

Scottish Elections (Representation and Reform) Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 3	Schedule
Sections 4 to 50	Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Before section 1

Ross Greer

57 Before section 1, insert—

<PART

NOMINATION OF CANDIDATE

Nomination of candidate: collection of signatures

- (1) The Scottish Parliament (Elections etc.) Order 2010 is modified as follows.
- (2) In schedule 2—
 - (a) after paragraph 9, insert—

“9A(1) Where the election is an ordinary election, a person must not be validly nominated as a candidate for return as a constituency member unless they have collected signatures in support of their nomination from 0.01% of voters, or 50 voters (whichever is lower) registered in the constituency in which the person is nominated.

(2) An individual candidate for return as a regional member must not be validly nominated unless the regional list on which their nomination appears has collected signatures in support of the nominations from 0.05% of voters, or 150 voters (whichever is lower) registered in the region in which the person is nominated.

(3) A registered party must not be validly nominated in relation to a regional list of that party for a particular region unless it has collected signatures in support of the nomination from 0.05% of voters, or 150 voters (whichever is lower) registered in the region in which the party is nominated.

(4) Where a registered party has previously returned an elected member of that party at a preceding election, the party may be nominated in relation to a regional list of that party without collecting signatures in support of that nomination under sub-paragraph (3).

(5) A record of the signatures collected under sub-paragraphs (1) or (2) must be presented at the place and during the time for delivery of the nomination papers.

”

- (6) The Scottish Ministers may by regulations make further incidental, supplementary, consequential, transitional, transitory or saving provision under this paragraph.”,
- (b) in paragraph 10, before sub-paragraph (1) insert—
- “(A1) This paragraph applies where nomination relates to an extraordinary election.”.>

Before section 3

Jamie Hepburn

8 Before section 3, insert—

<Disqualifications relating to sexual offences and notification requirements

Scottish Parliament: disqualification relating to sexual offences etc.

(1) The Scotland Act 1998 is modified as follows.

5 (2) In section 15 (disqualification from membership of the Parliament)—

(a) after subsection (1)(b), insert—

“(bza) the person is subject to—

(i) any relevant notification requirements, or

(ii) a relevant sexual harm or risk order.”, and

10 (b) after subsection (3), insert—

“(4) In this section and in section 16—

“relevant notification requirements” has the same meaning as in section 31(3C) of the Local Government (Scotland) Act 1973, and

15 “relevant sexual harm or risk order” has the same meaning as in section 31(3D) of the Local Government (Scotland) Act 1973.”.>

Annie Wells

8A As an amendment to amendment 8, line 7, after <is> insert <or has been>

Jamie Hepburn

9 Before section 3, insert—

<Local authorities: disqualifications relating to sexual offences etc.

(1) The Local Government (Scotland) Act 1973 is modified as follows.

5 (2) In section 31(1) (disqualifications for nomination, election and holding office as member of local authority), after paragraph (d) insert—

“(da) the person is subject to—

(i) any relevant notification requirements, or

(ii) a relevant sexual harm or risk order.”.

(3) After section 31(3B), insert—

- 10 “(3C) In this section, “relevant notification requirements” means—
- (a) the notification requirements of Part 2 of the Sexual Offences Act 2003,
 - (b) the notification requirements of Part 2 of the Sex Offenders (Jersey) Law 2010,
 - 15 (c) the notification requirements of Part 2 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013,
 - (d) the notification requirements of schedule 1 of the Criminal Justice Act 2001 (an Act of the Tynwald of the Isle of Man).
- (3D) In this section, “relevant sexual harm or risk order” means—
- 20 (a) a sexual harm prevention order under section 11 or 12 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016,
 - (b) a sexual harm prevention order under section 103A of the Sexual Offences Act 2003,
 - (c) sexual offences prevention order under section 104 of that Act,
 - 25 (d) a sexual harm prevention order under section 345 of the Sentencing Act 2020,
 - (e) a restraining order under Article 10 of the Sex Offenders (Jersey) Law 2010,
 - (f) a sexual offences prevention order under section 18 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013,
 - 30 (g) a sexual offences prevention order under section 1 of the Sex Offenders Act 2006 (an Act of the Tynwald of the Isle of Man),
 - (h) a sexual risk order under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016,
 - 35 (i) risk of sexual harm order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005,
 - (j) a sexual risk order under section 122A of the Sexual Offences Act 2003,
 - (k) a risk of sexual harm order under section 123 of that Act,
 - 40 (l) a child protection order under Article 11 of the Sex Offenders (Jersey) Law 2010,
 - (m) a risk of sexual harm order under section 22 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013,
 - 45 (n) a risk of sexual harm order under section 5 the Sex Offenders Act 2006 (an Act of the Tynwald of the Isle of Man).
- (3E) The Scottish Ministers may by regulations make such amendments to subsection (3C) and (3D) as they consider appropriate in consequence of the amendment, repeal or re-enactment of any legislation of any of the Channel Islands or the Isle of Man which is for the time being specified in those provisions.
- 50 (3F) Regulations under subsection (3E) are subject to the affirmative procedure.”>

