

2016 No. 354

REPRESENTATION OF THE PEOPLE

**The Scottish Local Government Elections Amendment (No. 2)
Order 2016**

Made - - - - - *7th November 2016*

Coming into force - - - - - *8th November 2016*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 3(1) and 16(2) and (3) of the Local Governance (Scotland) Act 2004(a) and all other powers enabling them to do so.

In accordance with section 7(1) and (2)(j) of the Political Parties, Elections and Referendums Act 2000(b), they have consulted the Electoral Commission.

In accordance with section 16(5) of the Local Governance (Scotland) Act 2004, a draft of the Order has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and transitional provision

1.—(1) This Order may be cited as the Scottish Local Government Elections Amendment (No. 2) Order 2016 and comes into force on the day after the day on which it is made.

(2) The amendments made by this Order do not apply in relation to an election for which the date of poll is before 4th May 2017.

Amendment of the Scottish Local Government Elections Order 2011

2. The Scottish Local Government Elections Order 2011(c) is amended as follows.

3. In schedule 1 (Scottish local government election rules)—

(a) in rule 25 (equipment of polling stations)—

(i) in paragraph (4), omit the words after “outside every polling station”; and

(ii) after paragraph (4), insert—

“(4A) A notice in the form set out in Form 13A, or a form to the like effect, giving directions for the guidance of voters in voting, shall be exhibited in every compartment of every polling station.”;

(a) 2004 asp 9. Section 3 was amended by section 34(6) of the Local Electoral Administration and Registration Service (Scotland) Act 2006 (asp 14).

(b) 2000 c.41. Section 7(2)(j) was added by section 12 of the Local Electoral Administration (Scotland) Act 2011 (asp 10).

(c) S.S.I. 2011/399, amended by S.S.I. 2012/60, S.S.I. 2012/342 and S.S.I. 2016/7.

- (b) in rule 43 (the count)—
 - (i) in paragraph (1)(b), omit “if required to do so by a candidate or an election agent,”;
 - (ii) in paragraph (5), for the words from “Where under” to “do so” substitute “The returning officer shall verify each ballot paper account”; and
 - (iii) in paragraph (5), for “, which any election agent may copy” substitute “and shall, on request, supply a copy of that statement to any election agent”;
- (c) in rule 44 (rejected ballot papers), in paragraph (1)(a) after “electronic” insert “or other”; and
- (d) in Part VII (forms for use at Scottish local government elections)—
 - (i) for Forms 1 and 8 to 12, substitute the equivalently numbered forms which are set out in the schedule of this order;
 - (ii) for Form 13, substitute the forms numbered 13 and 13A which are set out in that schedule; and
 - (iii) for Forms 14 and 15, substitute the equivalently numbered forms which are set out in that schedule.

4. In schedule 2 (modifications where poll at local government election is taken together with poll at another election), omit paragraph 22.

5. Omit schedule 4 (form of postal voting statement).

Amendment of the Representation of the People Act 1983

6. After subsection (5) of section 76 (limitation of election expenses) of the Representation of the People Act 1983(a), insert—

“(5A) The maximum amount mentioned above for a candidate at a local government election in Scotland is not required to cover—

- (a) the candidate’s personal expenses;
- (b) expenses that are reasonably attributable to the candidate having a physical or mental impairment that has a substantial and long-term adverse effect on the candidate’s ability to carry out normal day-to-day activities.”.

Revocation

7. In the Scottish Local Government Elections Amendment Order 2016(b), in article 2 (amendment of the Scottish Local Government Elections Order 2011) omit—

- (a) paragraph (f); and
- (b) the word “and” immediately before it.

JOE FITZPATRICK
Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
7th November 2016

(a) 1983 c.2.
(b) S.S.I. 2016/7.

