



Part D

Absent voting

**The Scottish Independence
Referendum
Guidance for Counting Officers**

Translations and other formats

This document can be made available in certain alternative formats. For further information, contact Ros Wilson at ros.wilson@edinburgh.gov.uk, telephone 0131 469 3820

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1 Absent voting

Categories of absent voters

- 1.1 Absent voters fall into three separate categories – postal voters, proxy voters and postal proxies. Your Electoral Registration Officer (ERO) maintains a standing list for each of these three categories¹.

Postal Voters

- 1.2 Any registered voter is entitled to vote by post, subject to making a formal application to the ERO. Application forms are available from that office or at [aboutmyvote](#).
- 1.3 Applicants for a postal vote do not need to supply any reason or justification for their choice. Applications must be made in writing, must state the date on which they are made and must be made before the cut-off date² – namely **5pm on Wednesday 3 September 2014** - 11 days before the referendum (excluding dies non).³
- 1.4 Where applicants for a postal vote were not previously registered to vote, they must have also applied for registration by the deadline of **midnight on Tuesday 2 September 2014**.
- 1.5 They must supply their full name and date of birth, their signature and the address to which the ballot paper is to be sent. The date of birth and the signature are referred to as personal identifiers. You will be obliged to carry out a verification exercise of these identifiers at the opening sessions for postal votes (see para 5.23 “[Stage 2 – Checking the personal identifiers](#)” and paras 5.27 to 5.36 “[Postal voting statement verification](#)”).
- 1.6 Where by reason of disability or illiteracy, the voter is unable to provide a consistent and distinctive signature, the ERO can authorise a waiver, which dispenses with the need to provide a signature on the postal voting statement.⁴ The ERO will advise you which voters have been granted a waiver.
- 1.7 The ERO will provide you with the list of postal voters and with the polling list to be used in the polling stations. The legislation provides that, on the polling

¹ SIRA 2013 Schedule 2 paras 4 and 6(7)

² SIRA 2013 Schedule 2 para 19

³ SIRA 2013 Schedule 2 para 7

⁴ SIRA 2013 Schedule 2 para 7(6)

list, their names will be marked with the letter “A”, which indicates that they are not allowed to vote in person at the polling station⁵.

- 1.8 Where they are unwilling or unable to send their vote by post, they may, however, deliver it by hand to you as Counting Officer or hand it in at any polling station in the local authority area on polling day before the close of poll at 10pm.

Proxy Voters

- 1.9 Proxy voters are appointed by voters to vote on their behalf. Applications for a proxy vote are available from the ERO or at [aboutmyvote](#).
- 1.10 Registered voters do not have an automatic entitlement to vote by proxy. Applicants must satisfy the ERO that their circumstances on referendum day are such that they cannot reasonably be expected to vote in person at the polling station allotted to them.⁶
- 1.11 They must provide the name and address of the person they wish to appoint as their proxy, together with details of any family relationship between them. Where the proxy does not sign the application to confirm their willingness to act, the applicant must confirm that they have consulted with the proxy to this effect.
- 1.12 A person may not have more than one proxy at any time.⁷
- 1.13 Proxies must be of voting age. A person is not entitled to vote as proxy in the referendum on behalf of more than two others of whom that person is not a close relative. A person can act as proxy for any number of the following close relatives: spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.⁸
- 1.14 Although a person can be appointed as a proxy by more than two people, the proxy would be committing an offence if they voted on behalf of more than two people who are not close relatives.⁹
- 1.15 The ERO will provide you with a list of all voters who have, by the cut-off date, appointed a proxy to vote on their behalf. Ordinary proxies (i.e. those registered as such before the cut-off date) will be issued by the ERO with a proxy letter confirming their status.¹⁰

⁵ SIRA 2013 Schedule 2 para 12

⁶ SIRA 2013 Schedule 2 para 3(2)

⁷ SIRA 2013 Schedule 2 Para 5(2).

⁸ SIRA 2013 Schedule 2 Para 5(5).

⁹ SIRA 2013 Schedule 7 Para 2(5)

¹⁰ SIRA 2013 Schedule 2 para 5(9)

- 1.16 You should note that, at the referendum, the cut-off date for ordinary proxy applications is the same as that for postal votes – i.e. **5pm on Wednesday 3 September**, 11 days before referendum day (excluding dies non). This differs from the procedure at previous electoral events.
- 1.17 You must supply Presiding Officers with the relevant parts of this list of proxies for use in polling stations on referendum day.¹¹ While there is no legal requirement to mark the names of proxies in the polling list, it is common practice by EROs to mark these entries with “P”. You should liaise with your local ERO to confirm whether this will be the case in your area.
- 1.18 You must ensure that polling staff are made aware that a voter who has appointed a proxy is not for that reason debarred from voting if they arrive at the polling station to do so before the proxy has voted on their behalf.
- 1.19 Where the proxy has already voted, the voter must not be permitted to vote. Where the voter has already exercised their right to vote, the proxy must not be allowed to vote on their behalf.

Emergency proxies

- 1.20 The law now allows for emergency proxies to be appointed after the cut-off date where the applicant cannot reasonably be expected to vote in person at the polling station allotted because:
- of a disability suffered after that date
 - of an unavoidable absence from the voter’s qualifying address on referendum day - an absence of which the voter only became aware after the cut-off date; or
 - of reasons relating to the voter’s occupation, service or employment, of which the voter only became aware after the cut-off date.¹²
- 1.21 In these cases, an emergency proxy vote may be granted by the ERO up until 5pm on the day of the referendum¹³.
- 1.22 While a statement is still required as to the date when the applicant became aware of the need to apply for an emergency proxy,¹⁴ attestation is not required unless the application is made on or after the fifth day before the date of the referendum (Thursday 11 September 2014) in which case the application must be attested by an appropriate person, namely:

¹¹ SIRA 2013 Schedule 3 Rule 13(3)(c)

¹² SIRA 2013 Schedule 2 para 7(9)(a)

¹³ SIRA 2013 Schedule 2 Para 7(10).