Annie Wells

9A As an amendment to amendment 9, line 6, after <is> insert <or has been>

Graham Simpson

1* Before section 3, insert—

<MPs to be disqualified for membership of Parliament

MPs to be disqualified for membership of Parliament

- (1) The Scotland Act 1998 is modified as follows.
- (2) In section 15(1) (disqualification from membership of the Parliament), after paragraph (b) insert—

“(bza) he is a member of the House of Commons (but see section 15A),”.

- (3) After section 15 (disqualification from membership of the Parliament), insert—

“15A Exception from disqualification by virtue of being an MP: recently elected members

- (1) A person returned at an election as a member of Parliament is not disqualified under section 15(1)(bza) at any time in the period of 8 days beginning with the day the person is so returned.
- (2) Subsection (3) applies where a person—
 - (a) is returned at an election as a member of Parliament,
 - (b) on being so returned is a candidate for election to the House of Commons, and
 - (c) is subsequently returned at that election as a member of that House.
- (3) The person is not disqualified under section 15(1)(bza) at any time in the period of 8 days beginning with the day the person is returned as a member of the House of Commons.
- (4) A person is a “candidate for election to the House of Commons” if the person’s nomination paper for election as a member of the House of Commons has been delivered to the returning officer under rule 6 of Schedule 1 to the Representation of the People Act 1983 (parliamentary election rules).”.>

Graham Simpson

2* Before section 3, insert—

<Members of House of Lords to be disqualified for membership of the Parliament

Members of House of Lords to be disqualified for membership of the Parliament

- (1) The Scotland Act 1998 is modified as follows.
- (2) In section 15(1) (disqualification from membership of the Parliament), after paragraph (b) insert—

“(bza) he is a member of the House of Lords (but see section 15A),”.

- (3) After section 15 (disqualification from membership of the Parliament), insert—

“15A Exception from disqualification by virtue of being a member of the House of Lords

- (1) A person returned at an election as a member of Parliament is not disqualified under section 15(1)(bza) at any time in the period of 8 days beginning with the day the person is so returned.
- (2) A member of the Parliament who becomes a member of the House of Lords is not disqualified under section 15(1)(bza) at any time before the end of the period of 8 days beginning with the day the person makes and subscribes the oath required by the Parliamentary Oaths Act 1866 (c. 19) (or the corresponding affirmation).
- (3) A person is not disqualified under section 15(1)(bza) at any time when the person—
 - (a) has leave of absence from the House of Lords, or
 - (b) has made an application for leave of absence which has not been withdrawn or refused.
- (4) A person who is on leave of absence from the House of Lords immediately before the UK Parliament is dissolved is not disqualified from being a member of the Parliament under section 15(1)(bza) at any time in the period—
 - (a) beginning with the dissolution of the old UK Parliament, and
 - (b) ending at the end of the period of 8 days beginning with the day of the first meeting of the new UK Parliament.”.

(4) In section 16 (exceptions and relief from disqualification), subsection (1) is repealed.>

Ross Greer

58 Before section 3, insert—

<Members of House of Lords to be disqualified for membership of the Parliament

Members of House of Lords to be disqualified for membership of the Parliament

- (1) The Scotland Act 1998 is modified as follows.
- (2) In section 15 (disqualification from membership of the Parliament), after subsection (1)(b) insert—

“(bza) he is a member of the House of Lords,”.
- (3) In section 16 (exceptions and relief from disqualification)—
 - (a) subsection (1) is repealed,
 - (b) after subsection (2C), insert—

“(2D) A person is not disqualified under section 15(1)(bza) if he was returned as a member of the Parliament prior to the first ordinary general election after the Scottish Elections (Representation and Reform) Act 2024 received Royal Assent.”.>

Graham Simpson

3* Before section 3, insert—

<Members of local authority to be disqualified for membership of Scottish Parliament

Members of local authority to be disqualified for membership of Scottish Parliament

- (1) The Scotland Act 1998 is modified as follows.
- (2) In section 15(1) (disqualification from membership of the Parliament), after paragraph (b) insert—

“(bza) he is a member of a local authority (but see section 15A),”.

