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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for revised procedures on the issue and receipt of postal ballot papers for local government elections and revoke and replace the Scottish Local Government Elections Regulations 2002 (“the 2002 Regulations”). The Regulations differ from the 2002 Regulations by introducing changes to the procedures for postal voting introduced by the Representation of the People (Scotland) (Amendment) Regulations 2006 (S.I.2006/834) for Scottish Parliamentary elections and changes being introduced for postal voting at other UK elections as a result of the Electoral Administration Act 2006 (c. 22). The Regulations are also updated to take account of the changes made by the [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#).

Regulation 4 provides that the proceedings on the issue of ballot papers for a local government election may take place together with proceedings for other elections where there is a combined poll. Regulations 5 and 6 deal with persons who are entitled to be present at or may attend proceedings at the issue or receipt of postal ballot papers. Regulation 7 sets out the procedures for the appointment of agents by candidates to attend proceedings on the receipt of ballot papers. Regulation 8 deals with the notification of the requirement of secrecy for those attending the proceedings at the issue or receipt of ballot papers. Regulation 9 provides that, subject to special provision in paragraph (1) in respect of those entitled to vote by post for a definite or indefinite period, a postal ballot paper is to be issued as soon as practicable after the application to vote by post has been granted.

Regulations 10 to 13 deal with procedures for the issue of ballot papers and envelopes and for dealing with the completed corresponding number lists and the postal voters and proxy postal voters lists. Provision is made as to when a returning officer is to refuse to issue a postal ballot paper. Detailed provisions are also provided regarding the envelopes to be issued to a postal voter and for the sealing up of batches of postal ballot papers. Regulation 14 sets out the means by which postal ballot papers may be delivered to the voters. Regulation 15 deals with spoilt ballot papers and paragraph (1) covers voters who have inadvertently spoilt their ballot papers. Regulation 16 provides for the replacement of postal ballot papers that have been lost or not been received by a voter. A voter who has not received his or her ballot paper by the third day before the poll will be able to apply, whether or not in person, to the returning officer for a replacement.

Regulation 17 enables a postal ballot paper and a postal voting statement to be validly returned even if they are returned separately provided that they reach the returning officer or a polling station in the constituency in the manner provided by Regulations before the close of the poll. Paragraphs (1) and (2) prescribe the manner of return. Regulations 18, 19 and 20 deal respectively with the procedures for the notice to candidates of the opening of postal ballot boxes and contents, provision of boxes and receptacles and handling of the covering envelopes following their receipt. Regulations 21 to 24 contain revised procedures for the opening of postal ballot boxes and postal ballot papers, envelopes and counting thereof. Regulation 22 provides for the opening of the covering envelopes. Regulation 23 enables an elector or proxy voter to seek confirmation from the returning officer that a postal vote has been returned. Regulation 24 sets out the procedure in relation to postal voting statements for the returning officer to be satisfied that the statement has been properly executed. Regulation 25 deals with the opening of the ballot paper envelopes. Regulation 26 sets out the procedure to be followed by a returning officer to retrieve a cancelled ballot paper placed in a postal voters box, in the receptacle for ballot paper envelopes or a postal ballot box. Regulations 27 and 28 set out procedures for listing rejected postal ballot papers and matching up postal ballot papers and postal voting statements that have been returned separately.

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Regulations 29 to 31 set out procedures in relation to rejected votes, postal voting statements, rejected ballot paper envelopes and lists of spoilt and lost postal ballot papers; procedures for dealing with returned postal ballot papers in the event that a poll is abandoned or countermanded; and the forwarding of documents following the election. The Schedule to the Regulations prescribes the form of statement as to postal ballot papers referred to in regulation 31.