

The
Electoral
Commission

Pilot scheme evaluation

Stirling Council

18 April 2002



The Electoral Commission

28 Thistle Street
Edinburgh
EH2 1EN

Tel 0131 225 0200

Fax 0131 225 0205

infoscotland@electoralcommission.org.uk

www.electoralcommission.org.uk

We are an independent body that was set up by Parliament. We aim to gain public confidence and encourage people to take part in the democratic process within the United Kingdom by modernising the electoral process, promoting public awareness of electoral matters, and regulating political parties.

Foreword

Section 5 of the Scottish Local Government (Elections) Act 2002 came into effect on 22 January and gives councils the opportunity to pilot innovative electoral systems in order to improve turnout, make voting more accessible and to secure administrative efficiencies. The provisions in Section 5 parallel those introduced in respect of local government in England and Wales in Section 10 of the Representation of the People Act 2000.

Councils may apply to the Scottish Executive to run pilot schemes at local government elections. Applications may include proposals for new electoral arrangements relating to when and where voting can take place, the method used to cast votes, how votes are counted, and the provision of information about candidates. In addition, local authorities can make proposals for other arrangements carried out before or during the poll that they consider to be likely to facilitate or encourage voting generally and among particular groups such as older people, minority ethnic groups and those with disabilities.

Prior to approving any pilot scheme, Ministers may consult interested parties and can approve the scheme subject to modification. If they are to do this, they are obliged to consult with the Council. Once the scheme has approval, an Order is made to give the pilot arrangements a legal basis.

Any Council piloting new electoral arrangements is required to undertake an evaluation of it. The Electoral Commission has agreed to a request from the Scottish Executive that it comments on any application for an electoral pilot for a council election and then conducts its own evaluation, making use of the Council's own evaluation report (this report is not a commentary on Stirling's report, rather it seeks to add value to the overall evaluation of the pilot scheme without duplicating the work of Stirling Council).

With the agreement of the Scottish Executive, the Commission's evaluation will include a description of the scheme and an assessment of it against the five statutory criteria applied to pilot schemes in England and Wales by the Representation of the People Act (RPA) 2000:

- the scheme's success or otherwise in facilitating voting or the counting of votes, or in encouraging voting or enabling voters to make informed choices at the elections;
- whether the turnout of voters was higher than it would have been if the scheme had not applied;
- whether voters found the procedures provided for their assistance by the scheme easy to use;
- whether the procedures provided for by the scheme led to any increase in personation or other electoral offences, or in any other malpractice in connection with elections;
- whether those procedures led to any increase in expenditure, or to any savings, by the authority.

The Commission has published an overarching report commenting on the full range of English electoral pilot schemes, which took place at the spring 2002 local elections. This covers many of the themes discussed in this report on the Stirling

pilot scheme. The Commission's report is available to read at <http://www.electoralcommission.org.uk>

The Electoral Commission is grateful to the Returning Officer and all those in the authority, political parties and the local community who provided information and assistance during the evaluation process.

Introduction

Stirling Council applied to the Scottish Executive on 15 February 2002 to run an electoral pilot in a by-election in its Teith ward, caused by the death of the incumbent Councillor. The decision to request an all-postal pilot was based on the authority's commitment to democratic renewal and engagement and its experience of using postal ballots for Community Council elections which had led to turnouts of more than 66% in some areas. Council Members supported, on division, the bid for pilot status and the Council's stated objectives for the scheme reflected the criteria for evaluation developed by the Scottish Executive (which are similar to those of the RPA 2000).

The Commission was consulted by the Scottish Executive on the proposal from Stirling Council and indicated that it saw no reason not to proceed. On 27 February the Scottish Executive confirmed that the pilot would go ahead, and the Stirling Council (All Posting Voting Scheme) Order 2002 was made on that day coming into force the following day. A copy of the Order can be found at Annex A. The date of the by-election was set at Thursday 18 April 2002.