- (3) After section 15 (disqualification from membership of the Parliament), insert—

“15A Exception from disqualification by virtue of being a councillor: recently elected members

- (1) A person returned at an election as a member of Parliament is not disqualified under section 15(1)(bza) at any time in the period of 8 days beginning with the day the person is so returned.
- (2) A member of Parliament who is returned at an election as a councillor of a local authority is not disqualified under section 15(1)(bza) at any time before the end of the period of 8 days beginning with the day the person makes a declaration of acceptance of office of councillor under section 33A of the Local Government (Scotland) Act 1973.”.>

Ben Macpherson

- 59 Before section 3, insert—

<Disqualifications on basis of connection to Scotland

Disqualification: residence

- (1) The Scotland Act 1998 is modified as follows.
- (2) In section 15 (disqualification from membership of the Parliament) after subsection (1)(d) insert—

“(e) he is not ordinarily resident in Scotland.”.>

Section 3

Ross Greer

- 60 In section 3, page 3, line 2, at end insert—

<() Where this section applies, the court must—

- (a) take the aggravation under subsection (1)(c) into account in determining the appropriate sentence, and
- (b) state—
 - (i) where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or
 - (ii) otherwise, the reasons for there being no such difference.>

After section 3

Ross Greer

61 After section 3, insert—

<Disqualification order list

- (1) The Scottish Ministers must by regulations provide for the Electoral Management Board to establish and maintain a list of people who are subject to a Scottish disqualification order.
- (2) Regulations under subsection (1) must provide for the court to notify the Electoral Management Board whenever a Scottish disqualification order is made.
- (3) Regulations under subsection (1) may make provision—
 - (a) for or about information to be included in the list in respect of a person on that list, and
 - (b) for persons who must consult the list, including returning officers.
- (4) Regulations under subsection (1) are subject to the negative procedure.>

Section 7

Jamie Hepburn

10 In section 7, page 4, line 18, leave out <(b)> and insert <(bza) (inserted by section (*Scottish Parliament: disqualification relating to sexual offences etc.*))>

Section 8

Jamie Hepburn

11 In section 8, page 4, line 27, leave out <(d) insert “, or— > and insert <(da) (*inserted by section (Local authorities: disqualifications relating to sexual offences etc.*))>, insert— “>

After section 11

Ross Greer

62 After section 11, insert—

<Disqualification orders: aggravation

- (1) The Elections Act 2022 is modified as follows.
- (2) In section 30—
 - (a) after subsection (3) insert—

“(3A) Where the court is a Scottish court, it must—

 - (a) take the aggravation under subsection (1)(c) into account when determining the appropriate sentence, and

- (b) state—
 - (i) where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or
 - (ii) otherwise, the reasons for there being no such difference.”,
- (b) in subsection (9), after the definition of “Schedule 9 offence” insert—
 - ““Scottish court” means a court with jurisdiction over Scottish criminal law offences.”.>

Section 12

Jamie Hepburn

12 In section 12, page 5, leave out lines 19 to 32 and insert—

<<(1AA)A person who is subject to—

- (a) any relevant notification requirements,
- (b) a relevant sexual harm or risk order, or
- (c) a relevant disqualification order,

is not disqualified merely because of section 15(1)(bza), (ba) or, as the case may be, (bb) until the appropriate time.

(1AB)The appropriate time is—

- (a) the end of the period of 3 months beginning with the date of the imposition of the requirements or of the order date, or
- (b) if earlier, the expiry of the ordinary period allowed for making—
 - (i) an appeal or application in respect of the conviction, finding, order or certification to which the relevant notification requirements relate,
 - (ii) an appeal against the relevant sexual harm or risk order, or
 - (iii) an appeal against the conviction or the making of the disqualification order.