¹⁴ SIRA 2013 Schedule 2 Para 8(2)

- where the applicant is an employee, by the applicant’s employer or by another employee to whom the employer has delegated this function; or
 - where the applicant is not an employee, by a person who is aged 18 or over, knows the applicant and is not related to them.¹⁵
- 1.23 If you are not also the ERO, you should agree with them a method for communicating any additions to the list of proxies that result from the granting of emergency proxy applications.
- 1.24 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.
- 1.25 Wherever possible, however, the ERO should provide the proxy of any voter whose application has been accepted with a letter authorising them to act as a proxy, which should include details of the person on whose behalf they are voting. The proxy should then be instructed to take that authorisation with them when they go to vote and to hand it to polling station staff. This letter can then be retained with the list of proxies and marked to show that the proxy has been issued with a ballot paper. You should also, where possible, issue to the relevant polling station a supplementary list of proxies, which can be added to the list originally supplied. (Note that where a late emergency proxy is granted, there will be no letter “P” marked against the voter’s name in the polling list for the polling station and you should advise polling staff of this.)
- 1.26 Whatever method is agreed for communicating additions to the list of proxies on referendum day should be covered at the training session for polling station staff.
- 1.27 Polling station inspectors may be involved in liaising with the electoral registration office on emergency proxy applications granted on referendum day. If this is the case, you should advise them of the procedures to be followed.

Postal proxies

- 1.28 A person who has been appointed by a voter to vote as their proxy can choose to vote by post.¹⁶ The ERO must keep a list of proxy postal voters, together with the addresses to which their ballot papers are to be sent. This list will be supplied to you for use in issuing the postal votes.

¹⁵ SIRA 2013 Schedule 2 Para 8

¹⁶ SIRA 2013 Schedule 2 para 6(6)

- 1.29 A separate list to be provided to polling stations will contain the details of postal proxies.
- 1.30 The law also requires that the polling list be marked with the letter “A” against the name of the voter whose proxy has chosen to vote by post.¹⁷ Where it is the practice of your local ERO to mark proxies in the polling list with the letter “P”, the register may contain both letters against the name of the voter whose proxy has opted to vote by post. You should confirm this with your ERO.
- 1.31 A voter who has appointed a proxy who has opted to vote by post is not entitled to vote in person at a polling station.

Existing absent voters

- 1.32 A person is taken to have been granted an absent vote in the referendum if that person is shown on the standing lists of postal voters, proxy voters or postal proxies for local government or Scottish Parliament elections in Scotland¹⁸ for an indefinite period or for a period that extends beyond the date of the referendum. Such a person is referred to as an “existing postal voter” (including existing postal proxies) or an “existing proxy voter”.¹⁹
- 1.33 Your ERO will supply you with the standing lists of absent voters. You should liaise with them for the transfer of this information as soon as reasonably possible.
- 1.34 The cut-off date for changes (including cancellations) to existing absent vote arrangements (postal, proxy and postal proxy) is the same as that for new absent vote applications – namely **5pm on Wednesday 3 September, 11** working days before referendum day.²⁰
- 1.35 By law, postal votes can now be issued to voters as soon as practicable²¹. Effectively, this means that postal votes can be issued to existing postal voters on the standing list before the cut-off date. The Chief Counting Officer has directed that postal packs to voters on the standing list are to be issued **between Tuesday 26 and Thursday 28 August 2014**. This will ensure that postal voters have as much time as possible to complete and return their votes. You may need to consider additional staffing in order to ensure that all postal ballot packs can be issued as early as possible.

¹⁷ SIRA 2013 Schedule 2 para 12

¹⁸ SIRA 2013 Schedule 2 para 2(1) refers to the records maintained under RoPA 2000 Schedule 4 para 3(4) and the Scottish Parliament (Elections etc) Order 2010 (SI2010/2999) para 8(4)

¹⁹ SIRA 2013 Schedule 2 para 2

²⁰ SIRA 2013 Schedule 2 para 7(2)(c) and para 19

²¹ SIRA Schedule 2 Para 22



To demonstrate that you have achieved the outcome set out in performance standard 1, you need to be able to confirm to the Chief Counting Officer that arrangements are in place to ensure that postal ballot packs will be dispatched in accordance with the direction, including those to be sent overseas.

Updates after the cut-off date

- 1.36 Shortly after the cut-off date, the ERO will be able to provide you with updates to the absent voters lists, i.e., the postal voters list, the postal proxy voters list and the list of proxies. This will enable you to make a further issue of postal votes to new applicants on the lists. There will also be a number of cancellations, where voters have changed their existing arrangements. In these circumstances, you will need to implement the procedure for superseded postal votes as detailed in paras [4.39 to 4.47 below](#).
- 1.37 If you are not also the ERO, you should liaise closely with them regarding the transfer of the relevant absent voting data. If there is a need for exchanging data electronically, you should ensure that a test of the process is carried out ahead of the first scheduled transfer. This will involve close liaison with any contractor you have engaged to print the postal ballot packs as well as with the ERO's office.

2 Preparing for the absent vote processes

- 2.1 Your project plan must include a plan to deliver key referendum processes, including the management of the absent voting process. This plan should take account of any directions and recommendations issued by the Chief Counting Officer.



To be able to achieve the outcome in performance standard 1, you need to be able to provide the Chief Counting Officer with confirmation that your project plan includes the management of the absent voting process including a clear audit trail for the issue, receipt and opening of postal ballot packs.

Further information on planning for the referendum can be found in [Part B – Planning and organisation](#).

Staffing and training

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

Layout of venues



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

- 2.3 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 any lessons learned from previous electoral events. If your last postal vote opening session is to take place at the verification and count venue, you should ensure that your count layout plan makes provision for this.
- 2.4 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.

- 2.5 You should ensure that whatever layout you choose, it is accessible to all those working on the processes and those entitled to observe them.
- 2.6 Even if you have outsourced the issuing of postal votes, you should be satisfied that your contractors have made adequate arrangements to administer the issue effectively and in a transparent manner. As part of this, you could ask your contractor 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 if a member of your staff has been appointed to conduct spot-checks during the printing, collation and issuing of postal ballot packs. As a requirement to meet performance standard 1, you should designate a member of the project team to monitor any outsourced work, specifically attending those parts of the issuing process that have been contracted out. Your team member should ensure that the postal votes being issued by the contractor all bear the correct official mark.
- 2.7 While referendum agents are **not** allowed to attend the issue of postal votes, you should remember that Electoral Commission representatives and accredited observers are entitled to attend, whether you are issuing the votes in-house or whether they are being issued by a contractor on your behalf.²² You should ensure that any contractors issuing postal votes on your behalf are aware of this.