Socio-economic description

Teith is one of 22 wards in Stirling situated at the heart of Scotland. The area served by Stirling Council is a mixture of urban and rural areas with half of its population living in the city of Stirling and its suburbs. Teith is a rural ward with a total eligible electorate of 2,629. It has a significant agricultural base and is a commuter area serving Stirling, Edinburgh and Glasgow.

Pilot description

This was the first time in Scotland that an electoral pilot had taken place. The all-postal pilot scheme approved for the by-election at Teith involved the Council sending all eligible electors a personally addressed envelope containing a postal ballot paper, a white ballot paper envelope 'A', instructions and a reply paid envelope 'B'. No declaration of identity was required. The council applied to have a single reply paid envelope (with no number on it) that would contain the returned ballot paper. The Order under the terms of paragraph 74 required a covering envelope marked with a letter B and a smaller envelope marked letter A and printed with the number of the ballot paper. The implications of using the traditional two-envelope system are considered later in the report.

Prior to the issuing of ballot papers, the Returning Officer had sent a personalised letter to each individual elector explaining the pilot and giving details on how to vote. As at conventional elections, electors could request that their ballot paper be sent to an address other than that at which they were registered or to appoint a proxy but had to submit this request by 3 April.

In accordance with the Order, electors were sent two return envelopes. Electors were asked to put the ballot in the white envelope (envelope A) supplied and that envelope in the brown pre-paid postage outer envelope (envelope B) for posting/delivery. Although conventional postal voting systems use two envelopes these also involve a declaration of identity – unlike Stirling.

In accordance with the Order, the Council did make a special voting device available to visually impaired residents designed to assist them to vote independently. It also provided a telephone contact number for help and information.

The Order allowed the Council to dispense with the standard declaration of identity that accompanies 'normal' postal ballots and requires voters to sign that they are the person to whom the ballot papers were sent and to get this witnessed. The Council were keen to dispense with this in order to make the system more straightforward for the public and this approach had been used successfully in Community Council elections since 1998.

Notice of the election was given on 8 March and the issuing of ballots took place on a single day 5 April with Royal Mail used for their distribution. Electors had until 5.00pm on 18 April to return their ballot papers by post. Alternatively, ballot papers could be delivered to one of the two delivery points in the ward – the Council headquarters at Old Viewforth in Stirling or the public library at Doune.

The Council made arrangements to replace ballot papers accidentally spoilt or lost with re-issues provided that a request was made before 5pm on the day before the close of poll. In the case of a spoilt ballot, electors had to return the original ballot paper. They had to provide evidence of identity if requesting a replacement for a lost or non-delivered ballot paper.

Training on the new arrangements and in particular issues relating to security and fraud, was given to those who staffed the delivery points at the Viewforth office and Doune public library.

The count took place at Thornhill Community Centre within the ward. Counting commenced at 7.00pm on 18 April, two hours after the close of poll, and involved three main stages – opening the brown outer envelope, opening the white envelope and counting the ballot papers in the usual way.

Project management

A formal pilot project plan was developed by the Council, and detailed key project responsibilities and milestones. Contingency plans were in place in the event of delays and additional time being required at key stages. In addition, the Council had identified a contingency should a threatened postal strike occur and planned to hand-deliver ballot papers using council staff. It would also have opened additional delivery points throughout the ward and publicised these extensively. The Council also put in place mechanisms to assist it in evaluating the success or otherwise of the pilot scheme. These included survey research among the electorate, post-election consultation meetings with candidates and political parties and discussion among those involved in the administration of the election.

The Commission found evidence of efficient project management and contingency planning. There was also clear evidence of strong leadership from the Returning

Officer and an effective working relationship existed between him, his Deputy Returning Officer, the Electoral Administrator and the Public Relations Officer. The Council's commitment to make the pilot work was also reflected in the contribution made by staff.

Relationship management

On 14 February 2002 the elected members of the Council considered the proposal to apply to undertake a pilot at a special meeting of the Council. The application was approved on division with the Labour administration voting for and the Conservatives opposing the application (10 against 8 respectively).