(1AC) But if, before the appropriate time mentioned in subsection (1AB), the person makes such an appeal or application, the person is disqualified at the end of the period of 3 months beginning with the date of the imposition of the requirements or of the order date unless—

- (a) the appeal or application is dismissed or abandoned at any earlier time (in which case the person is disqualified at that time), or
- (b) at any time within that period of 3 months the appeal or application is upheld (in which case the person is not disqualified).”.>

Jamie Hepburn

13 In section 12, page 5, line 33, after second <15(1)(b)> insert <, (bza)>

Jamie Hepburn

- 14 In section 12, page 5, line 36, after <relevant> insert <sexual harm or risk order or, as the case may be, relevant disqualification>

Jamie Hepburn

- 15 In section 12, page 6, line 1, after <relevant> insert <disqualification>

Jamie Hepburn

- 16 In section 12, page 6, line 8, leave out <16(1A)> and insert <16(1AA)>

Jamie Hepburn

- 17 In section 12, page 6, leave out lines 14 to 27 and insert—

<“(1ZZA)A person who is subject to—

- (a) any relevant notification requirements,
- (b) a relevant sexual harm or risk order, or
- (c) a relevant disqualification order,

is not disqualified merely because of subsection (1)(da), (e) or, as the case may be, (f) until the appropriate time.

(1ZZB) The appropriate time is—

- (a) the end of the period of 3 months beginning with the date of the imposition of the requirements or of the order date, or
- (b) if earlier, the expiry of the ordinary period allowed for making—
 - (i) an appeal or application in respect of the conviction, finding, order or certification to which the relevant notification requirements relate,
 - (ii) an appeal against the relevant sexual harm or risk order, or
 - (iii) an appeal against the conviction or the making of the disqualification order.

(1ZZC) But if, before the appropriate time mentioned in subsection (1ZZB), the person makes such an appeal or application, the person is disqualified at the end of the period of 3 months beginning with the date of the imposition of the requirements or of the order date unless—

- (a) the appeal or application is dismissed or abandoned at any earlier time (in which case the person is disqualified at that time), or
- (b) at any time within that period of 3 months the appeal or application is upheld (in which case the person is not disqualified).

(1ZZD) A person who is subject to any relevant notification requirements, a relevant sexual harm or risk order or a relevant disqualification order is suspended from performing any of the functions of a member of a local authority during the period beginning with the date of the imposition of the requirements or of the order date and ending with the date on which—

- (a) the office is vacated in accordance with subsection (1ZZB) or (1ZZC), or

(b) an appeal mentioned in subsection (1ZZB) is upheld.”>

Jamie Hepburn

18 In section 12, page 6, line 30, after the second <the> insert <relevant sexual harm or risk order or, as the case may be, relevant>

Jamie Hepburn

19 In section 12, page 6, line 32, after <relevant> insert <disqualification>

After section 12

Jamie Hepburn

20 After section 12, insert—

<Transitional provision: disqualifications relating to sexual offences etc.

- 5 (1) If a person who holds office as a member of the Scottish Parliament on the day on which section (*Scottish Parliament: disqualification relating to sexual offences etc.*) comes into force is subject to any relevant notification requirements or a relevant sexual harm or risk order on that day, the amendments made by that section—
- (a) do not have the effect of disqualifying that person, in respect of those requirements or of that order, for that person’s remaining term of office, but
- 10 (b) do have effect in relation to that person, in respect of those requirements or of that order, from the earlier of the day—
- (i) of the first ordinary general election for membership of the Parliament (see section 2 of the Scotland Act 1998) held after the day on which section (*Scottish Parliament: disqualification relating to sexual offences etc.*) comes into force, or
- 15 (ii) on which an election is held in accordance with section 9 of the Scotland Act 1998, following that member’s seat becoming vacant after the day on which section (*Scottish Parliament: disqualification relating to sexual offences etc.*) comes into force.
- 20 (2) If a person who holds office as a member of a local authority on the day on which section (*Local authorities: disqualifications relating to sexual offences etc.*) comes into force is subject to any relevant notification requirements or a relevant sexual harm or risk order on that day, the amendments made by that section—
- (a) do not have the effect of disqualifying that person, in respect of those requirements or of that order, for that person’s remaining term of office, but
- 25 (b) do have effect in relation to that person, in respect of those requirements or of that order, from the earlier of the day—
- (i) of the first ordinary local election (within the meaning of section 43(1C) of the Representation of the People Act 1983) held after the day on which section (*Local authorities: disqualifications relating to sexual offences etc.*) comes into force, or
- 30 (ii) on which an election in accordance with section 37 of the Local Government (Scotland) Act 1973 is held following a casual vacancy in that person’s office

occurring after the day on which section (*Local authorities: disqualifications relating to sexual offences etc.*) comes into force.

