

EXECUTIVE NOTE

DRAFT SSI: THE SCOTTISH LOCAL GOVERNMENT ELECTIONS ORDER 2007

The above instrument was made in exercise of the powers conferred by sections **3 and 16** of the **Local Governance (Scotland) Act 2004**. The instrument is subject to affirmative resolution procedure.

Policy Objectives

The purpose of the instrument is to replace the Scottish Local Government Election Rules 2002 (S.S.I. 2002/457 as amended) which provide for the conduct of elections of members of Scottish local authorities. The rules in Schedule 1 to the Order differ from the 2002 rules by including changes introduced by the provisions of the Local Electoral Administration and Registration Services (Scotland) Act 2006 and amendments made to the parliamentary elections rules by the Electoral Administration Act 2006.

In particular, the provisions of rule 1 (timetable), rule 4 (nomination of candidates), rule 7 (decisions as to validity of nomination papers), rule 10 (correction of minor errors), rule 14 (ballot papers), rule 16 (official mark), rule 20 (postal ballot papers), rule 23 (issue of official poll cards and notifications), rule 24 (equipment of polling stations), rule 27 (admission to polling stations), rule 35 (tendered ballot papers), rule 40 (attendance at counting of votes) and rule 60 (retention of documents) have been amended.

The rules have also been amended to reflect the introduction of the Single Transferable Vote (STV) system for local government elections in Scotland from May 2007. In addition to revising the format of the ballot paper, the rules dealing with the counting of votes (rules 40 to 56) have been substantially altered to reflect the change to multi-member council wards with either 3 or 4 members together with the introduction of electronic counting.

Consultation

The following bodies have been consulted during the preparation of the instrument:

Association of Electoral Administrators
Convention of Scottish Local Authorities
Society of Local Authority Lawyers and Administrators
Society of Local Authority Chief Executives and Senior Managers
The Electoral Commission
The Scotland Office

Financial Effects

Local authorities are responsible for meeting the cost of local government elections from within their overall budget.

As electronic counting will be used at both the local government elections and Scottish Parliament elections in 2007, the additional core costs of its introduction will be met by the Scottish Executive and the Scotland Office. These core costs cover the provision of hardware (scanners and computer equipment), software programmes, technical support and training.

The instrument has no financial effects on business.

Scottish Executive Finance and Central Services Department
December 2006