Local Government Rules 2011
- ³⁴ Regulation 19 Absent Voting Regulations 2007
- ³⁵ Rule 21(1) Local Government Rules 2011
- ³⁶ Regulation 5 Postal Voting Regulations 2007
- ³⁷ Regulation 8 Postal Voting Regulations 2007
- ³⁸ Regulation 10(3) Postal Voting Regulation 2007
- ³⁹ Regulation 10(5) Postal Voting Regulation 2007
- ⁴⁰ Regulation 10(8) – (9)Postal Voting Regulation 2007
- ⁴¹ Regulation 10(4) Postal Voting Regulation 2007
- ⁴² Regulation 13 Postal Voting Regulation 2007, Regulation 75 Representation of the People (Scotland) Regulation (RPR) 2001 and Rule 59 Local Government Rules 2011
- ⁴³ Regulation 15 (3) Postal Voting Regulation 2007 as amended 2021 (Amendment)
- ⁴⁴ Regulation 15(4) and (8) Postal Voting Regulation 2007
- ⁴⁵ Regulation 15(2) – (5) Postal Voting Regulation 2007
- ⁴⁶ Regulation 15(7) Postal Voting Regulation 2007
- ⁴⁷ Regulation 15(9) Postal Voting Regulation 2007
- ⁴⁸ Regulation 16(2) Postal Voting Regulation 2007 as amended 2021 (Amendment)
- ⁴⁹ Regulation 16(6),(7), (7A) and (10) Postal Voting Regulation 2007 as amended 2021 (Amendment)
- ⁵⁰ Regulation 16(3) – (5) Postal Voting Regulation 2007
- ⁵¹ Regulation 16(6) and (7A) Postal Voting Regulation 2007
- ⁵² Regulation 16(8) Postal Voting Regulation 2007
- ⁵³ Section 4 Local Electoral Administration and Registration Services (Scotland) Act 2006
- ⁵⁴ Regulation 16A(1) – (3) Postal Voting Regulation 2007
- ⁵⁵ Regulation 16A(1) and (10) Postal Voting Regulation 2007
- ⁵⁶ Regulation 26 Postal Voting Regulation 2007
- ⁵⁷ Regulation 15(9) Postal Voting Regulation 2007
- ⁵⁸ Regulation 16(8) Postal Voting Regulation 2007
- ⁵⁹ Regulation 16A(3) Postal Voting Regulation 2007
- ⁶⁰ Regulation 16A(2)(b) Postal Voting Regulation 2007
- ⁶¹ Rule 33(6) Local Government Rules 2011
- ⁶² Rule 43(2) Local Government Rules 2011
- ⁶³ Regulation 19(1)(a) and (2) Postal Voting Regulation 2007
- ⁶⁴ Regulation 19(6) Postal Voting Regulation 2007

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- ⁶⁵ Regulation 19(1)(b) and (2) Postal Voting Regulation 2007
⁶⁶ Regulation 19(4) and (6) Postal Voting Regulation 2007
⁶⁷ Regulation 31(1)(b) Postal Voting Regulation 2007
⁶⁸ Regulation 22(6) Postal Voting Regulation 2007
⁶⁹ Regulation 23(1) Postal Voting Regulation 2007
⁷⁰ Regulation 23(2) Postal Voting Regulation 2007
⁷¹ Sections 6A – 6D PPERA 2000 and Regulation 6 Postal Voting Regulation 2007
⁷² Regulation 18 Postal Voting Regulation 2007
⁷³ Regulation 8 Postal Voting Regulation 2007
⁷⁴ Regulation 22(5) Postal Voting Regulation 2007
⁷⁵ Section 66(4)(d) RPA 1983
⁷⁶ Section 66(4) RPA 1983
⁷⁷ Regulation 22(1) Postal Voting Regulation 2007
⁷⁸ Regulation 22(1B) Postal Voting Regulation 2007
⁷⁹ Regulation 24(1B) Postal Voting Regulation 2007
⁸⁰ Regulation 22(6) Postal Voting Regulation 2007
⁸¹ Regulation 24(1A) Postal Voting Regulation 2007
⁸² Regulation 24A(2) Postal Voting Regulation 2007
⁸³ Regulation 24(2) – (3) Postal Voting Regulation 2007
⁸⁴ Regulation 24(7) and 25 Postal Voting Regulation 2007
⁸⁵ Regulation 19(4) Postal Voting Regulation 2007
⁸⁶ Regulation 24(1A) Postal Voting Regulation 2007
⁸⁷ Regulation 24(3), 24A(4) and 24B(3)(a) Postal Voting Regulation 2007
⁸⁸ Regulation 27(1) Postal Voting Regulation 2007
⁸⁹ Rule 44(1) Local Government Rules 2011
⁹⁰ Regulation 20 Postal Voting Regulation 2007
⁹¹ Regulation 27(4) Postal Voting Regulation 2007
⁹² Regulation 27(5) Postal Voting Regulation 2007
⁹³ Regulation 20(2) Postal Voting Regulation 2007
⁹⁴ Regulation 20(3)(b) Postal Voting Regulation 2007