35 (3) In this section—

“relevant notification requirements” has the same meaning as in section 31(3C) of the Local Government (Scotland) Act 1973 as first enacted,

“relevant sexual harm or risk order” has the same meaning as in section 31(3D) of the Local Government (Scotland) Act 1973 as first enacted.>

Annie Wells

20A As an amendment to amendment 20, line 5, after <is> insert <or has been>

Annie Wells

20B As an amendment to amendment 20, line 20, after <is> insert <or has been>

Section 15

Jamie Hepburn

21 In section 15, page 8, line 1, leave out <(b) or (c)>

Section 20

Jamie Hepburn

22 In section 20, page 12, line 4, at end insert—

<(5G) As soon as reasonably practicable after proposing a day for the holding of the poll under subsection (5) or (as the case may be) subsection (5E), the Presiding Officer must publish, in such manner as the Presiding Officer considers appropriate, a statement setting out—

- (a) the day proposed for the holding of the poll, and
- (b) the reasons for the making of the proposal.”.>

Section 23

Jamie Hepburn

23 In section 23, page 12, line 25, leave out from <after subsection (4)> to end of line 34 and insert <for subsection (3), substitute—

“(3) The period allowed is—

- (a) the period of 28 days which begins with the day on which the event in question occurs, but—
 - (i) if another of those events occurs within the period allowed, that period is extended (subject to sub-paragraph (ii)) so that it ends with the period of 28 days beginning with the day on which that other event occurred, and

- (ii) the period ends if the Parliament passes a resolution under section 3(1)(a) or when His Majesty appoints a person as First Minister, but
- (b) if the Parliament does not meet within the period of 7 days beginning immediately after the day of the poll at a general election that was held on a day proposed by the Presiding Officer in accordance with a proclamation made by His Majesty under section 2(5) or (5E), the initial period of 28 days calculated under paragraph (a) is to be extended by disregarding any days in the period subsequent to that 7 day period and before the Parliament first meets.”.>

Section 24

Jamie Hepburn

24 In section 24, page 13, line 24, at end insert—

<(4F) As soon as reasonably practicable after fixing a date under subsection (4B) or (as the case may be) determining that an election is not to be held under subsection (4D), the Presiding Officer must publish, in such manner as the Presiding Officer considers appropriate, a statement setting out—

- (a) either—
 - (i) the date fixed for the holding of the poll, or (as the case may be)
 - (ii) that an election is not to be held, and
- (b) the reasons for the exercise of the power.”.>

Section 25

Jamie Hepburn

25 In section 25, page 13, line 36, leave out <2> and insert <4>

Jamie Hepburn

26 In section 25, page 13, line 39, leave out <and>

Jamie Hepburn

27 In section 25, page 13, line 40, at end insert <, and

- (c) the Secretary of State.>

Jamie Hepburn

28 In section 25, page 13, line 40, at end insert—

<(2A) As soon as reasonably practicable after fixing a day under subsection (1), the convener must publish, in such manner as the convener considers appropriate, a statement setting out—

- (a) the day fixed for the holding of the poll, and
- (b) the reasons for the exercise of the power.>

Section 26

Jamie Hepburn

- 29 In section 26, page 14, line 14, leave out <2> and insert <4>

Jamie Hepburn

- 30 In section 26, page 14, line 17, at end insert—
<(za) the Secretary of State,>

Jamie Hepburn

- 31 In section 26, page 14, line 19, at end insert—
<(2A) As soon as reasonably practicable after fixing a day under subsection (1), the returning officer must publish, in such manner as the returning officer considers appropriate, a statement setting out—
(a) the day fixed for the holding of the poll, and
(b) the reasons for the exercise of the power.>

Section 27

Jamie Hepburn

- 32 In section 27, page 15, line 14, at end insert—
<(5A) As soon as reasonably practicable after fixing a date under subsection (2) or (as the case may be) subsection (4), the returning officer must publish, in such manner as the returning officer considers appropriate, a statement setting out—
(a) the date fixed for the holding of the poll, and
(b) the reasons for the exercise of the power.>

Jamie Hepburn

- 33 In section 27, page 15, line 36, at end insert—
<(4) As soon as reasonably practicable after fixing a date under subsection (2), the returning officer must publish, in such manner as the returning officer considers appropriate, a statement setting out—
(a) the date fixed for the holding of the poll, and
(b) the reasons for the exercise of the power.>