SCHEDULE

Article 3(d)

Forms to be substituted

Form 1

Rule 3

[INSERT NAME OF COUNCIL] COUNCIL NOTICE OF ELECTION

Councillors are to be elected for each of the (insert number of wards) wards of (insert name of Council) Council. The number of councillors to be elected for a ward is as follows.

| | |
|--|---|
| Name of ward <i>(insert name(s) of wards)</i> | Number of councillors to be elected <i>(insert number)</i> |
|--|---|

Nomination Forms can be obtained from the Election Office, (insert address (es)). This Office is/These Offices are* open for the issue and delivery of nomination papers on weekdays excluding (insert details of any dies non) from 10 a.m. to 4 p.m.

Completed nomination papers **MUST** be delivered to the Election Office at the above address/at one of the above addresses* by **4 p.m.** on (insert closing date).

An election will be held in each contested ward and voting will take place between 7 a.m. and 10 p.m. on **Thursday** (insert date of poll).

Any elector may apply for a postal or proxy vote at this election.

Postal or Proxy Voting

If an elector is away or cannot go to the polling station on [day] [date of poll], they can do one of the following:

- Apply to vote by post. Completed applications must reach the Electoral Registration Officer **before 5pm on [day] [date of deadline].** If you are given a postal vote, you will not be able to vote in person at this election.

OR

- Apply to vote by proxy (this means someone else can vote on their behalf). Completed applications must reach the Electoral Registration Officer **before 5pm on [day] [date of deadline].** If you appoint a proxy, you can vote if you wish, but only if your proxy has not already voted on your behalf and has not got a postal vote for you.

To find out how to apply, call the helpline immediately.

If after 5pm on [the sixth day before the date of the poll] you are unable to vote in person because you:

- Have a **medical emergency** after 5pm on [day] [date of deadline]
- Learn you cannot go to the polling station because of work reasons

you can apply to vote by proxy. Completed applications must reach the Electoral Registration Officer **before 5pm on [day] [date of deadline].** To find out how to apply, call the helpline immediately.

 If you need any help or for advice on postal or proxy voting, please contact us.
[Returning Officer to add helpline and other contact details, including website if appropriate]

(insert effective date of notice)

*Delete where inapplicable

THIS FORM IS FOR *

POSTAL VOTING STATEMENT FOR A POSTAL VOTE AT LOCAL
GOVERNMENT ELECTION FOR
(INSERT NAME OF COUNCIL)

Important – you must fill in and return this postal voting statement with your completed ballot paper for it to be counted.

Please read the instructions carefully and use a black pen.

*Name _____ Ballot paper number _____

*Returning Officer to insert name but omit where sent to an anonymous elector

(!) Check that the number on the back of your ballot paper matches the number shown above.
If they do not match, call us **immediately** on *(insert helpline number)*

I am the person the ballot paper numbered above was sent to.

My date of Birth is:

Day

Month

Year

*My signature is:
(You must sign inside the box)

*Returning Officer to omit box where
the elector has been granted a waiver

We will check this information against our records for security.

It is an offence to vote using a ballot paper that was not sent for your use or interfere with another voter's ballot paper. It is an offence to vote more than once (unless you are appointed as a proxy) at the same election.

Returning Officer to add pictorial guidance as appropriate.

(back of form)

| | |
|---|--|
|  | Instructions for Voting by Post |
|---|--|

Please read through carefully. If you need help, please call us on *[insert helpline number]*

1. For your vote to be counted, you must fill in and return this postal voting statement with your ballot paper.
2. Make sure you have filled in the **date of birth and **[signature]* boxes** on this postal voting statement.
**Returning Officer to delete where elector is granted a waiver*
3. Vote on the ballot paper by numbering the candidates in order of your choice. Put the number **1** in the box next to the name of the candidate who is your **first** choice, then put **2** in the box next to the name of the candidate who is your **second** choice, **3** in the box next to your **third** choice, and so on. **You can make as many or as few choices as you wish.**
4. If you need help from someone to complete the ballot paper, they must not tell anyone who you have voted for.
5. Do not mark the ballot paper in any other way or your vote may not count.
6. Put the ballot paper in the envelope marked A and seal it. Then put this envelope together with the postal voting statement in the larger envelope marked B and seal it. Post the envelope back quickly.
7. We must get your postal vote by 10pm on *[day] [date of poll]*. If you miss the post, you can hand it in at our office or at any polling station in the local authority area before **10pm on *[day] [date of poll]***.
8. After completing and returning this postal vote, you cannot vote in person at a polling station in this election.