All prospective candidates and political parties were informed of the pilot and the Returning Officer held a meeting with these groups on 8 March to talk them through the new voting arrangements. A nomination pack was also provided to all prospective candidates and while two parties did express some concerns at the administrative arrangements, the Council report generally good relations with candidates and agents of all parties.

The Council also report good relations with Royal Mail. The Council's Royal Mail Account Manager was in regular contact throughout the process and was able to build on an effective ongoing relationship. Agreement was reached with Royal Mail that the Council would be provided with any late ballot papers still in the postal system after 4.00pm on the afternoon of the 18 April and, from the Council's perspective, this arrangement worked satisfactorily. There were no reported problems with the postal service and the Returning Officer received a relatively small number of ballot papers after the close of poll (there were 29 with four post-marked 18 April 7:45pm).

Relationships between the Scottish Executive and the Council were considered to be good. The Executive had ensured the Order allowing the pilot was progressed quickly enabling Stirling to proceed with the scheme without delay. The Council also report a useful and constructive relationship with the Commission.

Public awareness and feedback

The Council undertook a productive media initiative to highlight the electoral pilot – the scale of this campaign was realistic given the short timescales involved. Articles developed from Council press releases were included in the Stirling Observer, the local paper, in each week of the campaign and in two of the larger Scottish regional papers. Several local and national radio stations carried reports on the pilot which was also the subject of two TV interviews and four radio interviews with the Returning Officer and featured on the BBC's website. Although no media were present at the count, the Council's Press Officer was quick to inform a news agency and the count and pilot were picked up in subsequent coverage, which included a further interview on a weekend radio programme focussing on local democracy.

Aside from its media campaign, the Council also undertook a number of initiatives to inform Teith residents directly about the electoral pilot. A letter from the Returning Officer was sent in early March to each individual elector explaining the pilot and giving details on how to vote. The Council also undertook advertising in local council offices, post offices, libraries and other public buildings in the ward as well as adverts in local and community newspapers. Poll cards signposted the new arrangements.

The Returning Officer had considered putting posters up at the usual polling places on the Thursday 'polling day', but decided against this considering it unnecessary as by then there had been sufficient local coverage. The Returning Officer also decided not to issue a 'reminder' letter on the Monday before the close of the poll due to the fact that there had already been a 50% return and the absence of a marked register prevented the Council from being able to target those who had not voted.

In fulfilling its requirement to evaluate the pilot scheme, the Council undertook extensive post-election consultation in the form of meetings among stakeholders including candidates, political parties and electoral administrators. The views of the electorate were researched using survey samples and qualitative research as follows:

- A postal survey of 20% of the eligible electorate – this achieved a 33% response with 539 replies (these came disproportionately from voters and, according to the Council, 11.8% of respondents to the two surveys said they did not vote at the by-election).
- A telephone survey of 70, 3% of the electorate – this was primarily targeted at multiple elector households and non-voters;
- A focus group among Teith members of Stirling's Citizen's Panel to provide qualitative insights.

The main findings from these exercises were as follows (full details can be found in Stirling's own report):

- 91% of respondents were either very or fairly satisfied with voting by post;
- By 2:1 they prefer voting by post to voting at a polling station with convenience and ease the main reasons given for this preference;
- Reflecting this, seven in 10 say they would prefer to vote by post at future elections;
- There was high awareness of the by-election before the arrival of the ballot paper;
- The ballot paper was considered 'very easy' to complete by 93% and its instructions rated as 'very clear and easy' by 89% (the Council report receiving only two calls to the telephone helpline and both were to clarify deadlines rather than being expressions of concern or confusion);
- Those who voted in the Teith by-election were also likely to have voted at past local and general elections suggesting that April 2002 voters were regular voters rather than new ones (although this may be a reflection of the sample profile of the postal survey);
- A significant proportion – one in five, 22% – thought that the new arrangements were not secure with concerns focussing on the possible interception and completion of ballot papers and the system not being able to detect this.