Equipment for the issue, receipt and opening of postal votes

- 2.8 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 (ensuring that the ballot papers you use for postal votes bear the correct official mark), postal voting statements and envelopes
 - postal voters list and postal proxy voters list
 - lists of lost and spoiled ballot papers
 - corresponding number list(s)
 - 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
 - separate signature sheets for staff and observers
 - declarations of secrecy
 - letter openers

²² SIRA 2013 Sections 18,19,20

- labelled trays
- fingerettes
- assorted stationery, such as pens, pencils, bulldog and paper clips, rubber bands, adhesive tape and rulers

2.9 You must, by law, provide a ballot box for the covering envelopes returned by postal voters (the 'postal voters box') and for the postal ballot papers (the 'postal ballot box').²³

2.10 At each opening session, you must provide receptacles for the following:

- rejected votes
- postal voting statements
- ballot paper envelopes
- rejected ballot paper envelopes
- rejected votes (verification procedure); and
- postal voting statements (verification procedure)²⁴

2.11 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
- printers
- projector and screen
- laptops
- 'rejected' stamp and pad
- assorted stationery

Options for delivering postal ballot packs

2.12 You will need to put in place arrangements for the delivery of postal ballot packs. You can have them delivered by hand or by post.

2.13 Whichever method you choose, you should ensure that the necessary activities arising out of the decision are identified, planned for and taken forward.

²³ SIRA 2013 Schedule 2 para 32

²⁴ SIRA 2013 Schedule 2 para 32(5)

By hand

- 2.14 If you decide to deliver postal votes by hand, you should plan for how this will work in practice. You should appoint sufficient staff to ensure that the ballot packs are received by postal voters as soon as possible.
- 2.15 You should also 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 local authority area and to agreed timeframes. This may include requiring delivery staff to fill in log sheets, having supervisors carry out spot-checks, and monitoring any unusually low returns of completed postal ballots by polling districts.
- 2.16 It will not be possible to deliver some postal votes by hand. Those outside the local authority area should be prioritised for postal delivery.
- 2.17 Where hand delivery cannot be achieved (for example, where staff cannot find the property) staff should return the undelivered postal ballot packs to you. You should then consider the best way to deliver these packs either by hand or by post.

By post

- 2.18 You may use Royal Mail or any other commercial delivery firm for the delivery of postal votes. In either case, you need to count the total number of outgoing envelopes and arrange delivery to or collection by that supplier along with a docket showing the total number of postal ballot packs in that batch. This docket should be endorsed by Royal Mail or the delivery firm to acknowledge receipt of the batch. You should also obtain any other proof of postage that the firm provides.
- 2.19 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 local authority 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 voters regarding the delivery of their postal ballot pack.
- 2.20 You should monitor any unusually low returns of completed postal ballots by polling districts as that may be an indication of delivery issues.
- 2.21 If you are posting postal ballot packs, you should liaise regularly with either Royal Mail or the commercial delivery firm you have contracted, to discuss any delivery issues.
- 2.22 If you are using Royal Mail to deliver your postal votes, you should put in place arrangements for the relevant licences 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 voters. If you are using a commercial delivery firm, you should make similar arrangements as appropriate.

- 2.23 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](#).

Issuing postal votes to overseas addresses

- 2.24 In order to achieve the outcome in performance standard 1, postal ballot packs that are to be sent overseas (including, for example, to service voters) need to be prioritised to allow as much time as possible for the ballot pack to reach the voter and to be completed and returned. As part of your preparations for the issue of postal votes, you should agree with your printers a process that will enable you to do this.
- 2.25 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 by the appropriate mail service.
- 2.26 You should liaise with Royal Mail about the cost of postage for sending items overseas in order to ensure that postal ballot packs are posted with the correct outgoing postage. There is no requirement for pre-paid postage to be included on the return envelope if the address provided by the voter for the postal ballot pack to be sent to is outside the UK.²⁵
- 2.27 Where it may not be realistic for a postal ballot pack to be dispatched, completed and returned before the close of poll, because of the tight timescale involved, the ERO should consider advising the voter to appoint a proxy as an alternative. It is, of course, the choice of the voter as to which method of voting they prefer, but it is important that voters are fully advised of the circumstances surrounding their choice so that they can make an informed decision.

²⁵ SIRA 2013 Schedule 2 para 27

Issuing postal votes to anonymous voters

- 2.28 Postal ballot packs sent to anonymously registered voters must be sent in an envelope or covering that does not disclose that the voter is registered anonymously.²⁶ You should therefore send postal ballot packs to anonymously registered voters in a plain outgoing envelope. The postal voting statement must also omit the voter's name. As part of your preparations for the issue of postal votes, you should agree with your 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 voter has requested that their postal vote should be sent.

Number and timing of postal vote opening sessions

- 2.29 In planning for the referendum, you will need to identify the number of postal vote opening sessions that you think you will require and when these will be held and make arrangements as necessary.
- 2.30 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. You should take into account the likelihood that the demand for postal votes at the referendum will be greatly increased from that at recent electoral events. The resources you have available to conduct these processes, including numbers of staff and size of venue, will also be a relevant consideration.



To be able to achieve the outcome set out in performance standard 1, you must be able to provide the Chief Counting Officer with the scheduled dates of your postal vote opening sessions.

- 2.31 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.

²⁶ SIRA 2013 Schedule 2 para 23(5)

2.32 Remember that you have a legal duty to give referendum agents at least 48 hours' notice, in writing, of the time and place of each postal vote opening session. It should also specify the number of postal ballot agents they may appoint to attend each session.²⁷ Information on assessing the number of postal ballot agents to attend sessions is contained in para [5.17](#) below.

²⁷ SIRA 2013 Schedule 2 para 31

3 Postal vote stationery

Corresponding number lists

- 3.1 You must produce a corresponding number list (CNL) to be used at postal vote issuing sessions.²⁸ The corresponding number list is a prescribed form which must be used, but it can contain such variations as local circumstances may require. It must contain the unique identifying numbers of all ballot papers. The Chief Counting Officer has prepared a [template for this list](#).
- 3.2 The corresponding number list for the postal ballot papers that have been issued must be sealed in a packet as soon as practicable after each issue.²⁹ The Counting Officer must not open this packet³⁰ which can only be opened and inspected by the order of the Court of Session or a sheriff principal.³¹

Producing the postal voting stationery

- 3.3 You will need to decide whether the production of postal voting stationery and the issuing of postal votes will be carried out in-house or outsourced. You should not automatically assume that outsourcing is your best option when it comes to producing and issuing postal ballot packs. Any decision to outsource should be taken as part of an assessment of the costs, risks and benefits.



