POLICY NOTE

THE SCOTTISH LOCAL GOVERNMENT ELECTIONS AMENDMENT ORDER 2026

SSI 2026/254

The above instrument was made in exercise of the powers conferred by sections 3(1) and (3A), and 16(2) of the Local Governance (Scotland) Act 2004 and all other powers enabling the Scottish Ministers to do so.

The instrument is subject to *negative procedure*.

Summary Box

Purpose of the instrument.

This Order makes changes to the Scottish Local Government Elections Order 2011. It requires candidates to ensure a correspondence address is available for publication in the event of their becoming their own agent by default; clarifies how a candidate's name should appear on the ballot paper; allows for Returning Officers to provide additional information to the voter on poll cards and updates the requirement for Returning Officers to provide equipment to assist electors to cast their votes. There are also some consequential changes to forms due to legislative changes. The changes will apply to all Scottish local government elections which take place on or after 6 May 2027.

Policy Objectives

1. The purpose of this instrument is to amend the Scottish Local Government Elections Order 2011 (the "2011 Order") to reflect changes to the rules and procedures for the running of Local Government elections in Scotland. The changes are set out in more detail below.

2. In terms of section 5 of the Local Government etc. (Scotland) Act 1994 (as amended by the Scottish Elections (Dates) Act 2016), the next ordinary Local Government election is scheduled to take place on 6 May 2027.

3. This Order will apply to any election for which the date of the poll is on or after 6 May 2027.

4. Most of the rules which governed the running of the ordinary local government general election held in May 2022 will remain the same, however this instrument does include a number of changes which reflect developments since the last election.

5. In addition to this Order, the Scottish Local Government Elections (Election Agents, Expenses and Publication of Information) Amendment Order 2026, the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2026 and the Representation of the People (Absent Voting at Local

Government Elections) (Scotland) Amendment Regulations 2026 will make further changes to the rules for the running of local government elections in Scotland.

6. The changes set out in this Order are as follows:

Nomination of candidates
(Article 3)

7. This article seeks to ensure that any candidate who becomes their own election agent by default has an address which will be treated as their office address and published for that purpose. This address may be a correspondence address or their home address. This is to ensure that communications can be addressed to the election agent. If a candidate has elected to make their own personal address public, then that address will be used, provided it is in Scotland. If they have not made their personal home address public, a correspondence address within Scotland will be required for use in the event they become their own agent by default.

8. There are three situations where a candidate is deemed to have appointed themself as their own election agent by default[1].
    - Where no person's name or address is given as the election agent of a candidate;
    - If the appointed agent dies and a new appointment is not made on the day of the death or the following day; or
    - If the appointment of a candidate's election agent is revoked without a new appointment being made.

Format of Candidates' names
(Article 4 and Form 4)

9. Following discussions within the electoral administrator community over exactly how a candidate's name should appear on the UK parliamentary ballot paper at the July 2024 general election, this Order seeks to clarify how a candidate's surname and forename should appear on the local government ballot paper.

10. The templates for the ballot paper at both UK and Scottish Parliamentary elections include a comma after the candidate's surname. In contrast, the ballot paper template for Scottish local government elections does not have a comma between the surname and forename(s).

11. To reduce the risk of confusion, the changes in this Order will require that a candidate's name must appear on the ballot paper with their surname first, followed by their forename and that these names must be separated by a comma. The template for the local government ballot paper, set out in Form 4 of the 2011 Order, is also amended so that a comma is now shown between a candidate's surname and forename. This change standardises the way that candidates' names appear on the ballot paper at all elections in Scotland.

Additional information on polling cards

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1 See further section 50(5) of the Representation of the People Act 1983 (Effect of default in election agent's appointment). This section is to be amended by the Scottish Local Government Elections (Election Agents, Expenses and Publication of Information) Amendment Order 2026, laid for approval by the Scottish Parliament alongside this SSI.

(Article 5)

12. In connection with trials for a telephone line to read out the names of candidates on the ballot paper, to assist voters with sight issues, the Electoral Commission expressed concern that rule 24(4) of the 2011 Order did not allow a Returning Officer to add additional information to the poll card on what facilities might be available for voters with disabilities. Whilst there is provision to add contact information in the 'Getting Help' box, there is no discretion which would allow additional information to be added to these statutory forms.

13. The Order will therefore amend rule 24 to allow Returning Officers to add such other information to the poll card as they think appropriate. This information should not relate to any candidate or registered party, and the Returning Officer will have the flexibility to provide different additional information to different electors or descriptions of elector. Returning Officers already have a similar discretion at Scottish Parliament elections.

Equipment of polling stations
(Article 6)

14. The requirement for a tactile voting device which is currently set out in rule 25(5)(b) of schedule 1 to the 2011 Order is amended to include a broader requirement for Returning Officers to provide appropriate support to aid accessibility at polling stations. A new paragraph (5B) requires the Electoral Commission to provide guidance for Returning Officers on how they can comply with the new requirement. This is broadly in line with recent changes for UK Parliament and Scottish Parliamentary elections[2].