| | |
|---|---------------------|
|  | Getting Help |
|---|---------------------|

- If you need help to vote, you can ask someone you know or get independent help by calling the helpline on *[insert helpline number]*. The person helping you must not tell anyone how you voted.
- Please call the helpline if you require copies of this form or guidance in Braille or languages other than English.
- If you make a mistake, or lose your postal ballot paper or this statement, you can obtain a replacement. Call us immediately as **we can only issue a replacement before 5pm on *[day] [date] [name of month]***, and we can only issue replacements after 5pm on *[day]* before poll if you return this ballot pack by hand. You will need to return all the contents of this postal voting pack to us.

Electoral fraud is a crime. It is an offence to vote more than once in this election unless you are voting on your own behalf and as a proxy for another person.

The Returning Officer issued this statement.

Returning Officer to add pictorial guidance as appropriate

[Insert name of council]
ELECTOR'S OFFICIAL POLL CARD

If undelivered return to Returning Officer
(Insert address)

Number on register

*Name

*Address

** Returning officer to omit where poll card sent to an anonymous elector. A poll card to an anonymous elector must be delivered in a sealed envelope.*

| |
|--|
| Ward |
| Number of Councillors to be elected for Ward |
| Polling day |
| Your Polling station will be: |
| Polling Hours 7 a.m. to 10 p.m. |

PLEASE SEE THE INFORMATION ON THE BACK OF THIS CARD

(Back of card)

LOCAL GOVERNMENT ELECTION

***This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.**

* When you go to the polling station, tell the clerk your name and address, as shown on the front of the card. The clerk will give you a ballot paper.

Go to one of the compartments. Number the candidates in the order of your choice. Put the number **1** in the box next to the name of the candidate who is your **first** choice, **2** in the box next to your **second** choice, **3** in the box next to your **third** choice, and so on. **You can make as many or as few choices as you wish.**

Put no other mark on the ballot paper, or your vote may not be counted.

Do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

If you have appointed a proxy to vote in person for you, you may nevertheless vote at this election if you do so before your proxy has voted on your behalf.

If you have been given a postal vote, you will *not* be entitled to vote in person at this election, so please ignore this poll card.

| | |
|--|--------------|
|  | Getting Help |
| If you have any questions, need any help or to find out if your polling station is accessible, please contact us. <i>[Returning Officer to add contact details including website if appropriate]</i> | |

ISSUED BY THE RETURNING OFFICER

*Where a poll card is sent to an anonymous elector, substitute the following for the paragraphs marked with * above*

You must have this card with you when you vote. You cannot vote without it.

When you go to the polling station, ask to speak to the presiding officer and show this card to the officer.

The presiding officer will confirm your entry on the register.

[Insert name of council]
POSTAL VOTER'S OFFICIAL POLL CARD

If undelivered return to Returning Officer

(Insert address)

Number on register

| |
|---|
| Ward |
| Number of Councillors to be elected for Ward |
| Polling day and polling hours |
| This notice is to advise you that for this election you have a postal vote and that you will not be able to obtain voting papers at a polling station. Your postal voting papers should be delivered on or soon after (day/date). If your postal voting papers have not arrived by (day/date), call (helpline number) and ask for assistance. |
| Polling Hours 7 a.m. to 10 p.m. |

*Name

*Address

** Returning officer to omit where poll card sent to an anonymous elector. A poll card to an anonymous elector must be delivered in a sealed envelope.*

If you wish to cancel your postal vote please call (helpline number) before 5 pm on (insert date eleven working days before the date of the poll).