The Council received positive comment from discussions with agents, candidates and administrators. However, they did raise some concerns about the absence of a declaration of identity which some thought could make the system more *open* to personation and fraud and the potential of 'undue influence' by an assertive member of a household on other members. According to the Council, several candidates at the post-election meeting on 2 May said they were in favour of some form of declaration for all-postal ballots. Two candidates also supported the provision of a marked register as a means of detecting fraud – the Order did not require the Returning Officer to produce a marked register either during or after the election.

Impact on campaigns

The all-postal nature of the campaign led the political parties to make significant changes to the way they campaigned. Several of the parties aimed to ensure that their canvassing activities peaked two weekends prior to the poll to coincide with the issuing of ballot papers to the electorate by the Returning Officers. In addition, party workers indicated that they had attempted to have their leaflets on doormats the same day as the ballots arrived although, on reflection, some felt that perhaps they should have had their leaflets arriving the day before the ballot paper was delivered to the elector. This strategy was felt to be successful given that over 60% of the total votes received by post were returned to the Returning Officer by the Friday preceding the close of poll.

As mentioned above, the lack of a marked register was a concern for some party workers and candidates. This meant that during the campaign parties 'knocked up' some electors who had voted, in some cases 10 days previously. This was both a wasted effort and, in some cases, annoyed voters.

Although the campaign focussed on several local issues, the novelty of being the first all-postal election in Scotland, and the press interest this generated, was an element of the campaign and its coverage. This may in itself have led to people voting who may not have normally done so.

Impact on turnout

The final turnout was 63.2%. This was only 4.1% lower than Teith's turnout at the 1999 all-Council election, which took place on the same day as the first elections to the Scottish Parliament.

Teith's by-election turnout was significantly higher than comparable recent by-elections in the area including a 43% turnout at a June 2000 by-election in the adjacent Highland ward (which represented a fall in turnout of 25 points). In addition, it is worth noting that two other Scottish council by-elections took place on 18 April 2002 and these resulted in turnouts of 44.8% in East Ayrshire and 37.2% in Fife (falls of 16 and 17 points respectively). While Stirling has a history of high turnouts in all elections including Community Council elections, the comparison between the by-election turnout figures and other recent elections suggest that the postal voting arrangements did contribute to the increase in turnout.

The by-election result was as follows:

Donald Hopper (Scottish Socialist Party)	52
Kathleen Johnstone (Labour)	233
Paul Nelson (Conservative)	632
Graham Reed (SLD)	263
Ken Reid (SNP)	467
Total	1647
Turnout	63.2%

Three ballot papers were rejected.

The Council estimate that 43 votes (1.6%) were hand delivered to Doune library and Old Viewforth.

Impact on counting

The count took place at Thornhill Community Centre commencing at 7.00pm following the close of poll at 5.00pm. The count was undertaken in three stages: opening the brown 'outer' envelope, opening the 'inner' white ballot paper envelope and then counting the ballot papers. Twelve counting staff were briefed prior to the beginning of the count and between each stage. Prior to stage one, the brown envelopes were counted and then opened by an envelope-opening machine. For the second stage, the white ballot paper envelopes were opened by hand and the number on each ballot paper checked against the number on the envelope. The opened ballot paper was then returned with adjudication of doubtful ballots taking place before the formal declaration of the by-election result.

Prior to the commencement of the count, the Deputy Returning Officer indicated to all those present in the hall how the count was to proceed. This was helpful to all those present, but despite this briefing, some party workers seemed to be confused about arrangements and posters explaining the process may have proved useful.

The count commenced at 7.00pm and concluded with the declaration at 8.55pm. In addition to Council staff, all five candidates and their agents were present, together with a number of party workers. The police had been informed of the count but did not attend. No members of the media attended.

Party workers were used to being able to identify where votes originated from given the fact that ballot boxes were usually coded with area codes but because of the all-postal pilot, the Returning Officer had simply placed ballots in ballot boxes on their receipt. The origin of the votes was therefore unknown and this, in addition to the lack of a marked register, meant that parties were unable to cross-reference their canvassing to see if their voters had turned out.

