

2009 No. 36

REPRESENTATION OF THE PEOPLE

**The Scottish Local Government Elections Amendment
Order 2009**

<i>Made - - - -</i>	<i>5th February 2009</i>
<i>Laid before the Scottish Parliament</i>	<i>6th February 2009</i>
<i>Coming into force - -</i>	<i>31st March 2009</i>

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

Citation and commencement

1.—(1) This Order may be cited as the Scottish Local Government Elections Amendment Order 2009 and comes into force on 31st March 2009.

(2) This Order shall not have effect in relation to any local government election for which the date of the poll specified in the notice of election issued in relation to that election is on or before 3rd June 2009.

Substitution of forms

2.—(1) In Part VI of Schedule 1 to the Scottish Local Government Elections Order 2007(b) (forms for use at Scottish local government elections), for Forms 8, 10 and 12, substitute Forms 8, 10 and 12 set out in Schedule 1 to this Order.

(2) For the Form set out in Schedule 4 to that Order (form of postal voting statement referred to in paragraph 21 of schedule 2 of that Order), substitute the Form set out in Schedule 2 to this Order.

BRUCE CRAWFORD
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
5th February 2009

(a) 2004 asp 9, amended by section 34(6) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14).
(b) S.S.I. 2007/42, amended by S.S.I. 2007/379.

SCHEDULE 1

Article 2(1)

Form 8

Rule 20

POSTAL VOTING STATEMENT FOR A POSTAL VOTE AT LOCAL GOVERNMENT ELECTION

(front of form)

POSTAL VOTING STATEMENT

You must fill in this form and send it back with the ballot paper

*Voter's name Ballot paper number

*(Returning Officer to insert name but omit where ballot papers are sent to an anonymous elector)

[other identifying mark]

You must provide [**your signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.

I AM THE PERSON TO WHOM THE BALLOT PAPER NUMBERED AS ABOVE WAS SENT

Date of birth [D][D][M][M][Y][Y][Y][Y] (voter's date of birth)

**Signature [Signature Here] (voter's signature) IMPORTANT - Keep signature within border

**Returning Officer to omit where a person has been granted a waiver

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

PLEASE READ THE INSTRUCTIONS ON THE BACK OF THIS FORM

INSTRUCTIONS TO THE VOTER

(back of form)

Your vote is personal – complete the ballot paper yourself and in private.

1. On the ballot paper (the one with the names on it), number the candidates in order of your choice instead of using a cross. 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, 4 in the box next to your fourth choice and so on. You can mark as many choices as you wish. If you need help from someone to complete the ballot paper, they must not tell anyone who you have voted for.
2. Do not put any other marks on the ballot paper. If you do, your vote might not be counted.
3. You must provide [****your signature and]** date of birth on the postal voting statement. If you do not, it will be invalid and your vote will not be counted.
4. 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. The ballot paper must be received by the returning officer not later than the close of poll. It may be posted to the returning officer before polling day or delivered by hand to any polling station in the local authority area on polling day before the poll closes.
5. If you get more than one ballot paper, by accident, then just use one. Remember that it is an offence to vote more than once in the same election (unless you are voting for someone else by proxy).
6. Remember, as you have received a postal vote you cannot vote in person at the polling station even if you have in your name an official poll card, an official postal poll card, an official poll card issued to the proxy of an elector or an official postal poll card issued to the proxy of an elector. If you are voting, you must use the ballot paper sent to you. Your postal vote can be handed into any polling station in the local authority area on polling day before the poll closes.
7. If you make a mistake on the ballot paper you can ask the returning officer to send by post another one up until 5pm on the day before polling day. You will need to return everything you have received (ballot paper, postal voting statement and the envelopes). You should do this straightaway as there is not much time for a new ballot paper to be sent to you, returned and counted.
8. If you lose the ballot paper, postal voting statement or accompanying envelopes, by the third day before the day of the poll, you may apply to the returning officer to send by post a replacement ballot paper up until 5pm on the day before polling day. You will be required to provide evidence of your identity.
9. If you want to apply for a replacement ballot paper after 5pm on the day before polling day and up to 5pm on polling day, you must do so in person at the address shown below. You will be required to provide evidence of identity.

REMINDER

1. Have you remembered to [****sign your name and]** provide your date of birth on the postal voting statement?
2. Have you put your ballot paper in the envelope A and sealed it?
3. Have you put envelope A together with the postal voting statement into envelope B and sealed it?

4. You must make sure that you send your postal vote to the returning officer or deliver it to the polling station before the close of poll at 10pm on *(insert date)*.

If two or more postal vote envelopes have been delivered to your address – please make sure that the correct documents are in the correct return envelope.

Printed and published by the Returning Officer

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***Returning officer to omit where a person has been granted a waiver*

Front of card

*(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

*Name

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.

*Address

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.

** 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 5pm on *(insert date eleven working days before the date of poll)*.

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

Complete and return your postal vote as soon as possible. If you have not posted your vote before (*insert day and date of poll*), you can deliver your vote to any polling station in your local authority area.

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 5pm on (*insert date eleven working days before the date of poll*).

If you need further help, please call (*helpline number*).

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

ISSUED BY THE RETURNING OFFICER

Front of card

*(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

*Name (proxy)

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.