If you have lost or accidentally spoilt your postal ballot paper(s), please call (helpline number) as soon as possible. Replacement ballot papers cannot be issued after 5 pm on (insert day and date of poll).

PLEASE SEE THE INFORMATION ON THE BACK OF THIS CARD

Back of card

LOCAL GOVERNMENT ELECTION

This card is to give you information about voting by post. If you have appointed a proxy to vote by post for you, you will not receive postal voting papers.

When you receive your postal voting pack, please read the "Instructions to the Voter" before completing your postal ballot paper.

Mark your vote secretly. If you cannot vote without help, the person assisting you must not disclose how you have voted.

You must sign the postal voting statement (unless you have been granted a waiver by the returning officer) and provide your date of birth. This is a security measure, it will not affect your vote or mean that it can be identified. Without this, the statement will not be valid and your vote will not be counted.

If you lose or accidentally spoil your postal ballot papers, please call (helpline number) as soon as possible. Replacement ballot papers cannot be issued after 5 p.m. on *(insert day and date of poll)*.

Complete and return your postal vote as soon as possible. We must get your postal vote by 10pm on [day] [date of poll]. If you miss the post, you can hand it in at our office or at any polling station in the local authority area before 10pm on [day] [date of poll].

It is an offence to vote using a ballot paper that is not addressed to you.

You cannot vote in person at a polling station at these elections unless you cancel your postal vote before 5 p.m. on *(insert date eleven working days before the date of poll)*.

| | |
|---|--------------|
|  | Getting Help |
| <p>If you have any questions or need any help, please contact us. <i>[Returning Officer to add contact details including website if appropriate]</i></p> | |

ISSUED BY THE RETURNING OFFICER

[Insert name of council]
PROXY'S OFFICIAL POLL CARD

If undelivered return to Returning Officer

(Insert address)

Number on register

*Name

*Address

** Returning officer to omit where poll card sent to an anonymous elector. A poll card to an anonymous elector must be delivered in a sealed envelope.*

| |
|--|
| Ward |
| Number of Councillors to be elected for Ward |
| Polling day |
| Your Polling station will be: |
| Polling Hours 7 a.m. to 10 p.m. |

PLEASE SEE THE INFORMATION ON THE BACK OF THIS CARD

(Back of card)

LOCAL GOVERNMENT ELECTION

***This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.**

* This poll card is to tell you that for this election you are appointed as proxy for:

*(Elector's name).....

*(Elector's address).....

*(Elector's number on register).....

* When you go to the polling station, tell the clerk that you wish to vote as proxy on behalf of the voter shown above.

The clerk will confirm the details on the register and give you a ballot paper. The method of voting as proxy is the same as for casting your own vote.

It is an offence to vote as proxy—

(a) for some other person if you know that that person is subject to a legal incapacity to vote e.g. if that person has been convicted and is detained in a penal institution in pursuance of the sentence;

(b) at this election for more than 2 persons of whom you are not the husband, wife, civil partner, parent, grandparent, brother, sister, child or grandchild.

The person who appointed you as proxy may vote in person at this election if he/she is able and wishes to do so, and if he/she votes before you vote as proxy.

*Where a poll card is sent to the proxy of an anonymous elector, substitute the following for the paragraphs marked with * above*

You must have this card with you when you vote as this elector's proxy. You cannot vote as proxy without it.

You are entitled to vote as proxy for the elector whose electoral number is shown below:

Electoral number of elector.....