The use of the traditional two-envelope system for the return of ballot papers proved to be very time consuming at the count – it took 1.5 hours to count envelopes and get the ballot papers out of both envelopes to allow counting to begin. While the outer envelope had been opened with an envelope-opening machine, the small inner envelope had to be opened by hand to avoid ripping the ballot paper (although some were mechanically opened without mishap). The Returning Officer felt that the use of a single envelope for returning ballots would have considerably shortened the time taken to complete the count, as of the two hours taken to complete the count three quarters of that time was spent opening envelopes.

In addition, and in order to comply with the Order, once the white envelopes had been extracted from the brown one, they had to be placed back in a ballot box in bundles and then taken out again. On reflection, counting staff would have also found it helpful to have a larger white envelope which would have facilitated the mechanical opening of the second inner envelope. The use of a single return envelope would have speeded up the count considerably.

Accessibility

In his initial letter to all electors, the Returning Officer explained the new voting arrangements. Electors were provided with a telephone hotline and were told that if anyone needed assistance they should contact the election office.

The main issue in relation to accessibility related to prospective voters with visual impairment. Electoral Office staff were prepared to visit electors in person to assist them in completing their ballot papers and, in accordance with the Order, a voting device was made available to assist those with sight impairments. In addition, the Election Office supplied two residential homes in Teith with a voting device and instructions on its use. These services were not actually taken up – in its evaluation the Council report no requests for on-site help and the post-election marked register shows that only three of 38 of those electors in residential homes actually voted.

When considering accessibility more generally, party workers and agents also felt that the new arrangements and the period of time electors were given to cast their vote was helpful to both farmers and commuters. The Teith ward has a very rural, agricultural community and the election period came in the middle of a dry spell, which meant that farmers and farm staff were extremely busy. Party workers also felt that the large number of commuters within the ward may have benefited from the new arrangements.

Security and fraud

As mentioned previously, some party candidates and workers said that they thought an all-postal system was more *open* to the possibility of fraud and 22% of the Council's survey respondents thought that the new arrangements were not secure. However, the Commission has no evidence to suggest that the procedures provided for by the electoral pilot scheme led to any increase in personation or other electoral offences, or any other malpractice in connection with elections.

The concerns of candidates, agents and party workers raised at the count with the Commission's evaluator related to the potential risk of fraud, rather than being evidence-based concerns. In turn, these concerns were related to the absence of a declaration of identity and a marked register. Similar views were expressed by the Teith focus group participants who also referred to the possibility of 'undue influence' being exerted by one household member on other members.

The key issues here relate to voter confidence and providing appropriate information and reassurance about the security features of the new voting mechanisms – these themes are discussed further in the Commission's assessment of the English local election pilot schemes. While feedback from electors and the political parties about all-postal voting is positive in terms of the arrangements being user-friendly, there is a desire to see security features in place.

Cost

The cost of conducting the by-election using all-postal arrangements was £6,360 (the Council has supplied full details in its evaluation report). This represented an increase of approximately £680 on the estimated cost of a by-election being carried out using conventional arrangements. As a means of raising awareness, the Returning Officer did send out a letter to all eligible electors explaining the pilot election and published a longer version of the Notice of Poll in the newspaper. If the total cost of these initiatives were taken into account, then the cost of the pilot election would be slightly less than conducting a normal by-election.

In its own report the Council indicate areas where costs could be reduced in the longer-term including reducing advertising spend as people became more familiar with postal voting. Other social, non-financial benefits should be considered, such as the Council not having to close three primary schools on the day of the election as would normally have been the case. Focus group participants were surprised to discover that the cost of the pilot had only been slightly higher than a traditional poll having expected postal vote to be more expensive.