To be able to achieve the outcome set out in performance standard 1, you need to be able to provide the Chief Counting Officer with confirmation that you have carried out an assessment of the need to outsource postal vote processes and that, if outsourcing is considered appropriate, you have arrangements in place for the effective management of contractors and suppliers undertaking these processes.



Guidance to support you in deciding whether or not to outsource, and on the procurement process and the management of contractors and suppliers if you do decide to outsource, can be found in [Part B – Planning and organisation](#).

- 3.4 If you are outsourcing postal vote production, you should ensure that your software is able to produce a data file that your printers can use to produce the materials to the specification required. At an early stage in discussions

²⁸ SIRA 2013 Schedule 3 Rule 5

²⁹ SIRA 2013 Schedule 2 para 26

³⁰ SIRA 2013 Schedule 3 Rule 36(2)(b)

³¹ SIRA 2013 Schedule 3 Rule 40

with suppliers you should address in what format you will supply the data and in what format they will send you any proofs, and this should be included in your specification and contract.

- 3.5 You 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 should go where on the postal voting statement and envelopes. The postal voting statement is a form prescribed by the Chief Counting Officer and you must use this form, but with such variations as local circumstances may require.
- 3.6 You should also design and test the postal voting statements to ensure that the signature and date of birth fields are in the correct place and format to be able to be processed by your personal identifier verification system. The Chief Counting Officer has produced an [example template](#) for this statement.

Carrying out checks of the postal vote stationery

- 3.7 You should have a process in place for proof-checking postal vote stationery. In particular, you should ensure that a member of your staff is present when the postal ballot packs are being printed to check that there are no errors, that they are being printed with the correct official mark and to the required specification. If you have outsourced the printing process, details of your proof-checking processes should be agreed with the company at an early stage in negotiations and recorded as part of the contract.



To be able to achieve the outcome set out in performance standard 1, you must be able to provide the Chief Counting Officer with confirmation that robust processes are in place for the monitoring of outsourced work and in particular, that you have made arrangements for a member of your staff to attend those parts of the issuing process that you have contracted out.

- 3.8 You should carry out frequent 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 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.
- 3.9 You should produce guidelines for the checking of postal voting stationery. Particular attention should be paid to checking that:
 - the correct official mark and unique identifying mark appear on each ballot paper

- voters' names and addresses are accurate on the postal voting statement and outgoing envelopes; and
 - there is no bleeding of ink and the print quality is good and consistent
- 3.10 You will need to consider how you will keep a record of stationery that has been checked so that you can refer back to it should any issues arise subsequently.
- 3.11 Where you have outsourced the issue of postal votes, you should also ensure that a clear procedure and audit trail are in place for transferring postal ballot packs to Royal Mail or a commercial delivery firm.

Handling of personal data by contractors

- 3.12 Electoral registration data held by the contractors should be destroyed as soon as possible after referendum day. A written undertaking should be produced for contractors to sign confirming this. It should state that the contractor understands that information from the full polling list cannot be disclosed at any time, and must confirm that they will not disclose data to any unauthorised party and that, after the referendum, they will return any discs and paper records provided to them and securely destroy any other electronic or paper copies of the data.

Contents of postal ballot packs

- 3.13 You must send all eligible postal voters a postal ballot pack.³²
- 3.14 By law, postal ballot packs must include the following:
- an outgoing envelope
 - return envelopes (see Para [3.18](#) below)
 - a ballot paper
 - a postal voting statement³³
- 3.15 To comply with legislation, you will also need to issue to those entitled to vote by post information about how to obtain:
- 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)³⁴

³² SIRA 2013 Schedule 3 Rule 8(1)

³³ SIRA 2013 Schedule 3 Rule 8(1)(a)-(c)

³⁴ SIRA 2013 Schedule 3 Rule 8(2)

Postal voting envelopes

- 3.16 The law requires that the outgoing envelope is addressed to the voter at the address to which they have asked for their ballot paper to be sent and which is shown in the postal voters list or the postal proxy voters list.³⁵
- 3.17 Postal ballot packs for anonymous voters must be issued in a plain outgoing envelope. (See paragraph [2.28](#) above.)
- 3.18 To preserve the secrecy of the ballot, you must provide two separate envelopes for returning the ballot paper and the postal voting statement:
- Envelope 'A' – this is the envelope for the return of the ballot paper, which is to be marked with the letter 'A', the words 'ballot paper envelope' and the number of the ballot paper
 - 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 address³⁶
- 3.19 You should print the name of your local authority on all 'A' and 'B' envelopes. This will help to reduce instances of postal votes becoming undeliverable if, for example, a voter returns the 'A' envelope with both the ballot paper and postal voting statement inside it, without putting it in the 'B' envelope.
- 3.20 Unless you are delivering a postal vote by hand, you are required by law to pre-pay postage on the outgoing envelope addressed to the postal voter. You are also required by law to pre-pay postage on all return envelopes, except where postal votes have been issued to an address outside of the UK.³⁷

The ballot paper

- 3.21 The form of the ballot paper is prescribed in [Schedule 1 to the Scottish Independence Referendum Act 2013](#) and you have a legal duty to print the ballot paper in strict accordance with the directions contained in it.



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

³⁵ SIRA 2013 Schedule 2 para 23(4)

³⁶ SIRA 2013 Schedule 2 para 25

³⁷ SIRA 2013 Schedule 2 para 27

Postal voting statement

- 3.22 The postal voting statement is a form to be prescribed by the Chief Counting Officer. You must use it but you may include variations to suit local circumstances. An [example template](#) has been developed for your use.
- 3.23 The postal voting statement must include the voter's name (unless the voter is an anonymous voter) and the number of the ballot paper being issued with the statement³⁸.
- 3.24 Different forms of the postal voting statement are required for anonymous voters and for those who have been granted a waiver. The postal voting statement for anonymous voters must not show the name of the voter. Where a voter has been granted a waiver by the ERO, you must omit the signature box and any reference to signing the form in the instructions to voters.

Guidance for postal voters

- 3.25 The Chief Counting Officer has produced a [template quick start guide for postal voters](#) which can be included in each postal ballot pack, alongside the instructions for postal voters.

³⁸ SIRA 2013 Schedule 2 para 23(3)

4 Procedure for issuing and distributing postal votes

Who must be sent a postal vote?