To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show this card to the officer.

| | |
|--|--------------|
|  | Getting Help |
| If you have any questions, need any help or to find out if your polling station is accessible, please contact us. <i>[Returning Officer to add contact details including website if appropriate]</i> | |

ISSUED BY THE RETURNING OFFICER

[Insert name of council]
PROXY POSTAL VOTER'S OFFICIAL POLL CARD

If undelivered return to returning officer

(Insert address)

Number on register

| |
|--|
| Ward |
| Number of Councillors to be elected for Ward |
| Polling day and polling hours |
| This notice is to advise you that for this election you are appointed as a postal proxy for the elector named on the back of this card. You will not be able to obtain voting papers at a polling station. |
| The postal proxy voting papers should be delivered to you on or soon after (day/date) |
| If the postal voting papers have not arrived by (day/date), call (helpline number) and ask for assistance. |

*Name (proxy)

*Address (proxy)

** Returning officer to omit where poll card sent to an anonymous elector. A poll card to an anonymous elector must be delivered in a sealed envelope.*

If you have lost or accidentally spoil the elector's postal ballot papers(s), please call (helpline number) as soon as possible. Replacement ballot papers cannot be issued after 5 p.m. on *(insert day and date of poll)*.

PLEASE SEE THE INFORMATION ON THE BACK OF THIS CARD

(Back of card)

LOCAL GOVERNMENT ELECTION

*This card is to tell you that for this election you are appointed as proxy for the elector named below and that you have decided to vote by post:

* (Elector’s name)

* (Elector’s address)

* (Elector’s number on register)

When you receive the postal voting pack, please read the “Instructions to the Voter” before completing your postal ballot paper.

Mark your vote secretly. If you cannot vote without help, the person assisting you must not disclose how you have voted.

You must sign the postal voting statement (unless you have been granted a waiver by the returning officer) and provide your date of birth. This is a security measure, it will not affect your vote or mean that it can be identified. Without this, the statement will not be valid and your vote will not be counted.

If you lose or accidentally spoil the elector’s postal ballot papers, please call (helpline number) as soon as possible. Replacement ballot papers cannot be issued after 5 p.m. on *(insert day and date of poll)*.

Complete and return your postal vote as soon as possible. We must get your postal vote by 10pm on [day] [date of poll]. If you miss the post, you can hand it in at our office or at any polling station in the local authority area before 10pm on [day] [date of poll].

It is an offence to vote as proxy—

- (a) for some other person if you know that that person is subject to a legal incapacity to vote e.g. if that person has been convicted and is detained in a penal institution in pursuance of the sentence;
- (b) at this election for more than 2 persons of whom you are not the husband, wife, civil partner, parent, grandparent, brother, sister, child or grandchild.

It is an offence to vote using a ballot paper that has not been addressed to you.

*Where a poll card is sent to the proxy of an anonymous elector, substitute the following for the paragraphs marked with * above*

You are entitled to vote as proxy for the elector whose electoral number is shown below:

Electoral number of elector.....

| | |
|--|--------------|
|  | Getting Help |
| <p>If you have any questions or need any help, please contact us. <i>[Returning Officer to add contact details including website if appropriate]</i></p> | |

ISSUED BY THE RETURNING OFFICER

LOCAL GOVERNMENT ELECTION

GUIDANCE FOR VOTERS

- You will be given a ballot paper. Go to one of the polling compartments.
- Vote on the ballot paper by numbering the candidates in order of your choice. Put the number **1** in the box next to the name of the candidate who is your **first** choice, then put **2** in the box next to the name of the candidate who is your **second** choice, **3** in the box next to your **third** choice, and so on. **You can make as many or as few choices as you wish.**
- Do not mark the ballot paper in any other way or your votes may not count.
- If you make a mistake, take the ballot paper to the polling staff and ask for another one.
- When you have marked your choice, show the back of the ballot paper to the polling staff, so that they can confirm that the ballot paper has the number and official mark, but do not let anyone see how you have voted.
- Put the ballot paper in the ballot box and leave the polling station.