Conclusions

The Commission supports the main thrust of Stirling Council's evaluation report and the conclusions it draws directly relating to the electoral pilot scheme. In terms of the five statutory evaluation criteria outlined in RPA 2000 and applied to the Stirling pilot, the Commission's conclusions are as follows:

- The pilot in Stirling was successful in facilitating voting. The low number of calls to the helpline suggests that local residents were not dissatisfied with voting by post. The Council's research confirms this and suggests that voters found the new methods to be convenient.
- There is substantial evidence to suggest that turnout of voters was higher than it would have been if the scheme had not applied. The final turnout in Stirling was 63.2%, significantly higher than comparable recent by-elections in the area and the two other 18 April 2002 Scottish council by-elections.
- The simplified procedure and the low number of ballot papers rejected, when considered alongside the high turnout, would suggest that a postal vote without a declaration of identity provided a system which was straightforward and easy for voters to understand.
- The Commission has no evidence to suggest that the pilot scheme led to an increase in personation or other malpractice. Some concerns do persist among the electorate and party workers about the system potentially being more *open* to fraud and abuse. These themes require further investigation and are discussed further in the Commission's overall report on the 2002 spring pilots in England.
- The pilot scheme did lead to an increase in expenditure of approximately £680 on the estimated cost of a by-election being carried out using conventional arrangements. The pilot did, however, provide additional non-monetary benefits with three schools being kept open and electoral administrators finding the process easier to manage.

The Electoral Commission
August 2002

Annex A

**THE STIRLING COUNCIL (ALL POSTING VOTING SCHEME)
ORDER 2002**

Made 27 February 2002

Coming into force 28 February 2002

Whereas Stirling Council has submitted proposals for a scheme under section 5 of the Scottish Local Government (Elections) Act 2002^(a) to apply in the election to that Council of a member for Ward 18 (Teith) otherwise due to be held by no later than 22nd April 2002;

And whereas the Scottish Ministers have approved those proposals with modifications and have consulted in accordance with section 5(6) of that Act;

Now, therefore, in pursuance of section 5(1) of that Act, the Scottish Ministers hereby make the following Order:

1. This Order may be cited as the Stirling Council (All Postal Voting Scheme) Order 2002 and shall come into force on 28th February 2002.

2. In this Order and in the modifications made by this Order:

“enactment” has the same meaning as in the Scottish Local Government (Elections) Act 2002;

“elections rules” means the rules in Schedule 2 to the Scottish Local Elections Rules 1986^(b);

“the election” means the election, to the Stirling Council, of a member for Ward 18 (Teith) where the poll for the election would, apart from the provisions of this Order, have been held by no later than 22nd April 2002;

“1983 Act” means the Representation of the People Act 1983^(c);

“1986 Regulations” means the Representation of the People (Scotland) Regulations 1986^(d);

“2000 Act” means the Representation of the People Act 2000^(e); and

“2001 Regulations” means the Representation of the People (Scotland) Regulations 2001^(f).

^(a) 2000 c.2.

^(b) S.I. 1986/2213.

^(c) 1983 c.2.

^(d) S.I. 1986/1111.

^(e) 2000 c.2.

^(f) S.I. 2001/341.

3. Notwithstanding anything in any enactment, no polling station shall be used at the election and any person who, apart from this Order, may vote in person either as an elector or as proxy may vote only by post; and any reference in any enactment to voting in person at a polling station shall be disregarded.

4. Notwithstanding article 3 above, any reference in the 1983 Act, the elections rules, the 2000 Act, the 1986 Regulations, the 2001 Regulations or any enactment relating to the qualification or disqualification for election to, or membership of, a local authority in Scotland to—

- (a) the day of election or the ordinary day of election,
- (b) the polling day,
- (c) the day or date of the poll, or
- (d) the date fixed for the poll,

shall continue to have effect in respect of the election as a reference to 18th April 2002.

5.—(1) In respect of the election, Schedule 4 to the 2000 Act shall be modified or, as the case may be, disapplied as follows.

(2) For sub-paragraphs (2) to (5) of paragraph 2 substitute:

“(2) Subject to sub-paragraph (3) below, he may vote only by post.

(3) If he is entitled to vote by proxy at the election, he may vote only by post as proxy.[.]”.

(3) In paragraph 2(6) omit the words from “or by proxy” to the end.

(4) Omit paragraph 2(7).