4.1 The following must be sent a postal vote:

- any voter who appears on any list of postal voters for the referendum
- any proxy who appears on any list of postal proxies for the referendum

Who can attend the issue of postal votes?

4.2 In addition to you and your staff, Commission representatives and accredited observers are entitled to attend the issuing process.³⁹ If you have outsourced the postal vote issuing process, you should ensure that these persons are able to access the premises of the company conducting the issue. The law requires that anyone attending a postal vote issue session, including members of your staff, be provided with a copy of the Requirement of Secrecy containing the relevant [secrecy provisions](#).

The issuing process

4.3 The processes to be followed when issuing postal ballot packs are provided for in legislation⁴⁰:

- The voter number must be marked on the master corresponding number list beside the unique identifying number of the ballot paper to be issued to that voter.
- The unique identifying number of the postal ballot paper must be included on the postal voting statement to be sent with that ballot paper.
- 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 voter, the address can be found in the ERO's records of granted applications.

³⁹ SIRA 2013 Schedule 2 para 20(1) – to be read in conjunction with Sections 18-20 of the Act which give representatives of the Electoral Commission and accredited observers the right to attend the issue of postal votes.

⁴⁰ SIRA 2013 Schedule 2 para 23

- 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 issued.
- You are legally required to 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 order of the Court of Session or a sheriff principal. 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 session.

- 4.4 The Chief Counting Officer has produced a [flowchart summarising the stages of the issuing process](#).
- 4.5 If you have outsourced the issuing of postal votes or any part of that process, you will need to designate a member of your project team to monitor the outsourced work and the work of the contractor, specifically attending those parts of the issuing process that have been contracted out. This issue is dealt with more fully in paragraphs [3.7 to 3.11](#) above. In this way you will be able to demonstrate that you have achieved the outcome set out in performance standard 1.
- 4.6 Regardless of whether you have outsourced the issuing of postal votes, you should quality-assure the entire process. As part of this, you should instruct a member of your staff to carry out regular spot checks during each issue to ensure that the correct details appear on the stationery and that the postal ballot packs have been properly collated.
- 4.7 You need to 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 as to postal ballot papers.



To achieve the outcome set out in performance standard 1, you must be able to provide the Chief Counting Officer with confirmation that arrangements are in place for recording the number of postal votes issued at the end of each issuing session and when issuing replacement postal ballot packs.

- 4.8 If you are not delivering the postal ballot packs by hand, you should make arrangements for the secure transfer of the postal ballot packs to Royal Mail or a commercial delivery firm.

Re-issuing postal ballot packs

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

- to replace a spoiled postal ballot paper and/or postal voting statement
- to replace postal ballot pack that has been lost or has not been received
- to correct a procedural error

Procedure for re-issuing spoiled postal votes

4.10 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 5pm on referendum day**.⁴¹

4.11 If the request for a replacement postal ballot pack is made **between 5pm on the day before referendum day and 5pm on referendum day** itself, the replacement postal vote may only be issued to the voter if the spoiled documents are returned by hand. In such cases, the issue of a replacement can also only be made by hand.⁴²

4.12 You should put in place systems to enable you to issue replacements up to 5pm on referendum day. Particular consideration will need to be given to this where the issue of postal votes has been outsourced.

4.13 Before a replacement can be issued, the spoiled postal ballot paper or spoiled postal voting statement must, by law, 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 spoiled.⁴³

4.14 A new postal ballot pack can then be issued to the voter.

4.15 The legislation requires that any returned spoiled ballot papers and postal voting statements have to be cancelled and sealed in a packet for spoiled postal ballot papers, even if only one of them has actually been spoiled.⁴⁴

4.16 The voter's name and electoral number must be added to the list of spoiled postal ballot papers. The name should not, however, be added if the voter is registered anonymously. The unique identifying number of the replacement ballot paper 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 details.⁴⁵

⁴¹ SIRA 2013 Schedule 2 para 28

⁴² SIRA 2013 Schedule 2 para 28(8)

⁴³ SIRA 2013 Schedule 2 para 28(2)

⁴⁴ SIRA 2013 Schedule 2 para 28(7)

⁴⁵ SIRA 2013 Schedule 2 para 28(9)

- 4.17 The Chief Counting Officer has produced [a flowchart summarising the procedure for re-issuing spoilt postal votes.](#)

Procedure for re-issuing lost/not received postal votes

- 4.18 Where a voter claims either to have lost or not to have received their postal ballot paper, postal voting statement or return envelopes 'A' and 'B', it is possible for a replacement postal ballot pack to be issued from 4 working days before referendum day up until 5pm on referendum day.⁴⁶
- 4.19 If the request for a replacement postal ballot pack is made between 5pm on the day before polling day and 5pm on referendum day itself, the issue of a replacement pack may only be made if the postal voter applies in person⁴⁷.
- 4.20 If not all parts of the postal ballot pack have been lost or not received, the voter must, by law, return those documents that they do have.⁴⁸ You are then required under the legislation to cancel those documents immediately.⁴⁹
- 4.21 By law, you must re-issue a postal ballot pack if you are satisfied as to the postal voter's identity and have no reason to doubt that they have lost or did not receive the postal ballot pack. 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 voter.
- 4.22 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.
- 4.23 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 a voter seeking to be issued with a replacement.

Recommendation 1

- 4.24 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 voter, together with the voter's name. The two most secure examples are:

⁴⁶ SIRA 2013 Schedule 2 para 29

⁴⁷ SIRA 2013 Schedule 2 para 29(11)

⁴⁸ SIRA 2013 Schedule 2 para 29(4)

⁴⁹ SIRA 2013 Schedule 2 para 29(5)

- passport
- photocard driving licence

4.25 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

4.26 Some voters 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

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

4.28 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 voter and can confirm their name and address. You may wish to include the voter'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)

4.29 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 will be returned.

4.30 Where you re-issue a postal vote due to it being lost or not received, you must, by law, add the voter's name and voter number to the list of lost postal ballot papers. The name must not, however, be added if the voter is registered anonymously. The unique identifying number of the replacement ballot paper 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 details.⁵⁰

4.31 The Chief Counting Officer has produced a [flowchart summarising the procedure for re-issuing lost/not received postal votes](#).

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

4.32 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 in law to correct a procedural error.⁵¹

4.33 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.

