



# Scottish Elections (Reform) Act 2020

## 2020 asp 12

### PART 1

#### GENERAL REFORMS

##### *Scottish local government elections*

#### **4 Electoral wards: number of councillors**

- (1) Section 1 of the Local Governance (Scotland) Act 2004 (electoral wards) is amended as follows.
- (2) In subsection (2)—
  - (a) for “either three or four” substitute “ two, three, four or five ”,
  - (b) the words “(order giving effect to proposals made by Boundary Commission)” are repealed,
  - (c) after “(“the 1973 Act”)” insert “ (regulations giving effect to proposals made by Boundaries Scotland after, in particular, complying with the duty in section 28(2), and schedule 6, of the 1973 Act) ”.
- (3) In subsection (2A), for “either one or two” substitute “ one ”.

#### **Commencement Information**

**II** S. 4 in force at 14.5.2021 by S.S.I. 2021/124, reg. 2, [sch.](#)

#### **5 Electors: prohibition on voting more than once**

- (1) The Representation of the People Act 1983 is amended as follows.
- (2) In section 2(2) (prohibitions on voting more than once)—
  - (a) the word “or” following paragraph (a) is repealed,
  - (b) at the end of paragraph (b) insert “, or
  - (c) in more than one electoral area at an election of councillors for any local government area in Scotland when the polls for

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**Changes to legislation:** There are currently no known outstanding effects for the Scottish Elections (Reform) Act 2020, Cross Heading: Scottish local government elections. (See end of Document for details)

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more than one local government election are held on the same day.”.

(3) In section 61 (voting offences)—

(a) after subsection (2)(a) insert—

“(ab) the person votes as elector otherwise than by proxy in more than one electoral area at an election of councillors for any local government area in Scotland when the polls for more than one local government election are held on the same day, or

(ac) the person votes as elector otherwise than by proxy in any electoral area at an election of councillors for a local government area in Scotland when—

(i) there is in force an appointment of a person to vote as the person's proxy at the election in some other electoral area in Scotland, and

(ii) the polls for more than one local government election are held on the same day, or”.

(b) after subsection (3)(a) insert—

“(ab) the person votes as proxy for the same elector in more than one electoral area at an election of councillors for any local government area in Scotland when the polls for more than one local government election are held on the same day, or”.

#### Commencement Information

**I2** S. 5 in force at 29.9.2021 by S.S.I. 2021/311, reg. 2, sch. (with reg. 3)

## 6 Electronic voting

(1) The Local Governance (Scotland) Act 2004 is amended in accordance with subsections (2) and (3).

(2) In section 2 (single transferable vote)—

(a) the existing text becomes subsection (1),

(b) in that subsection, for “marking on the ballot paper” substitute “ specifying ”,

(c) after that subsection insert—

“(2) A preference is specified in accordance with subsection (1) by the person—

(a) marking the preference on the ballot paper, or

(b) communicating the preference by such electronic means as may be permitted by or under this Act or any other enactment.”.

(3) In section 3 (power to make further provision about local government elections), after subsection (2A) insert—

“(2B) The references to “ballot papers” and “transferred ballot paper” in subsection (2) are to be read as including any paper or electronic form used to record a vote communicated by electronic means.”.

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**Commencement Information**

**I3** S. 6 in force at 1.10.2020 by S.S.I. 2020/278, reg. 2, sch.

**7 Evaluation of pilot schemes**

In section 5 of the Scottish Local Government (Elections) Act 2002 (pilot schemes for local elections)—

- (a) in subsection (8), for “local authority” substitute “ Electoral Commission ”,
- (b) in subsection (10)—
  - (i) in the opening words, for “local authority” substitute “ Electoral Commission ”,
  - (ii) after paragraph (a) insert—
    - “(aa) the arrangements made under the scheme assisted disabled persons (within the meaning of section 6(2) of the Equality Act 2010) to vote at the elections,”
- (c) after subsection (11) insert—
  - “(11A) In preparing the report, the Electoral Commission may consult such persons as they think appropriate.”,
- (d) for subsection (12) substitute—
  - “(12) The Electoral Commission must—
    - (a) send a copy of the report to—
      - (i) the Scottish Ministers, and
      - (ii) the local authority which proposed the scheme, and
    - (b) publish the report in such manner as they think fit, by the end of the period of three months beginning with the date of the declaration of the result of the elections to which the report relates.”.

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**Commencement Information**

**I4** S. 7 in force at 1.10.2020 by S.S.I. 2020/278, reg. 2, sch.

**Changes to legislation:**

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