Jamie Hepburn

- 34 In section 27, page 16, line 11, at end insert—
<(3A) As soon as reasonably practicable after determining that an election is not to be held under subsection (2), the returning officer must publish, in such manner as the returning officer considers appropriate, a statement setting out—
(a) that an election is not to be held, and

- (b) the reasons for the exercise of the power.>

After section 27

Ross Greer

- 63 After section 27, insert—

<PART

NOMINATION OF CANDIDATE: HOME ADDRESS FORM

Nomination of candidate in local government elections: home address form

- (1) The Scottish Local Government Elections Order 2011 is modified as follows.
- (2) In Schedule 1—
 - (a) in paragraph 4(11)(b)(i) for the words “the name of the relevant area” substitute “which of the relevant areas under rule 4(12) the candidate wants to be made public”,
 - (b) in paragraph 4(12) in the definition of “relevant area” after “Scotland” insert—

“() the electoral ward, or
()”,
 - (c) in paragraph 14(2)(ab) after “located” insert “as indicated on the home address form”.>

Ross Greer

- 64 After section 27, insert—

<PART

ELECTION AGENT AND SUB-AGENT HOME ADDRESS

Election agent and sub-agent in Scottish Parliament elections: public notice of home address

- (1) The Scottish Parliament (Elections etc.) Order 2015 is modified as follows.
- (2) In regulation 32—
 - (a) in paragraph (8) after second “address” insert “, unless a request is made by the election agent under paragraph (9)”,
 - (b) after paragraph (8) insert—

“(9) A declaration under regulation 32(1) may include a request by the election agent that any public notice of their address is to a correspondence address rather than their home address.
 - (10) A request under paragraph (9) must be granted by the returning officer where an alternative correspondence address has been provided.”.
- (3) In regulation 33—
 - (a) in paragraph (5) after “declared” insert “, unless a request is made by the sub-agent under paragraph (5A)”,
 - (b) after paragraph (5) insert—

“(5A) A declaration under regulation 33(5) may include a request by the sub-agent that any public notice of their address is to a correspondence address rather than their home address.

(5B) A request under paragraph (5A) must be granted by the returning officer where an alternative correspondence address has been provided.”.>

Ross Greer

65 After section 27, insert—

<PART

ELECTION AGENT AND SUB-AGENT HOME ADDRESS

Election agent and sub-agent in local government elections: public notice of home address

- (1) The Representation of the People Act 1983 is modified as follows.
- (2) In section 67 (appointment of election agent)—
 - (a) in subsection (6) after second “address” insert “, unless subsection (6ZA) applies”,
 - (b) after subsection (6) insert—

“(6ZA) Where an election agent is appointed in a Scottish local government election, a declaration under section 67(1) may include a request by the election agent that any public notice of their address is to a correspondence address rather than their home address.

(6ZB) A request under subsection (6ZA) must be granted by the returning officer where an alternative correspondence address has been provided.”.
- (3) In section 68 (nomination of sub-agent at parliamentary or Authority elections)—
 - (a) in subsection (3) after “declared” insert “, unless subsection (3A) applies”,
 - (b) after subsection (3) insert—

“(3A) Where a sub-agent is appointed in a Scottish local government election, a declaration under section 68(3) may include a request by the sub-agent that any public notice of their address is to a correspondence address rather than their home address.

(3B) A request under subsection (3A) must be granted by the returning officer where an alternative correspondence address has been provided.”.>

Ross Greer

66 After section 27, insert—

<PART

FORM OF BALLOT PAPERS

Form of ballot papers in Scottish Parliament elections: order of candidates

- (1) The Scottish Parliament (Elections etc) Order 2015 is modified as follows.

- (2) In schedule 2—
- (a) in paragraph 27(4), for “alphabetical, as set out in the statement required by rule 18” substitute “a random order”,
 - (b) in paragraph 28(4), for “alphabetical, as set out in the statement required by rule 19” substitute “a random order”.>

Ross Greer

67 After section 27, insert—

<PART

FORM OF BALLOT PAPERS

Form of ballot papers in local government elections: order of candidates

- (1) The Scottish Local Government Elections Order 2011 is modified as follows.
- (2) In schedule 1, in paragraph 14(2)—
 - (a) in sub-sub-paragraph (a), for “alphabetically in the order of their surnames” substitute “in a random order”,
 - (b) sub-sub-paragraph (c) is repealed.>