⁵⁰ SIRA 2013 Schedule 2 para 29(9)

⁵¹ SIRA 2013 Section 8

- 4.34 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 voters. 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.
- 4.35 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 referendum and a need to claim against insurance.
- 4.36 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 referendum 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 referendum.
- 4.37 When a postal vote has been re-issued the original ballot paper must be cancelled and must not be allowed to go forward to the count.
- 4.38 If you are obliged to use this power to re-issue a significant number of postal votes, you should advise the Chief Counting Officer.



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

Superseded postal ballot papers

- 4.39 The legislation now permits the issue of postal votes as soon as practicable⁵². As a result of issuing postal ballot papers in advance of the deadline for cancelling or amending postal and proxy votes, there will be circumstances where voters on the standing lists of absent voters will wish to change their voting arrangements after the postal votes have been issued, but before the cut-off date.
- 4.40 In these circumstances, they are legally entitled to request a change to their absent voting arrangements for the following purposes:-⁵³ -
- to appoint a proxy
 - to change the address to which their existing postal vote is sent
 - to change from a postal to a proxy vote
 - to change from a proxy to a postal proxy vote

⁵² SIRA 2013 Schedule 2 para 22

⁵³ SIRA 2013 Schedule 2 para 30(2)

- to be removed from the postal voters list
- to cancel a proxy appointment or to appoint a different proxy
- to cancel a proxy postal vote; or
- to change the address for a postal proxy vote

4.41 Any request to make such a change must be received by the ERO before the cut-off date – **5pm on Wednesday 3 September 2014**. The ERO must advise the Counting Officer of any changes made to the standing list.⁵⁴

4.42 Where a voter has already been issued with a postal vote, that postal ballot paper is void.

4.43 The voter or proxy **must** return the superseded ballot paper with its postal voting statement and the envelopes supplied for their return. When these documents are returned they must immediately be cancelled.⁵⁵

4.44 Where postal or postal proxy voters have notified the ERO of a change of address to which the ballot paper is to be sent, you must issue a replacement ballot paper.⁵⁶

4.45 You must seal the documents in a separate packet, and if any further such documents are cancelled, you must reopen the packet, insert the additional cancelled documents and reseal the packet.⁵⁷

4.46 You must maintain a list of superseded postal ballot papers⁵⁸ to include

- the name and number of the voter as stated in the Polling List (or in the case of an anonymous voter, the voter number alone)
- the number of the superseded ballot paper
- the number of any replacement ballot paper issued; and
- where the superseded postal ballot paper was issued to a proxy, the name and address of the proxy

A [template list of superseded postal ballot papers](#) has been prepared for your use.

4.47 It is recognised that new procedures will be necessary to implement this part of the legislation and that these procedures will require close working with EROs. Further guidance on implementation will be prepared and issued separately in due course.

⁵⁴ SIRA 2013 Schedule 2 para 30(4)

⁵⁵ SIRA 2013 Schedule 2 para 30(7) and (8)

⁵⁶ SIRA 2013 Schedule 2 para 30(6)

⁵⁷ SIRA 2013 Schedule 2 para 30(9)

⁵⁸ SIRA 2013 Schedule 2 para 30(10)

Retrieval of cancelled postal ballot papers

4.48 There may be circumstances in which you have to cancel a postal ballot paper and retrieve it.⁵⁹ If it appears to you that a cancelled postal ballot paper has been placed:-

- in a postal voters box
- in the receptacle for ballot paper envelopes, or
- in a postal ballot box

you must follow the undernoted procedure.⁶⁰

4.49 At the next postal vote opening session, you must open the postal voters box as well as any postal ballot box and the receptacle for ballot paper envelopes and:

- retrieve the cancelled postal ballot paper and show the ballot paper number on it to the postal ballot agents present
- retrieve the postal voting statement that relates to the cancelled paper from the receptacle for postal voting statements and attach it to that paper
- place the cancelled documents in a separate packet and seal it (if other documents are subsequently cancelled in the same way, you must re-open the packet, insert the further cancelled documents and reseal it); and
- reseal the postal ballot box (unless it has been opened for the counting of votes)

4.50 While retrieving a cancelled ballot paper, you must keep the ballot papers face downwards and prevent any person from seeing the votes made on these papers and you must not look at the corresponding number list used at the issue of the postal votes.⁶¹

4.51 You should record the cancellation for the purposes of maintaining an audit trail.

4.52 A [flowchart summarising the procedure to be followed for retrieval of a cancelled postal vote](#) has been prepared for your use.

⁵⁹ SIRA 2013 Schedule 2 para 41(1)

⁶⁰ SIRA 2013 Schedule 2 para 41(2)

⁶¹ SIRA 2013 Schedule 2 para 41(3)

5 Receiving and opening postal votes

Receipt of postal votes

- 5.1 You should make contact with Royal Mail to confirm arrangements for the return of postal votes and any final sweeps they will be carrying out on referendum day. The CCO is currently in discussion with Royal Mail with a view to arranging a national contract for the final sweeps. You will be advised further in relation to the outcome of these discussions.
- 5.2 The majority of postal votes will be delivered to your offices by Royal Mail, but some will be delivered by hand to your office at any time up to the close of poll or to polling stations during the course of referendum day.



To demonstrate that you have achieved the outcome set out in performance standard 1, you should be able to provide the Chief Counting Officer with confirmation that you have arrangements in place with Royal Mail for the return of postal votes.

Postal ballot boxes and packets

- 5.3 You must maintain the secure storage of returned postal ballots at all times and ensure that postal votes are transported securely to the opening 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 demonstrate that you have achieved the outcome set out in performance standard 1, you need to be able to provide the Chief Counting Officer with confirmation that arrangements are in place to store the postal ballots securely and to transport them to the opening and count venues.

- 5.4 All postal votes received by you at your offices must, by law, be stored in appropriate receptacles.⁶²
- 5.5 You are required by law to have two types of ballot box for returned postal votes: the postal voters box and the postal ballot box.

⁶² SIRA 2013 Schedule 2 para 32

- 5.6 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 should also be placed in this box. You must mark all postal voters boxes with the words 'postal voters box' and the name of the council area⁶³. A [template label](#) for this purpose has been prepared for your use.
- 5.7 You must take proper precautions to ensure the safe custody of the postal voters box and other receptacles associated with the return of postal votes⁶⁴. 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.
- 5.8 **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.⁶⁵ You must mark each postal ballot box with the words 'postal ballot box' and the name of the council area. A [template label](#) for this purpose has been prepared for your use. You must lock and seal these boxes and store them securely until the count.
- 5.9 Each polling station must be supplied with sufficient **packets for the receipt of postal votes** handed in there.⁶⁶ You may wish to collect these on several occasions during the course of referendum day. They should be clearly labelled as containing postal votes and include the name of the polling station and polling station identifier. A [template label](#) has been prepared for this purpose. 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.