*Address (proxy)

The postal proxy voting papers should be delivered to you on or soon after *(day/date)*.

** 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 the postal voting papers have not arrived by *(day/date)*, call *(helpline number)* and ask for assistance.

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

Complete and return your postal vote as soon as possible. If you have not posted your vote before (*insert day and date of poll*), you can deliver your vote to any polling station in your local authority area.

If you need further help, please call (*helpline number*).

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

ISSUED BY THE RETURNING OFFICER

SCHEDULE 2

Article 2(2)

FORM OF POSTAL VOTING STATEMENT REFERRED TO IN
PARAGRAPH 21 OF SCHEDULE 2

POSTAL VOTING STATEMENT FOR A POSTAL VOTE AT A
PARLIAMENTARY OR EUROPEAN PARLIAMENTARY
ELECTION WHICH IS TAKEN WITH THE LOCAL GOVERNMENT
ELECTION WHERE THE PROCEEDINGS ON THE ISSUE AND
RECEIPT OF POSTAL BALLOT PAPERS IN RESPECT OF EACH
ELECTION ARE TAKEN TOGETHER

You must fill in this form and send it back with the ballot papers

*Voter's name Ballot paper number(s)

**(Returning officer to insert name but omit where ballot papers are sent to an anonymous elector)*

[other identifying mark]

You must provide [**your signature and**] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.**

I AM THE PERSON TO WHOM THE BALLOT PAPERS NUMBERED AS ABOVE WERE SENT

Date of birth

D	D
---	---

M	M
---	---

Y	Y	Y	Y
---	---	---	---

 (voter's date of birth)

**Signature

Signature Here

 (voter's signature)
IMPORTANT – Keep signature within border

***Returning officer to omit where a person has been granted a waiver*

Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.

PLEASE READ THE INSTRUCTIONS ON THE BACK OF THIS FORM

Your vote is personal – complete the ballot paper yourself and in private

1. On the [colour] (Parliamentary Election)/(European Parliamentary Election)* ballot paper(s), mark a cross (x) in the box opposite the name of the candidate or party you are voting for.
2. On the [colour] ballot paper for the local government election number the candidates in the order of your choice instead of using a cross. Put the number 1 in the box next to your first choice, 2 in the box next to your second choice, 3 in the box next to your third choice, 4 in the box next to your fourth choice and so on. You can mark as many choices as you wish.
3. Do not put any other marks on the ballot paper. If you do, your vote might not be counted.
4. Complete your ballot papers in secret. If you need someone to help you complete them, they must not tell anyone who you have voted for.
5. You must provide [**your signature and] date of birth on the postal voting statement. If you do not, it will be invalid and your vote will not be counted.
6. Put the ballot papers 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. The ballot papers, in order to be counted, must be received by the returning officer not later than the close of poll. They may be posted to the returning officer before polling day or delivered by hand to any polling station in the local authority area on polling day.
7. If you get more than one ballot paper of the same colour, by accident, then just use one. Please remember that it is illegal to vote more than once in the same election (unless you are voting for someone else by proxy).
8. Remember, as you have received a postal vote you cannot vote in person at the polling station even if you have an official poll card, an official postal poll card, an official poll card issued to the proxy of an elector or an official postal poll card issued to the proxy of an elector in your name. If you are voting, you must use the ballot paper sent to you. Your postal vote can be handed into any polling station in the local authority area on polling day before the poll closes.
9. If you make a mistake on the ballot paper you can ask the returning officer to send by post another one up until 5pm on the day before polling day. You will need to return everything you have received (ballot paper, postal voting statement and the envelopes). You should do this straightaway as there is not much time for a new ballot paper to be sent to you, returned and counted.
10. If you lose the ballot paper, postal voting statement or accompanying envelopes by the third day before polling day, you may apply to the returning officer to send by post a replacement ballot paper up until 5pm on the day before polling day. You will be required to produce evidence of your identity.
11. If you want to apply for a replacement ballot paper after 5pm on the day before polling day and up to 5pm on polling day, you must do so in person at the address shown below. You will be required to provide evidence of your identity.

REMINDER

1. Have you remembered to [****sign your name and**] provide your date of birth on the postal voting statement?
2. Have you put your ballot paper in the envelope A and sealed it?
3. Have you put envelope A together with the postal voting statement into envelope B and sealed it?
4. You must make sure then that you send your postal vote to the returning officer or deliver it to the polling station before the close of poll at 10pm on (*insert date*).

If two or more postal vote envelopes have been delivered to your address – please make sure that the correct documents are in the correct return envelope.

Printed and published by the Returning Officer

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** delete as necessary*

***Returning officer to omit where a person has been granted a waiver*

EXPLANATORY NOTE

(This note is not part of the Order)

This Order substitutes forms in Part VI of Schedule 1 to the Scottish Local Government Elections Order 2007 (forms for use at Scottish local government elections). The new forms incorporate changes for the provision of personal identifiers. The form set out in Schedule 4 to that Order is substituted by the form set out in Schedule 2 to this Order.

Form 8 has been amended to include date of birth details on the postal voting statement.

Forms 10 and 12 have been amended to include information on postal and proxy postal poll cards about the use of dates of birth.

The form in Schedule 2 to this Order has been amended to include date of birth details on the joint postal voting statement.

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£5.00