POLICY NOTE

THE REPRESENTATION OF THE PEOPLE (ABSENT VOTING AT LOCAL GOVERNMENT ELECTIONS) (SCOTLAND) AMENDMENT (No. 2) REGULATIONS 2016

SSI 2016/264

1. The above instrument was made by Scottish Ministers in exercise of the powers conferred in section 33 and 61(2) of the Local Electoral Administration and Registration Services (Scotland) Act 2006. The instrument is subject to negative resolution procedure.

Policy Objectives

2. The purpose of the instrument is to amend the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007 ("the 2007 Regulations"). The changes will bring the rules for local government elections into line with the rules used for the Scottish Parliament elections in time for the election of members of Scottish local authorities in May 2017.

3. The instrument updates the rules and procedures used when applying for a proxy vote due to occupation, service or employment and the notification of a rejected postal voting statement.

- Regulation 10 of the 2007 Regulations is amended so as to allow for the application of a proxy vote on the basis of occupation, service or employment after 5pm on the sixth day before the date of poll. It also details what information must be provided, to support the application, and the requirement for the application to be attested.

- A new regulation 20 inserted in the 2007 Regulations sets out when a registration officer must inform a voter when their postal ballot statement has been rejected (it must be done within a period of three months of the poll) and that information as to which of the specficied reasons it was rejected must be provided.

- A new regulation 21 inserted in the 2007 regulations sets out that a registration officer can request a voter provide a fresh signature for the personal identifiers record, if a postal ballot statement has been rejected, under regulation 20.

Consultation

4. The following bodies and stakeholders have been consulted during the preparation of the instrument:

Electoral Management Board for Scotland
Society of Local Authority Lawyers and Administrators
Association of Electoral Administrators
Electoral Registration Committee of the Scottish Assessors Association
Scottish Parliament Political Parties Panel
Scotland Electoral Reform Society
Inclusion Scotland
1in5
Disability Agenda Scotland
Cosla
Scottish Local Government Partnership
Society of Local Authority Chief Executives (SOLACE)
Society of Local Authority Lawyers and Administrators (SOLAR)
Scottish Disability Equality Forum
Equality and Human Rights Commission Scotland
The Electoral Commission

Responses

5. The following organisations submitted responses

Scottish Labour Party
Electoral Registration Committee of the Scottish Assessors Association
Society of Local Authority Lawyers and Administrators (SOLAR)
The Electoral Commission
Councillor Andrew Burns on behalf of the City of Edinburgh Council
Scott Martin, Councillor, SNP

Impact Assessments

6. A Business Regularity Impact Assessment is deemed not be required in this instance as policy changes will not lead to costs or savings for business, third or public sector organisations, regulators or consumers. There is no additional cost on the public sector as the Scottish Government would continue to meet the costs of associated activity whether or not it was in the legislation and there is no transfer of costs or benefits from one group to another.

7. The Order has no impact on the equality, environment, privacy or children's rights and therefore no impact assessments are required for those areas.

Financial Effects

8. Local authorities are responsible for meeting the cost of local government elections from within their overall budget.

9. The instrument has no financial effects on business.

Scottish Government Constitution and Strategy Directorate
September 2016