

SCOTTISH LOCAL GOVERNMENT (ELECTIONS) ACT 2002

EXPLANATORY NOTES

THE ACT

Section 5 New electoral procedures

7. This section allows the Scottish Ministers to make orders enabling local authorities in Scotland to run pilot schemes of innovative electoral procedures at particular local government elections.
8. Under *subsection (1)* a local authority must submit their proposals to the Scottish Ministers who must, if they approve them (with or without such modifications as they consider appropriate), make the necessary order to allow the pilot to take place.
9. *Subsection (2)* provides that pilot schemes may make provision which differs from the normal provision made by or under the Representation of the People Acts in relation to when and where voting takes place, the method used to cast votes, how votes are to be counted, the sending of elections addresses by candidates free of postal charges or for any other matter which relates to action to be taken, or procedure to be carried out, before or during the poll at an election.
10. *Subsection (3)* provides further in relation to pilot schemes which make provision regarding the matters mentioned in section 5(2)(b) of the Act (i.e. matters other than those in section 5(2)(a) relating to action to be taken, or procedure to be carried out, before or during the poll). Such provisions can be made in a scheme only if, in the opinion of the local authority proposing the scheme, they are likely to facilitate voting by any persons or any class of persons or encourage more persons, or more persons of a particular class, to vote at the election.
11. *Subsection (4)* provides that pilot schemes may in particular make provision for voting to take place over more than one day and at places other than polling stations. Pilot schemes may also allow for the local authority concerned to meet the postage costs of the distribution of candidates' election addresses, in which case the order providing for the pilot scheme may disapply the provisions of section 75(1) of the Representation of the People Act 1983 (which restrict third party expenditure).
12. *Subsection (5)* enables a pilot scheme to be run across the whole of a local authority's area or only in some parts of it.
13. *Subsection (6)* allows the Scottish Ministers to consult appropriate bodies on any pilot scheme proposal and requires them to consult the appropriate local authority of any modifications proposed to that scheme.
14. *Subsection (7)* provides that where the Scottish Ministers make an order for implementing a pilot scheme they must send a copy of the order to the local authority concerned, which must publish it in their area.

*These notes relate to the Scottish Local Government (Elections)
Act 2002 (asp 1) which received Royal Assent on 24 January 2002*

15. *Subsections (8)-(12)* deal with evaluation of pilot schemes. A local authority running a pilot is required to produce a report on the scheme. 16. The report must include details of the scheme together with a copy of the order authorising it made by the Scottish Ministers.
17. The report must also include an assessment of the scheme in facilitating voting or in encouraging voting or enabling voters to make informed decisions. The report about must include a statement as to whether in the local authority's opinion:
 - turnout was higher than it would otherwise have been,
 - voters found the new arrangements easy to use,
 - the new procedures led to any increase in personation or other electoral fraud.
18. The report must also include an assessment of any other matters that the Scottish Ministers have requested should be included in the report.
19. The report must be completed and sent to the Scottish Ministers within three months of the day on which the election results are declared, and the local authority must also within that time limit publish the report in their area.
20. *Subsection (13)* provides that an application to run a pilot scheme submitted to the Scottish Ministers before the Act receives Royal Assent is to be treated in the same fashion as those submitted after that time.