15. The Electoral Commission's "Guidance for Returning Officers - Assistance with voting for disabled voters" includes a requirement that Returning Officer must provide a tactile voting devices which voters, who are visually impaired, can use to mark their vote on the ballot paper in the correct place[3]. The overall intention is to allow for more flexibility and to ensure that the accessibility support offered can be adapted and evolve to take account of future innovations.

16. The requirement for the Electoral Commission to consult on the "Guidance for Returning Officers - Assistance with voting for disabled voters", article 25(5C), is disapplied by articles 25(5E) and 25(5F) when the Commission has already consulted on and issued the same guidance to Returning Officers in relation to their duties at Scottish Parliament elections.

Candidate nomination form (Form 2)

17. Section 2 of the Scottish Elections (Representation and Reform) Act 2025 amended Section 29 of the Local Government (Scotland) Act 1973 to allow foreign nationals who are at least 18 years old and resident in the UK and with any form of leave to remain to stand as candidates at local government elections.

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2 See section 9 of the Elections Act 2022 and rule 38 of the Scottish Parliamentary election rules, as amended by Article 14 of the Scottish Parliament (Elections etc.) (Miscellaneous Amendments) Order 2025: https://www.legislation.gov.uk/ssi/2025/313/contents/made
3 https://www.electoralcommission.org.uk/guidance-returning-officers-assistance-voting-disabled-voters

18. As a consequence of this extension of the right to stand as a candidate, the declaration of a candidate's residential status on the candidate nomination form, Form 2 of the 2011 Order, has being amended to reflect the revised wording of Section 29 of the Local Government (Scotland) Act 1973.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

19. The Scottish Ministers have made the following statement regarding children's rights.

> In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Scottish Local Government Elections Amendment Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

20. This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

21. The Scottish Government's Electoral Reform Consultation ran between 14 December 2022 and 15 March 2023. The consultation requested views on a number of issues, including the provision of equipment at polling stations to support disabled voters.

22. 517 responses to the consultation were received, 94% from individuals, and 6% from organisations. The Scottish Government published an independent analysis of the consultation on 31 July 2023. Copies of the consultation, responses and the analysis are available on the Scottish Government's website.

23. Electoral Administrators, including Returning Officers and electoral registration officers, and other external stakeholders, such as the Royal National Institute of Blind People for Scotland and the Scottish Parliament Corporate Body, have been involved in discussions on relevant aspects of this Order.

24. As well as the general consultations, the following bodies and stakeholders were specifically consulted during the finalisation of the proposals included in the draft Order:

- Electoral Commission
- Electoral Management Board for Scotland
- Association of Electoral Administrators
- Electoral Registration Committee of the Scottish Assessors Association
- COSLA
- Scottish Parliament Political Parties Panel

25. The responses have helped informed the content of this Order.

26. In accordance with section 7(1) and (2)(j) of the Political Parties, Elections and Referendums Act 2000, the Scottish Ministers have consulted with the Electoral Commission during the drafting of this Order.

Impact Assessments

27. The Scottish Government has prepared a Child Rights and Wellbeing Impact Assessment (CRWIA). The CRWIA concludes that the overall impact of this Order on children's rights is both positive and neutral.

28. An Equalities Impact Assessment (EQIA) has been prepared, outlining the impacts on groups with protected characteristics. There is minimal differential impact on these groups, and where there are differences, the EQIA finds that there is a positive impact.

29. Electoral Registration Officers continue to be data controllers of the electoral register and related data. A Data Protection Impact Assessment (DPIA) has not been completed as there will be no change to the processing of personal data because of this Order.

30. The Scottish Government view is that this Order has no significant impact on data protection, the environment, fairness; island communities and therefore no impact assessments are required for those areas.

Business and Regulatory Impact Assessment (BRIA)

31. The Minister for Parliamentary Business and Veterans confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business. The only regulatory impact of this Order is to require the Electoral Commission to publish updated forms and guidance as part of its normal work in supporting elections.

Financial Implications

32. Local authorities are responsible for meeting the cost of Local Government elections from within their overall budget. This Order is not expected to result in any significant increased costs.

33. Section 14A of the Political Parties, Elections and Referendums Act 2000 requires that the Scottish Parliament Corporate Body must reimburse the Commission which is attributable to the exercise of the Commission's devolved Scottish functions. The Scottish Government has discussed with the Electoral Commission the cost of providing guidance to support Returning Officers in conducting the requirement to provide assistive equipment. The Electoral Commission has indicated that it is of the view that the guidance which has already been prepared for Scottish Parliament election can also be used at local government elections and, therefore, it will not be subject to any additional costs when implementing this requirement.

Scottish Government
Directorate for Constitution

September 2026