Notice providing further information for voters at polling stations at a Scottish local government election. *(This notice may be printed and laid out in any format that clearly presents the information in it and the Returning Officer should add pictorial guidance in a form directed by the Electoral Management Board).*

LOCAL GOVERNMENT ELECTION

INFORMATION FOR VOTERS

Votes cast in this poll are for the election of *[insert number of councillors]* councillors for the *[insert name of ward]* electoral ward.

Vote by:

- Putting the number **1** in the voting box next to your **first** choice.
- Putting the number **2** in the voting box next to your **second** choice.
- Putting the number **3** in the voting box next to your **third** choice. And so on.
- **You can make as many or as few choices as you wish.**

[The form of the ballot paper to be illustrated]

Once you have marked your ballot paper

- If you make a mistake, take the ballot paper to the polling staff and ask for another one.
- When you have marked your choices, show the back of the ballot paper to the polling staff, so that they can confirm that the ballot paper has the number and official mark, but do not let anyone see how you have voted.
- Put the ballot paper in the ballot box and leave the polling station.

CERTIFICATE OF EMPLOYMENT

LOCAL GOVERNMENT ELECTION FOR THE [insert name of ward] WARD OF [insert name of council] COUNCIL ON [insert date of election]

The person named below is entitled to vote at any polling station in the above ward on production and surrender of this certificate to the presiding officer.

I certify that(name of elector)

who is numbered*/..... in the register of electors for the ward named above, cannot reasonably be expected to go in person to the polling station allotted to them at this election by reason of their employment on the above date for a purpose connected with this election:

- as a constable**
- by me (Only applies to Returning Officers' staff)**

Signature:
Returning Officer/Police Officer (Inspector or above)**

Date:

*The elector's number can be found on the poll card which was sent to them shortly after the election was announced, or can be checked by contacting the Electoral Registration Officer.
**Delete whichever does not apply.

**Declaration by the Companion of a Voter with Disabilities
at a Local Government Election**

Election of councillors for the *[insert name of ward]* electoral ward of *[insert name of council]*
Council

Date of election *[Day] [Date] [Name of the Month] [Year]*

A voter who is unable to vote without assistance (due to blindness or other disability, or due to their inability to read) may make a declaration to that effect. If the Presiding Officer of the polling station is satisfied by the voter's declaration, such a voter may be assisted by a companion, provided that the companion satisfactorily completes the declaration at section 1 below.

Ballot Box No: Polling Station No:

Name of Presiding Officer:

SECTION 1 – TO BE COMPLETED BY COMPANION OF VOTER WITH DISABILITIES

It is an offence knowingly to make a false statement with the intention of being permitted to act as a companion.

I, *(companion's name)*
of
..... *(companion's address including postcode)*
having been asked to assist *(voter's name)*
whose number on the register is *(voter's elector number)*
to record their vote at the election now being held in this ward, declare that

- I am entitled to vote as an elector at this election*
 - or
 - I am the spouse/civil partner/parent/grandparent/brother/sister/child/grandchild* of the voter with disabilities and have attained the age of 16 years*.
- (*Delete as appropriate)*

I declare that I have not previously assisted any voter with disabilities at this election except as noted below.

You are only allowed to assist up to two voters with disabilities. If you have already assisted a voter with disabilities at today's election please provide the following details:

Name of voter:
Address of voter
Signature of companion: Date:.....

SECTION 2 – PRESIDING OFFICER'S COUNTER-SIGNATURE

I, the undersigned, confirm that this form was signed in my presence.

Signature of Presiding Officer: Date and Time:

EXPLANATORY NOTE

(This note is not part of the Order)

Articles 3 to 5 of this Order make various amendments to the Scottish Local Government Elections Order 2011.

Article 6 inserts into section 76 of the Representation of the People Act 1983 a new subsection (5A) so that certain personal expenses of a candidate at a local government election do not require to be included for the purposes of the maximum amount specified in that section.

The changes made by this Order apply in relation to the local government elections due to be held on 4th May 2017 and subsequent elections.

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