(5) In paragraph 4(1) for the words “to vote by post” substitute “for his ballot paper to be sent to an address other than the address in respect of which he is registered”.

(6) For sub-paragraphs (1) and (2) of paragraph 7 substitute:

“(1) A person entitled to vote as proxy may vote only by post.”.

6.—(1) In respect of the election, the election rules shall be modified or, as the case may be, disapplied as follows.

(2) In the timetable in rule 1, omit the entry in respect of polling.

(3) For Rule 3 substitute—

“**3.** The returning officer shall publish notice of the election in such form as he considers appropriate.”.

(4) In paragraphs (1) and (2) of rule 16 omit the words “taking the poll or”.

(5) For rule 17 substitute—

“17. The returning officer shall publish notice of the poll in such form as he considers appropriate.”.

(6) For rule 18 substitute—

“Postal ballot papers

18.—(1) The returning officer shall as soon as practicable after 5.00 p.m. on 3rd April 2002 send to—

(a) each elector for whom a proxy has not been appointed, and

(b) each proxy,

at the address shown in the absent voters list or at the address as determined in accordance with this rule a ballot paper together with an envelope for its return.

(2) Subject to paragraph (3) below, in the case of an elector whose name is not shown in the absent voters list for the election, the second address referred to in paragraph (1) above is his qualifying address as shown in the register of electors.

(3) In the case of an elector—

(a) whose name is not shown in the absent voters list for the election, but

(b) whose qualifying address is not shown in the register of electors,

the second address referred to in paragraph (1) above is—

(i) the address given in accordance with regulation 15(1)(a) of the 2001 Regulations in the case of a person registered in pursuance of a service declaration, or

(ii) the address given in accordance with section 7B(3)(a) of the 1983 Act^(a) in the case of a person registered in pursuance of a declaration of local connection, or

(iii) the address given in accordance with section 7(4)(d)(iii) of the 1983 Act^(b) in the case of a patient’s declaration.

^(a) Section 7B of the 1983 Act was inserted by section 6 of the 2000 Act.

^(b) Section 7 of the 1983 Act, as enacted, was replaced on 16th February 2001 but was in force at the time when the register was compiled.

- (4) In the case of a proxy, the second address referred to in paragraph (1) above is—
- (a) in the case of a proxy whose name is included in the special list kept under paragraph 7(8) of Schedule 4 to the 2000 Act for the election, the address recorded in that list, or
 - (b) in the case of any other proxy, the address of the proxy as given under regulation 52 of the 2001 Regulations”.
- (7) Omit rules 19 to 22.
- (8) In rule 23, omit any reference to a polling agent.
- (9) Omit paragraph (a) of rule 24.
- (10) Omit rules 25 to 36.
- (11) In rule 37(1) for “the close of the poll” substitute “5.00 p.m. on 18th April 2002”.
- (12) In rule 38^(a)—
- (a) omit paragraphs (1)(a) and (b) and the words “and (c)”;
 - (b) omit paragraph (2);
 - (c) for paragraph (3), substitute:
 - “(3) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the returning officer no later than 5.00 p.m. on 18th April 2002.”.
 - (d) omit paragraphs (4) and (6).
- (13) Omit rule 44(2).
- (14) In rule 45(1)—
- (a) for paragraph (b) substitute:
 - “(b) the statements of rejected ballot papers,”;
 - (b) omit paragraph (c);
 - (c) for paragraph (d) substitute:
 - “(d) the list of issued ballot paper numbers,”

^(a) Rule 39 was amended by rule 12 of S.I. 2001/81.

(15) In rule 46(1)(b) for the words “a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll”, substitute “the sealed list of issued ballot paper numbers”.

(16) In paragraphs (2) and (3) of rule 46, for “packet of counterfoils and certificates”, substitute “sealed list of issued ballot paper numbers”.

(17) In rule 46(7)–

(a) for the words from “and of a counterfoil” to “writing” substitute “and of the list of issued ballot paper numbers including the number on the back of the ballot paper together with the electoral number of the elector to whom (or to whose proxy) it was issued,”; and

(b) for “number written on the counterfoil” substitute “electoral number recorded against the number of the ballot paper”.

