

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2009 No. 35**

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

**PART 2**

Absent voting: personal identifiers

**Provision of fresh signatures**

9. After regulation 15 (inquiries by registration officers), insert—

**“Requirement to provide fresh signatures**

**15A.**—(1) A registration officer may send to any person who remains an absent voter and whose signature held on the personal identifiers record is more than 5 years old a notice in writing—

- (a) requiring that person to provide a fresh signature; and
- (b) informing that person of the date (6 weeks from the date of sending the notice) on which that person would cease to be entitled to vote by post or by proxy in the event of a failure or refusal to provide a fresh signature.

(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 absent 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.

**Notices: supplementary**

**15B.**—(1) Where a notice or copy of a notice under regulation 15A 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 on any such notice sent by post.

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

### **Consequence of failure to provide required information**

**15C.**—(1) Subject to paragraph (2), where, upon the expiry of the period of 6 weeks following the date of sending of a notice under regulation 15A(1) to an absent voter, the registration officer has not received a fresh signature—

- (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 by 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.

(2) The registration officer must not remove the absent voter’s entry if the registration officer is satisfied that the voter is unable—

- (a) to provide a signature because of any disability the voter has;
- (b) to provide a signature because the 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 voter in the absent voting records shall not show the voter’s signature.

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

- (a) the registration officer must inform the voter, where appropriate, 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<sup>(1)</sup>, unless that voter is not likely to be allotted to a polling station;
- (b) regulations 12(4) and 13 must apply as if the registration officer were refusing an application under Schedule 4; and
- (c) in the case of an absent voter who ceases to be entitled to vote by post as a proxy, the registration officer must also notify the elector for whom the proxy was appointed.

(4) Where paragraph (3) applies, the registration officer must provide the absent voter with information—

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

---

<sup>(1)</sup> S.S.I. 2007/42; amended by S.S.I. 2007/379.