Ross Greer

68 After section 27, insert—

<PART

NOMINATION OF BY-ELECTION CANDIDATE

Nomination of by-election candidate

- (1) The Scottish Ministers must by regulations provide for a system where a nominating officer of a party that had returned an elected candidate in a local government election may nominate a candidate to fill a vacancy in a multi-member ward where the vacancy arises due to the resignation or death of the person who had been so returned.
- (2) Regulations under subsection (1) must not come into force before the next scheduled ordinary election of councillors for local government areas in Scotland.
- (3) Regulations under subsection (1) are subject to the affirmative procedure.>

Section 28

Ross Greer

69 In section 28, page 16, line 24, at end insert—

<<(1ZA)Where the proposed scheme would change the method used to cast votes, the Scottish Ministers must not make any order under subsection (1) unless the proposed scheme has been approved by resolution of the Scottish Parliament.>

Jamie Hepburn

35 In section 28, page 16, line 27, after <Scotland> insert <, the Electoral Commission>

Jamie Hepburn

- 36 In section 28, page 16, line 31, after <Scotland> insert <, if the Board has consulted the Electoral Commission>

Jamie Hepburn

- 37 In section 28, page 16, line 36, after <Scotland> insert <and the Electoral Commission>

Jamie Hepburn

- 38 In section 28, page 17, line 6, after <Scotland> insert <and the Electoral Commission>

Jamie Hepburn

- 39 In section 28, page 17, line 18, after <consult> insert <the Electoral Commission,>

Jamie Hepburn

- 40 In section 28, page 17, line 23, for <(i)> substitute <(a)(i)>

Jamie Hepburn

- 41 In section 28, page 17, line 24, for <(ii)> substitute <(a)(ii)>

Jamie Hepburn

- 42 In section 28, page 17, line 26, for <that paragraph> substitute <paragraph (a)(ii)>

Jamie Hepburn

- 43 In section 28, page 17, line 33, leave out from <(1)> to end of line 37 and insert <(3) insert—
“(3A) Before laying such a draft before the Parliament the Scottish Ministers must consult—
(a) the Electoral Management Board for Scotland,
(b) the Electoral Commission, and
(c) such other persons as the Scottish Ministers consider appropriate.”>

After section 28

Bob Doris

- 4 After section 28, insert—

<Pilot for registration of electors

Registration of electors pilot provision: power to make temporary provision

- (1) This section applies where a proposal has been made in accordance with section (*Proposals for registration of electors pilot provision*).
- (2) The Scottish Ministers may by regulations make temporary provision about the registration of electors (“registration of electors pilot provision”).

- (3) A registration of electors pilot provision is a provision that—
 - (a) relates to the registration of persons in a register of local government electors maintained under section 9(1)(b) of the Representation of the People Act 1983 for any area in Scotland,
 - (b) has effect for a specified period,
 - (c) applies in relation to a register of local government electors for a local government area or parts of local government areas, and
 - (d) is either—
 - (i) not in relevant Scottish elections legislation,
 - (ii) different from provision in relevant Scottish elections legislation, or
 - (iii) connected to provision of the kind specified in sub-paragraph (i) or (ii).
- (4) A registration of electors pilot provision—
 - (a) may (in particular) include provision about—
 - (i) the rights and duties of individuals as regards registration,
 - (ii) the administration of registration and registers of local government electors,
 - (iii) access to and publication of registers of local government electors,
 - (iv) any other matter which relates to action to be taken, or procedure to be carried out, as regards registration,
 - (b) may also include provision about the processing of information for and in connection with any matter as regards registration, which may (in particular)—
 - (i) authorise or require a person or description of persons to provide information to such other persons or descriptions of persons, in such form and in such circumstances as may be specified,
 - (ii) authorise the Scottish Ministers (and any persons acting on their behalf) to provide information to such other persons or descriptions of persons, in such form and in such circumstances as may be specified,
 - (c) may not include provision about a person's entitlement to be registered in a register of local government electors for any local authority area.
- (5) Regulations under subsection (2) must specify the day before which the Electoral Commission must send its report under section (*Evaluation of registration of electors pilot provision by Electoral Commission*).
- (6) Regulations under subsection (2) may—
 - (a) make different provision for different purposes, areas, persons or categories of persons,
 - (b) make consequential, supplementary, incidental, transitional or saving provision,
 - (c) modify any enactment.
- (7) If the regulations under subsection (2) make provision modifying any enactment, the regulations must provide for the modifications to cease to have effect at the end of such period as is specified (and different periods may be specified in relation to different modifications).

