
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 35

**The Absent Voting at Scottish Local Government Elections
(Provision of Personal Identifiers) Regulations 2009**

PART 3

Personal identifiers: existing absent voters

Interpretation

11. In this Part—

“the 2000 Act” means the Representation of the People Act 2000(1);

“absent voting records” means any one or more of the records kept pursuant to paragraph 3(4) or 7(6), or the lists kept pursuant to paragraph 5 or 7(8) of Schedule 4 to the 2000 Act;

“existing absent voter” has the meaning given by section 24(2) of the Local Electoral Administration and Registration Services (Scotland) Act 2006(2); and

“universal postal service provider” means a universal service provider within the meaning of section 4(3) of the Postal Services Act 2000(3).

Requiring personal identifiers from existing absent voters

12.—(1) A registration officer may send a notice in writing to any existing absent voter requiring that voter to provide to the registration officer, within 6 weeks from the date of sending the notice, a specimen of the absent voter’s signature and the absent voter’s date of birth (“the required personal identifiers”) in accordance with this Part.

(2) The notice must be sent by the registration officer to the current or last known address of the absent voter.

(3) The registration officer must, if the voter has not responded to the notice within 3 weeks from the date on which the notice was sent, as soon as practicable send a copy of the notice to the absent voter.

(4) Where a notice or copy of a notice is sent by post, the registration officer may use—

- (a) a universal postal service provider; or
- (b) a commercial delivery firm,

and postage shall be prepaid.

(5) A notice or copy of a notice sent to an existing absent voter in accordance with this Part must be accompanied by a pre-addressed reply envelope and, in the case of any notice sent to an address within the United Kingdom, return postage shall be prepaid.

(6) Where a registration officer has been provided with the required personal identifiers under—

(1) 2000 c. 2.
(2) 2006 asp 14.
(3) 2000 c. 26.

- (a) the Representation of the People (Scotland) Regulations 2001⁽⁴⁾;
- (b) the Absent Voting (Transitional Provisions) (Scotland) Regulations 2008⁽⁵⁾;
- (c) the Scottish Parliament (Elections etc.) Order 2007⁽⁶⁾; or
- (d) the Scottish Parliament (Elections etc.) Amendment Order 2008⁽⁷⁾,

before the date specified in accordance with regulation 13(2)(d) of these Regulations in the notice sent to the absent voter, the officer may use them for the purposes of local government elections and records kept in connection with such elections.

Required information to be provided to existing absent voters

13.—(1) Where a registration officer sends to an existing absent voter a notice or a copy of a notice pursuant to regulation 12, the registration officer must also provide information—

- (a) explaining how the required personal identifiers will be used and how the required personal identifiers will assist in deterring misuse of the entitlement to vote;
- (b) explaining that, in the event of a failure or refusal to provide the required personal identifiers, the voter will lose the entitlement to vote by post, by proxy or by post as a proxy (as the case may be);
- (c) explaining the circumstances in which a registration officer may dispense with the requirement to provide a signature; and
- (d) explaining that loss of the entitlement to vote by post, or proxy or by post as a proxy (as the case may be) under this Part does not prevent the voter from making a fresh application under Schedule 4 to the 2000 Act to be entitled to vote by post, by proxy or by post as a proxy.

(2) The notice or copy of a notice sent to an existing absent voter pursuant to regulation 12 must specify the following matters—

- (a) the types of elections in respect of which the absent voter would cease to be entitled to vote by post, by proxy or by post as a proxy (as the case may be) if the absent voter does not provide the required personal identifiers;
- (b) whether the absent voter has an entry in the absent voting records as voting by post, by proxy or by post as a proxy or in more than one capacity;
- (c) as regards an existing absent voter entitled to vote by post as a proxy, the name and address of each person for whom that person is entitled to vote; and
- (d) the date (not less than 49 days from the sending of the initial notice) from which the absent voter will cease to be entitled to vote by post, by proxy or by post as a proxy (as the case may be) in the event of a failure or refusal to provide the required personal identifiers.

Determination by registration officer

14.—(1) The registration officer must, no later than the date specified in accordance with regulation 13(2)(d) in the notice sent to an existing absent voter, determine whether the voter has failed or refused to provide the required personal identifiers.

(2) The registration officer must not determine that an existing absent voter has failed or refused to provide the required personal identifiers due to a failure to provide a signature if the registration officer is satisfied that the absent voter is unable—

(4) S.I.2001/497.
(5) S.I. 2008/48.
(6) S.I. 2007/937.
(7) S.I. 2008/307.

(a) to provide a signature because of any disability the absent voter has;
(b) to provide a signature because the absent voter is unable to read or write; or
(c) to sign in a consistent and distinctive way because of any such disability or inability,
and where the registration officer is so satisfied entries of the absent voter in the absent voting records shall not show the absent voter's signature.

Consequence of failure or refusal to provide personal identifiers

15.—(1) Where the registration officer determines that an existing absent voter has failed or refused to provide the required personal identifiers—

- (a) the registration officer must remove that voter's entry from the absent voting records; and
- (b) that voter shall not be entitled to vote by post, by proxy or post as a proxy (as the case may be) at local government elections in Scotland, or a particular local government election in Scotland, otherwise than in pursuance of a further application made under Schedule 4 to the 2000 Act.

(2) Where an existing absent voter ceases to be entitled to vote by post, by proxy or by post as proxy in the circumstances to which paragraph (1) refers—

- (a) the registration officer must inform the voter of the location of the polling station to which the voter has been allotted or is likely to be allotted, under rule 21 of Schedule 1 to the Scottish Local Government Elections Order 2007⁽⁸⁾, unless that voter is not likely to be allotted to a polling station;
- (b) regulations 12(4) and 13 of the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007 apply as if the registration officer were refusing an application under Schedule 4 to the 2000 Act; and
- (c) in the case of an existing absent voter who ceases to be entitled to vote by post as proxy, the registration officer must also notify the elector for whom the proxy was appointed.

(3) Where paragraph (2) applies the registration officer shall provide the absent voter with information—

- (a) explaining the effect of removal from the absent voting records; and
- (b) reminding the voter that a fresh application may be made under Schedule 4 to the 2000 Act to vote by post, by proxy or by post as a proxy (as the case may be).

⁽⁸⁾ S.S.I. 2007/42; amended by S.S.I. 2007/379.