(18) In rule 47(2) for the words from “, counterfoils” to “poll”, substitute “and the list of issued ballot paper numbers”.

(19) In rule 48(1) for the words “polling has begun” substitute “postal ballot papers have been issued”.

(20) Omit rule 48(2).

(21) In the Appendix of Forms to the election rules:

(a) omit the forms of–

(i) notice of election;

(ii) notice of poll;

(iii) declaration of identity,

(iv) an elector’s official poll card,

(v) a proxy’s official poll card,

(vi) directions for guidance of the voters in voting,

(vii) certificates of employment, and

(viii) declaration to be made by the companion of a voter with disabilities^(a); and

(b) amend the form of ballot paper by omitting the reference to the counterfoil.

^(a) This form was amended by rule 15 of S.I. 2000/81.

7.—(1) In respect of the election, the 2001 Regulations shall be modified or, as the case may be, disapplied as follows.

- (2) In regulation 56(2) for “sixth” substitute “eleventh”.
- (3) In regulation 56(3) for “sixth” substitute “eleventh”.
- (4) In regulation 56(5)(ii) for “sixth” substitute “eleventh”.
- (5) Omit regulations 62 and 63.
- (6) In regulation 67, for “and his staff” substitute “, his staff, any candidate and any election agent.”

8. (1) Part V of the 1986 Regulations shall not apply in relation to the election.

(2) Part V of the 2001 Regulations shall apply in relation to the election as it applies in relation to parliamentary elections in Scotland subject to the following modifications.

(3) Omit any reference to the declaration of identity and the consequences of its presence or absence.

(4) Any reference to a register or list of voters shall be construed as a reference to the register or list applying for the purposes of the election.

(5) Omit regulation 65.

(6) Omit regulation 71.

(7) For regulation 72 substitute:

“Procedure on issue of postal ballot paper

72.—(1) The returning officer shall enter in a list kept for the purpose (“the list of issued ballot paper numbers”) the number on the back of each ballot paper which he issues in accordance with this regulation, together with the electoral number of the elector to whom (or to whose proxy) it is issued.

(2) The returning officer shall first issue postal ballot papers to those electors included as voting by post in the absent voters list for the election and shall place a mark in that list and the register of electors against the number of the elector to denote that a ballot paper has been issued to him but without showing the particular ballot paper issued.

(3) Secondly, the returning officer shall issue postal ballot papers to those proxies included in the list kept under paragraph 7(8) of Schedule 4 to the 2000 Act for the election and shall place a mark—

- (a) in that list against the name of the proxy, and

- (b) in the register of electors against the number of the elector for whom the proxy is appointed,

to denote that a ballot paper has been issued to the proxy but without showing the particular ballot paper issued.

- (4) Thirdly, the returning officer shall issue postal ballot papers to those proxies included in the absent votes list for the election and shall place a mark—

- (a) in that list against the name of the proxy, and

- (b) in the register of electors against the number of the elector for whom the proxy is appointed,

to denote that a ballot paper has been issued but without showing the particular ballot paper issued.

- (5) Finally, the returning officer shall issue postal ballot papers to every elector in the register of electors against whose number no mark has been placed and shall then place a mark against his number to denote that a ballot paper has been issued but without showing the particular ballot paper issued.

- (6) The address to which a postal ballot paper is to be sent shall be determined in accordance with rule 18 of the elections rules, as substituted.”.

- (8) In regulations 75—

- (a) omit paragraph (1), and

- (b) in paragraph (2) for the words “shall seal such a packet” substitute “into a separate packet the list of issued ballot paper numbers and shall seal such packets”.

- (9) Omit regulation 79.

- (10) In regulations 82(1) and 83(2) for “the close of the poll” substitute “5pm on 18 April 2002”.

- (11) Omit regulations 87 and 88.

Authorised to sign by the Scottish Ministers

St Andrew’s House
Edinburgh
February 2002