Further guidance on dealing with postal votes returned to polling stations can be found in the [Chief Counting Officer's polling station handbook](#).

Record-keeping

- 5.10 You need to maintain a clear audit trail of the receipt and opening of postal ballot packs, recording the total number of envelopes counted as part of the opening process and ensuring that all of the figures required for completion of the statement as to postal ballot papers are accurately recorded.

⁶³ SIRA 2013 Schedule 2 para 33(1) and (2)

⁶⁴ SIRA 2013 Schedule 2 para 32(6)

⁶⁵ SIRA 2013 Schedule 2 para 40(2)(a)

⁶⁶ SIRA 2013 Schedule 2 paras 33(3) and 4



To demonstrate that you have achieved the outcome set out in performance standard 1, you need to be able to provide the Chief Counting Officer with confirmation that arrangements are in place to maintain a clear audit trail of the receipt and opening of postal ballot packs.

- 5.11 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. You should use this record for audit purposes and check it against the number of envelopes counted as part of the opening process.
- 5.12 You should also complete a postal vote ballot paper account for every postal ballot box. A [template postal ballot box account](#) has been prepared for you to use for this purpose.
- 5.13 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).
- 5.14 You are required, by law, to complete a statement as to postal ballot papers for the local government area⁶⁷ which forms a key part of your audit trail. You should ensure that all of the figures required for the statements are accurately recorded during the receipt, opening and verification of postal votes. [The statement](#) is a prescribed form.
- 5.15 You should also ensure that you keep a record of the categories under which you are rejecting individual postal voting statements. A [table summarising the different categories of rejection](#) has been prepared to assist you with categorising rejections under each heading.



Further details on data returns and the statement as to postal ballot papers can be found in [Part F – After the declaration of results](#).

⁶⁷ SIRA 2013 Schedule 2 para 45(1)(b)

Opening of postal votes

Who can attend the opening of postal votes?

5.16 In addition to you and your staff, the persons permitted to attend the opening of postal votes are:-⁶⁸

- referendum agents
- any person appointed by the referendum agent to attend in his/her place
- any postal ballot agents appointed by the referendum agents
- Electoral Commission representatives, and
- accredited observers

5.17 Each referendum agent is entitled to appoint one or more postal ballot agents to attend the opening of the postal votes. It is for you as Counting Officer to determine how many agents can be appointed, but the number must be the same for each referendum agent.⁶⁹

5.18 You have a legal duty to give referendum agents at least 48 hours' notice, in writing, of the time and location of each opening session. In addition, this written notice must, by law, also state the maximum number of postal ballot agents that a referendum agent may appoint.⁷⁰ A [template for this written notice](#) has been prepared for your use.

5.19 The referendum agent must give you notice of the appointment of postal ballot agents no later than the time fixed for the opening of the postal voters box.⁷¹ Again, the Chief Counting Officer has prepared a template for this purpose, but you should note that agents do not have to use any particular formal style. It is sufficient for them to provide you with written notice by the deadline.

5.20 The postal vote opening process should be transparent. You need to 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.

⁶⁸ SIRA 2013 – Schedule 2 para 20 (2)

⁶⁹ SIRA 2013 – Schedule 2 para 20(3)and (4))

⁷⁰ SIRA 2013 – Schedule 2 para 31

⁷¹ SIRA 2013 – Schedule 2 para 20(5)



To demonstrate that you have achieved the outcome set out in performance standard 2, you must be able to provide the Chief Counting Officer with confirmation that you have in place a layout plan for your opening venue, workflows that you intend to follow and that you have prepared information for agents and observers on the opening procedures.

- 5.21 The law requires that anyone attending a postal vote opening session, including your staff, is provided with a copy of the relevant secrecy requirements.⁷²
- 5.22 You are required to take proper precautions for preventing any person from seeing the votes made on the ballot papers. Although throughout the opening sessions you are legally required to keep the ballot papers face down⁷³, there may be occasions when the front of a ballot paper becomes visible. However, it is an offence for anyone attending the opening of postal votes to attempt to ascertain how any vote has been cast or to communicate any such information obtained. Anyone attending the opening of postal votes, which includes your staff working at the opening session, must maintain the secrecy of voting. This is something that you should emphasise to staff before the opening process begins and to other attendees at the sessions.

Postal vote opening procedure

- 5.23 The processes to be followed when opening postal ballot packs are provided for in legislation⁷⁴:

Stage 1: opening of the postal voters box

- count the number of returned postal ballot packs (i.e., the number of envelopes 'B' in the postal voters ballot box)
- open covering envelope 'B' and remove the postal voting statement and ballot paper envelope
- check the number on the postal voting statement matches the number on the ballot paper envelope (envelope 'A')
- place a mark in the postal voters list or postal proxy voters list as appropriate to show that a postal voting statement has been returned

Stage 2: checking the personal identifiers

- check that the voter has signed the statement and given a date of birth
- check the signature and date of birth on the postal voting statement matches those on the personal identifiers record

⁷² SIRA 2013 – Schedule 2 para 21

⁷³ SIRA 2013 – Schedule 2 para 35(8)

⁷⁴ SIRA 2013 – Schedule 2 paras 34 -40

- if you reject a postal voting statement, you must mark it as “rejected”, attach it to the ballot paper envelope and place it in the receptacle for rejected votes. If there is no ballot paper envelope, you must attach the statement to the ballot paper. Before placing it in the receptacle, you must show it to any agents present and, if any of them object to your decision, you must add the words “rejection objected to”.⁷⁵ You should record the reason for the rejection
- where the voter has been granted a waiver, there will be no signature to check.

