

## Access, supply and inspection of election documents after a Scottish Parliamentary election

This document provides guidance on access, supply and inspection of election documents after a Scottish Parliamentary election. We have also produced an [access and supply checklist](#) alongside this document.

### Documents not available for public inspection

The following documentation is not available for public inspection, except by court order:

- ballot papers
- completed corresponding number lists
- certificates of employment on duty on polling day

These documents can only be accessed if the Court of Session or a sheriff, is satisfied by evidence on oath that access is required for one of the following reasons:

- for instituting or maintaining a prosecution for an offence in relation to ballot papers
- for the purpose of an election petition or judicial review

An appeal to any decision on access by a Sheriff can be made to the Court of Session.

Applications do not have to be made in open court: they can be made by a judge either in open court or otherwise.

### Nomination papers

Nomination papers at a Scottish Parliamentary election can only be inspected by certain people until the deadline for objections has passed, as described in [Chapter 3 of Part C - Administering the poll](#). Nomination papers cannot be inspected by anybody else at any time. Nomination papers may only be viewed and supplied to those who have a legal power to obtain documents. This may be a police officer using any powers they may have to take documents into their custody, or a court order.

You should keep nomination papers for one year in case they are needed for electoral petitions or prosecutions. If such legal proceedings are or are liable

to take place, you should retain the nomination papers until the court has completed its process.

## Election documents available for public inspection

The tables below set out:

- the types of election documents available for inspection or supply
- who can have access to these documents
- how requests for accessing these documents must be made
- any applicable fees (where relevant)

**Table 1: Public inspection of election documentation**

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<b>Document type</b>	<p>Any person may request that the following be made available for inspection:</p> <ul style="list-style-type: none"><li>• marked register of electors</li><li>• marked postal voters' list</li><li>• marked list of proxies</li><li>• marked postal proxy voters' list</li><li>• any other document relating to the election (except the ballot papers, completed corresponding number lists and certificates of employment on duty on polling day)</li></ul>
<b>Conditions</b>	<p>The request must:</p> <ul style="list-style-type: none"><li>• be made in writing</li><li>• specify which documents are requested</li><li>• specify who will be inspecting the documents</li><li>• specify the date on which they wish to inspect the documents</li><li>• specify whether they would prefer to inspect the documents in printed or electronic data format</li></ul> <p>In the case of a request to inspect the marked register or lists, the request must:</p> <ul style="list-style-type: none"><li>• state the purpose for which the information will be used and why the inspection of a copy of the full register or unmarked list(s) would not be sufficient to achieve that purpose</li></ul> <p>Where the relevant officer determines that the purposes for which the applicant wishes to use the information may be achieved by inspecting a copy of the full register, they shall advise the applicant of their decision and inform them where the full register is available for inspection under supervision.</p>

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**Table 1 (cont.): Public inspection of election documentation**

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**Conditions  
(cont.)**

The relevant documentation must be made available for inspection within 10 days of the receipt of the request and:

- only handwritten notes of the marked register of electors and the marked absent voters' lists may be made; laptop computers and other recording equipment may not be used except by police and security organisations listed in Table 3
- copies of the other election documentation open to inspection may not be made in any form

Any information obtained through the inspection of the election documentation may only be used for:

- research purposes within the meaning of Section 33 of the Data Protection Act 1998 (research, history and statistics)
  - electoral purposes
  - purposes that are applicable under the regulation entitling the individual or body to the use of the full register of electors
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**Table 2: Supply of copies of the marked register of electors and absent voters' lists**

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<b>Document type</b>	<p>On request and on payment of a fee specified individuals and organisations are entitled to copies of the relevant part of the:</p> <ul style="list-style-type: none"><li>• marked register of electors</li><li>• marked postal voters' list</li><li>• marked list of proxies</li><li>• marked proxy postal voters' list</li></ul>
<b>Conditions</b>	<p>The request must:</p> <ul style="list-style-type: none"><li>• be made in writing</li><li>• specify which marked register or list(s) (or relevant part) is required</li><li>• state whether a printed or electronic data copy of the marked register or list(s) is required</li><li>• state the purpose for which the marked register or list(s) will be used and why the supply or purchase of a copy of the full register or unmarked list(s) would not be sufficient to achieve that purpose</li></ul> <p>There must be payment of a fee comprising a single administration fee of £10 plus £1 per 1,000 entries or part of 1,000 entries for electronic data copies and £2 per 1,000 entries or part of 1,000 entries for printed copies. If the relevant officer is not satisfied that the requestor needs to see the marks on the marked register or list(s) for the purpose for which it is requested, they may treat the request as one for information in unmarked lists or for a copy of the full register, or both.</p> <p>The marked register of electors and lists may only be used for:</p> <ul style="list-style-type: none"><li>• research purposes within the meaning of Section 33 of the Data Protection Act 1998 (research, history and statistics)</li><li>• electoral purposes</li><li>• purposes that are applicable under the regulation entitling the individual or body to the use of the full register of electors</li></ul>

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**Table 2 (cont.): Supply of copies of the marked register of electors and absent voters' lists**

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**Must be  
supplied on  
satisfaction of  
the above  
conditions to**

- the Electoral Commission
  - elected representatives for electoral purposes
  - local constituency parties
  - registered political parties
  - candidates
  - police forces and other security agencies
  - government departments and other bodies
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**Table 3: Election documentation available to police and security organisations**

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<b>Document type</b>	<p>Any election documentation open to public inspection, and any other document relating to the election, excluding:</p> <ul style="list-style-type: none"><li>• ballot papers</li><li>• completed corresponding number lists</li><li>• certificates of employment on duty on polling day</li></ul>
<b>May be inspected by and supplied on request to</b>	<ul style="list-style-type: none"><li>• any police force in Great Britain</li><li>• the Police Service of Northern Ireland and the Police Service of Northern Ireland (Reserve)</li><li>• the National Crime Agency</li><li>• any body of constables established under an Act of Parliament</li><li>• the Security Service</li><li>• the Government Communications Headquarters</li><li>• the Secret Intelligence Service</li></ul>
<b>Conditions</b>	<p>Supply of a copy of the documents and access for inspection is free of charge.</p> <p>Information supplied may only be used for the purposes set out in the regulation under which the body can obtain the full register.</p>

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