

POLICY NOTE

THE REPRESENTATION OF THE PEOPLE (ABSENT VOTING AT LOCAL GOVERNMENT ELECTIONS) (AMENDMENT) (CORONAVIRUS) (SCOTLAND) REGULATIONS 2020

SSI 2020/240

The above instrument was made in exercise of the powers conferred by section sections 33 and 61(2) of the Local Electoral Administration and Registration Services (Scotland) Act 2006. The instrument is subject to negative procedure.

These Regulations amend the Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007 (“the 2007 Regulations”) with the effect that the categories of people that can apply for an emergency proxy are extended to include individuals who cannot vote in person because they are following Scottish Government or medical advice by shielding or self-isolating, and only become aware of the need to shield or self isolate less than 6 days before polling day.

Policy Objectives

1. Proxy votes enable people who cannot vote in person to have a trusted person vote on their behalf. The Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007, as amended (“the 2007 Regulations”), make provision for application for proxy votes at local government elections. An application for an ordinary proxy vote at a particular election must be received by the registration officer by 5pm on the 6th day, excluding weekends and public holidays, before that election. Emergency proxies can be received by the registration officer by 5pm on the day of poll but are available to people on the grounds of blindness or another disability (or occupation, service or employment).
2. Currently individuals who are following Scottish Government and/or medical advice to self-isolate or shield in order to contain the spread of coronavirus are not eligible for an emergency proxy.
3. These Regulations amend the 2007 Regulations with the effect that the categories of people that can apply for an emergency proxy are extended to include individuals who cannot vote in person because they are following Scottish Government or medical advice by shielding or self-isolating, and only become aware of the need to shield or self isolate less than 6 days before polling day .
4. The changes are intended to be temporary. The regulations will cease to have effect two years after coming into force and there is a duty on Scottish Ministers to review the need for the requirements after one year (a review by 23 September 2021).
5. An application for an emergency proxy on medical grounds must be accompanied by attestation from a relevant professional. These Regulations do not place an attestation requirement on individuals who cannot vote in person because they are following Scottish Government or medical advice to self-isolate or shield. This reflects the difficulty that

someone self-isolating or shielding may have in getting an attestation from a suitable independent person.

Consultation

6. There has been no public consultation in relation to this instrument. The Scottish Government has consulted with the SAA, the Electoral Commission and the UK and Welsh Governments.

Impact Assessments

7. Impact assessments have not been produced for this instrument as no, or no significant, impact on protected characteristics or on the private, voluntary or public sectors is foreseen.

Scottish Government
Constitution and Cabinet Directorate

August 2020