Stage 3: opening of postal ballot paper envelopes

- open the ballot paper envelope (envelope ‘A’) and remove the ballot paper, ensuring the ballot paper is kept face down at all times
- check the number on the ballot paper envelope (envelope ‘A’) matches the unique identifying number on the back of the ballot paper
- place the ballot paper in the postal ballot box

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
- make up into separate packets the contents of:
 - the receptacle for rejected votes
 - the receptacle for postal voting statements
 - the receptacle for rejected ballot paper envelopes
 - the lists of spoilt, lost and superseded ballot papers
 - the receptacle for rejected votes (verification procedure), and
 - the receptacle for postal voting statements (verification procedure);
- seal the packets.⁷⁶

5.24 A [postal vote opening flowchart](#) has been prepared which provides a summary of this process, and also sets out the processes to be followed in case the identifiers on the postal voting statement are missing or do not match those on the personal identifiers record, or if a ballot paper/postal voting statement has been returned without the corresponding document.

5.25 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.

⁷⁵ SIRA 2013 – Schedule 2 para 38(3) and (4)

⁷⁶ SIRA 2013 Schedule 2 para 44(1)

Matching up postal voting statements with postal ballot papers

5.26 You must keep two lists of provisionally rejected postal ballot papers: one to record the unique identifying number of any postal ballot paper that has been returned without a postal voting statement, another to record the unique identifying number on any postal voting statement that was not returned with a postal ballot paper.⁷⁷ A [spreadsheet](#) has been produced for you to 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.

Postal voting statement verification

5.27 By law you must check the identifiers on at least 20% of returned postal voting statements.⁷⁸ However, it is the expectation of the Chief Counting Officer that Counting Officers will routinely check 100% of personal identifiers and as a requirement to meet performance standard 1, you need to put arrangements for this in place.



To demonstrate that you have achieved the outcomes in performance standard 1, you must be able to provide the Chief Counting Officer with confirmation that arrangements are in place to enable you to check 100% of personal identifiers. You may be asked for the actual percentage of personal identifiers checked and where 100% is not checked, you must also provide details of why you are/were unable to check all of the identifiers.

5.28 Any person who will be undertaking the verification of personal identifiers and has been delegated the authority by you to make decisions on postal voting statements should be provided with a copy of the [guidance on signature checking](#) and be instructed to follow the guidance it contains. This guidance had been prepared by the Commission and the Forensic Services of the Scottish Police Services Authority.

5.29 Complete absence of a signature (unless the voter has been granted a waiver) or a date of birth, or both must always lead to a rejection.

5.30 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 voter has been granted a waiver), and both must match.

⁷⁷ SIRA 2013 – Schedule 2 para 42

⁷⁸ SIRA 2013 – Schedule 2 para 35(2)

- 5.31 If the date of completion is given on the statement instead of the voter'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.
- 5.32 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.
- 5.33 You are not confined to determine a postal voting statement based solely on the information on it and on the personal identifiers record. You may also refer to other sources and consider any such information when making your decision. You could, for example, also refer to the signature provided on a registration form.
- 5.34 Every decision on a postal voting statement should be taken on an individual basis.
- 5.35 Referendum agents and postal ballot agents may object to the rejection of a postal voting statement. If they object to a rejection, the postal voting statement must, by law, be marked 'rejection objected to' before being attached to the ballot paper envelope and placed in the receptacle for rejected votes.⁷⁹ Accredited observers and representatives of the Commission have no right to object to the rejection of a postal voting statement.
- 5.36 It is advisable to 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.

Postal voting statements - additional personal identifier verification

- 5.37 Any time that you open a postal voters box you are entitled, if you so require, to undertake verification of the personal identifiers on any postal voting statement that has previously been placed in the receptacle for these statements.⁸⁰
- 5.38 When you undertake any additional verification of personal identifiers, you must:

⁷⁹ SIRA 2013 – Schedule 2 para 38(4)

⁸⁰ SIRA 2013 – Schedule 2 para 39

- decide how many postal voting statements require additional verification
- remove these from the receptacle for postal voting statements; and
- compare the date of birth and signature on each against those contained in the personal identifiers record for the person to whom the postal ballot paper was addressed.

5.39 Where you are no longer satisfied that the postal voting statement has been duly completed, you must mark the statement “rejected” and before placing it in the receptacle for rejected votes, you must:

- show it to the postal ballot agents and permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed
- if any postal ballot agent objects to your decision, you must mark the statement with the words “rejection objected to”
- open any postal ballot box and retrieve the ballot paper corresponding to the ballot paper number on the postal voting statement
- show the ballot paper number on the retrieved postal ballot paper to the agents
- attach the ballot paper to the postal voting statement: and
- in the presence of the agents, lock and reseal the postal ballot box from which the ballot paper was retrieved.

5.40 When retrieving a postal ballot paper in this way, you and your staff must ensure that the ballot papers are kept face downwards and take proper precautions to prevent anyone from seeing the votes made on the ballot papers. You must **not** look at the corresponding number list used at the issue of the ballot papers.⁸¹

Marking the postal voters and postal proxy voters lists

5.41 You must mark the postal voters list or postal proxy voters list, as appropriate, whenever a postal voting statement is returned, regardless of whether or not it is accompanied by a ballot paper.⁸²

⁸¹ SIRA 2013 – Schedule 2 para 39(5)

⁸² SIRA 2013 – Schedule 2 para 35(9)

- 5.42 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 unique identifying number of the ballot paper issued to the voter or postal proxy has been recorded on either of the two lists of provisionally rejected votes that are required to be kept and used for matching up documents.⁸³
- 5.43 If you receive a request for confirmation, you must satisfy yourself that the request has been made by the voter or postal proxy before providing the confirmation. In order to determine whether you are satisfied in any particular case, you should consider asking for name, address and date of birth.
- 5.44 You should record the cancellation for the purposes of maintaining an audit trail.
- 5.45 A [flowchart summarising the procedure to be followed for retrieval of a cancelled postal vote](#) has been prepared for your use.

The final opening of postal votes

- 5.46 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 agents and observers present. As with all other opening sessions, you are required by law to give 48 hours' notice in writing to referendum agents of the time and place of the last opening session⁸⁴.
- 5.47 As soon as practicable after the last covering envelope has been opened, you must make up into a packet and seal the copy of the marked postal voters list and proxy postal voters list⁸⁵ to be forwarded with other documentation to the Proper Officer of the Council. You will either produce the marked lists yourself or arrange for your contractor to produce them as soon as possible after the conclusion of the count. If you expect your contractor to produce these documents, details of the task and relative timescale should be agreed with the company at an early stage in negotiations and recorded as part of the contract specification.



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

⁸³ SIRA 2013 – Schedule 2 para 36

⁸⁴ SIRA 2013 – Schedule 2 para 31

⁸⁵ SIRA 2013 – Schedule 2 para 35(11)