
EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 1 to 15 provide for revised procedures on applications for absent voting and replicate for local government elections the procedures introduced by Part IV of the Representation of the People (Scotland) Regulations 2001 as amended by the Representation of the People (Scotland) (Amendment) Regulations 2006. These regulations also reflect changes made to procedures relating to applications for proxy voting introduced following the Local Electoral Administration and Registration Services (Scotland) Act 2006.

Regulation 3 deals with the general requirements for applications for an absent vote at a local government election and sets out what the application must state. Regulation 4 provides that the registration officer may satisfy himself or herself that the application has been signed by the applicant by referring to any signature which the applicant has previously provided to the registration officer or the returning officer.

Regulations 5 and 6 provide for additional requirements to be met when requesting that ballot papers for an absent vote be sent to an address other than the one given in the application for an absent vote. Applicants must set out why they require their ballot paper to be sent to that address.

Regulation 7 requires an application for the appointment of a proxy to state the full name and address of the proposed proxy together with the family relationship, if any, with the applicant. A statement must be provided by the voter to say that the proposed proxy has been consulted and is capable of being and willing to be appointed. Where the application is also signed by the proposed proxy, a statement must be provided by that person to say that they are capable of and willing to be appointed.

Regulation 8 provides for additional requirements for applications to vote by proxy for a definite or indefinite period on grounds of disability or blindness and sets out the list of health care professionals and others who may attest applications for proxy votes. This includes persons who may be caring for or treating people with disabilities of a non-physical nature. It prescribes the information to be provided by a person attesting an application for a proxy vote on the grounds of the applicant's disability.

Regulation 9 provides for additional requirements for applications for a proxy vote made in respect of the applicants or their spouses or civil partners for a definite or indefinite period on grounds of occupation, service, employment or attendance on a course. It prescribes the information to be provided by a person attesting such an application on the grounds of occupation, service, employment or attendance on a course.

Regulation 10 sets out additional requirements for applications for a proxy vote in respect of a particular election. The application, if made by reason of the applicant's disability and if made after 5 p.m. on the sixth working day before the date of the poll, will be subject to the requirements of attestation set out in regulation 8.

Regulation 11 deals with closing dates for an application for an absent vote and requires that, except in the case of applications to vote by proxy, the application must be received by the registration officer not later than 5 p.m. on the eleventh working day before the date of the poll at a relevant election.

Where a person applies to vote by proxy at a specific election, the application must be received by not later than 5 p.m. on the sixth working day before the date of the poll at the relevant election. However, where a person applies to vote by proxy at a particular election on the grounds of disability and the applicant became incapacitated after 5 p.m. on the sixth working day before the date of

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the poll, the application, or an application for the appointment of a proxy made by virtue of that application, must be received by not later than 5 p.m. on the date of the poll.

Regulation 12 deals with the granting or refusal of applications and requires that where—

- (a) a registration officer grants an application for a postal vote, that officer must notify the applicant of the decision
- (b) a registration officer grants an application for the appointment of a proxy, that officer must, where practicable, confirm the appointment in writing to the elector
- (c) for the purposes of a particular election where a person applies for his or her postal ballot paper to be sent to an address different from that shown in the record, the registration officer must notify them if the application is granted.

The registration officer is also required to notify a person removed from the record of absent voters for a definite or indefinite period of the reason for the removal. Similarly, where the appointment of a proxy is cancelled by the elector or otherwise ceases to be in force, the officer must confirm the cancellation or notify the elector that the appointment is no longer in force, along with the reason for this.

Regulation 13 sets out the procedures to be followed in making an appeal against a decision of a registration officer and the subsequent action to be taken by the registration officer in relation to the appeal.

Regulation 14 requires that where the appointment of a proxy is cancelled by the elector or otherwise ceases to be in force, the registration officer must notify the person appointed as proxy that the appointment is no longer in force and remove that person's name from the list of proxy voters.

Regulation 15 makes provision for a registration officer to make enquiries at no more than 3 year intervals to determine whether there has been any material change in circumstances affecting proxy appointments where the application was granted for an indefinite period on grounds of blindness or other disability, occupation, service or employment. The regulation also provides that where no response has been received to such queries within a month of their being made, this may be treated as sufficient evidence of a material change in circumstances.

Regulations 16 to 18 make provision for the supply and inspection of lists of absent voters in advance of an election. The regulations require the registration officer to supply copies of documents to political parties and candidates and to permit inspection of those documents by members of the public.

Regulation 19 makes provision for the marked register to indicate who is entitled to vote by post by the letter 'A' being marked against that person's name.