

LOCAL ELECTORAL ADMINISTRATION AND REGISTRATION SERVICES (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT

Part 1: Electoral Administration

Personal identifiers

Section 21 Absent vote applications : provision of personal identifiers

43. *Section 21* introduces new provisions for the collection of personal identifiers (signature and date of birth) at the point of application for absent voting (both postal voting and voting by proxy) at local government elections in Scotland. Subsection (3) provides that an application for an absent vote must include these details and subsection (4) requires registration officers not to grant an application if they are not supplied.
44. Subsection (5) allows registration officers discretion to dispense with the need for a signature if they are satisfied that the applicant cannot provide a signature or sign in a consistent and distinctive way because of illiteracy or disability. Subsection (6) requires a record to be kept of those persons granted an application for an absent vote and that this record should show their dates of birth and signatures unless the registration officer has dispensed with the need for a signature under subsection (5). Subsection (7) gives Scottish Ministers powers to make regulations setting out the period of time for which this record must be kept.

Section 22 Provision of fresh signatures

45. This section deals with the provision of new signatures by absent voters who have already provided a signature. Subsection (2) allows the voter to provide a new signature and subsection (3) provides that regulations may be made to enable registration officers to require electors who vote by post or proxy to provide a fresh signature in certain circumstances. The regulations can also specify the consequences for voters who refuse or fail to comply with such a requirement. Subsection (4) requires returning officers to amend the record of personal identifiers kept under section 21(6) where a fresh signature has been provided.

Section 23 Disclosure of personal identifiers

46. This section deals with the disclosure of personal identifiers and, in subsection (1), requires registration officers to supply or give access to information contained in the record kept of personal identifier information to returning officers for use at local government elections.

These notes relate to the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) which received Royal Assent on 1 August 2006

47. Subsection (2) provides that this information can also be given to other registration officers, people involved in preparing or conducting legal proceedings on the conduct of election and to other people as set out in regulations to be made by Scottish Ministers.

Section 24 Power to require existing absent voters to provide personal identifiers

48. This section sets out provisions for collecting personal identifier information from existing absent voters and, in subsection (1), gives Scottish Ministers powers to make regulations to enable registration officers to require existing absent voters to provide a signature and date of birth. The regulations will set out the circumstances in which this information will be required and the consequences for voters who refuse or fail to comply with such a requirement.
49. Subsection (2) makes it clear that an existing absent voter is a person who was granted an absent vote prior to the date the provisions in section 21 come into effect. Subsection (3) provides that the details of the personal identifiers of such persons must be included in the record kept under section 21.