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Standards, Procedures and Public Appointments
Committee

By email: sppa.committee@parliament.scot

21 October 2026

Dear Jenni,

Scottish Local Government Elections – secondary legislation

Thank you for inviting me to give evidence to the Committee on 1 October on the Scottish Government's secondary legislation before the Parliament in relation to Scottish local government elections.

At the session I committed to write with some follow up information in relation to the Representation of the People (Postal Voting for Local Government Elections) (Scotland) Amendment Regulations 2026 and its change from a 10pm to 5pm deadline on polling day in relation to obtaining replacement postal ballot papers. I am sorry not to have been able to update the Committee before now.

The Regulations amend the deadline for an elector to seek a replacement for a spoilt or lost ballot paper from 10pm to 5pm on the day of the poll.

A change was made in this area for Scottish Parliament elections in 2020, when it was identified that the deadline for replacing spoilt postal ballot papers was set in law at 5pm on the day of poll but that because no time was set in law for replacing lost parliamentary postal ballot papers the view was taken that by default the deadline for those lost ballots was 10pm. In standardising the deadlines the decision was made to align both at 10pm and this was subsequently also adopted for local government elections in 2021.

The deadline for applications to replace spoilt or lost postal ballot papers in Scottish Parliament elections was moved to 5pm in 2025 and this deadline applied at the election held this year.

When the change made in 2025 for Scottish Parliament elections was being considered, Returning Officers were asked how often requests had been made in the 5pm to 10pm period for both the 2021 Scottish Parliament and 2022 local government elections.

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I understand that generally speaking this data is not formally recorded as there is no strict requirement to do so. Records were not kept of specific requests made, but Returning Officers report that the actual issuing of a postal vote after 5pm on polling day was an exceptional event.

The consensus from elections teams was that requests after 5pm across Scotland were rare, with very few indications of any requests being received after 8pm. Indeed several local authorities indicated that no requests at all were received at either the 2021 or 2022 elections.

Following the session we had at your committee meeting on 1 October, my officials asked the Electoral Management Board for Scotland (EMB) and Returning Officers for further information on requests for replacement ballots made after the 5pm deadline as was in place for this year's election.

Again, whilst in most cases no formal record of requests was maintained, the information we have been provided below from those Returning Officers who passed on details indicate that the numbers of replacement ballot papers requested was low. Of those who responded most set out that they either didn't receive any requests or could not recall receiving any. The Returning Officers at City of Edinburgh, East Ayrshire, East Lothian, Glasgow City, Perth and Kinross and West Dunbartonshire set out that they had no recollection of any requests.

The Returning Officers at Moray, North Ayrshire, Orkney, Renfrewshire, Shetland Islands, South Lanarkshire and West Lothian set out that no requests for replacement ballot papers were made.

Dundee City Council set out that they received three replacement ballot paper requests after 5pm whilst Falkirk set out that they received "five or fewer", with the reason for not being definitive having been that a review of the call logs for that day suggested so but that the notes recorded on the calls do not set out specifically whether replacements were requested or not.

And whilst it didn't specifically relate to the 2026 election, Highland Council indicated that they could only recall one occasion where a replacement ballot paper was issued after 5pm which was on 11 December 2025.

I hope that this information is helpful for the Committee.

Yours sincerely,



JAMIE HEPBURN

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