(8) In this section—

“processing” is to be construed in accordance with section 3(4) of the Data Protection Act 2018,

“relevant Scottish elections legislation” means an enactment that applies in relation to the registration of persons in a register of local government electors for the purpose of entitling that person to vote in—

- (a) an election for membership of the Scottish Parliament,
- (b) a local government election in Scotland,

“specified” means specified in, or determined under, regulations under subsection (2).

(9) Regulations under subsection (2) are subject to the negative procedure.>

Bob Doris

5 After section 28, insert—

<Proposals for registration of electors pilot provision

- (1) A registration of electors pilot provision under section (*Registration of electors pilot provision: power to make temporary provision*) may be proposed by—
 - (a) the Scottish Ministers after consulting—
 - (i) the Electoral Commission,
 - (ii) the Electoral Management Board for Scotland, and
 - (iii) such other persons as they consider appropriate, or
 - (b) a person mentioned in subsection (2) submitting a proposal to the Scottish Ministers.
- (2) The persons are—
 - (a) the Electoral Management Board for Scotland, if the Board has consulted the Electoral Commission,
 - (b) a local authority if—
 - (i) the proposed pilot relates to a register of local government electors in the authority’s area, and
 - (ii) the authority has consulted—
 - (A) the Electoral Commission, and
 - (B) the Electoral Management Board for Scotland,
 - (c) an electoral registration officer if—
 - (i) the proposed pilot relates to a register of electors for the local government areas or parts of local government areas included in the area for which the officer acts, and
 - (ii) the officer has consulted—
 - (A) the Electoral Commission, and
 - (B) the Electoral Management Board for Scotland.

- (3) A person who may make a proposal under subsection (1)(b) may make the proposal jointly with one or more other persons making a proposal under that subsection.
- (4) Any duty to consult a person with whom the person makes a joint proposal does not apply.
- (5) Where a pilot is proposed by a person (or persons acting jointly) mentioned in subsection (2) the proposal and the proposed pilot may be approved by the Scottish Ministers either without modification or with such modifications as the Scottish Ministers consider appropriate.
- (6) A registration of electors pilot provision may only be made where, in the opinion of the Scottish Ministers or, in the case where a pilot is the subject of a proposal by a person (or persons acting jointly) mentioned in subsection (2), the person or persons who proposed that pilot, that provision is likely to—
 - (a) facilitate registration by any persons or any particular description of persons, or
 - (b) encourage more persons, or more persons of a particular description, to register.
- (7) The Scottish Ministers—
 - (a) may, in order to inform their consideration of a proposal submitted to them under subsection (1)(b) and how they might deal with it, consult such persons as they think appropriate,
 - (b) must, before making any modification in accordance with subsection (5) consult the Electoral Management Board for Scotland and, if the proposal was not submitted by the Board, the person (or persons acting jointly) who submitted the proposal.
- (8) In this section and in section (*Evaluation of registration of electors pilot provision by Electoral Commission*) “electoral registration officer” means an officer appointed under section 8(3) of the Representation of the People Act 1983.>

Bob Doris

6 After section 28, insert—

<Evaluation of registration of electors pilot provision by Electoral Commission

- (1) The Electoral Commission must prepare a report on the operation of a registration of electors pilot provision made by regulations under section (*Registration of electors pilot provision: power to make temporary provision*)(2) before the day specified under subsection (5) of that section (or such later date as the Commission and the Scottish Ministers may agree).
- (2) The report must contain, in particular—
 - (a) a description of the way in which the provision made by the regulations differed from the provisions which would otherwise have applied (including, for example, by virtue of the Representation of the People Act 1983),
 - (b) a copy of the registration of electors pilot provision,
 - (c) an assessment of the success or otherwise of the pilot provision in—
 - (i) facilitating registration by any persons or any particular description of persons, or
 - (ii) encouraging more persons, or more persons of a particular description, to register,

- (d) the arrangements made under the regulations to assist disabled persons (within the meaning of section 6(2) of the Equality Act 2010) to register,
 - (e) an assessment of whether persons found the procedures for registration easy to use,
 - (f) an assessment of whether the procedures provided under the regulations led to any incidence of, or increase in, impersonation or other electoral offences or in any other malpractice in connection with elections,
 - (g) an assessment of whether provision similar to that made by the regulations should apply generally, and on a permanent basis, in relation to the registration of persons in a register of local government electors maintained under section 9(1)(b) of the Representation of the People Act 1983 for all areas in Scotland,
 - (h) any other matter relating to the registration of electors pilot provision as the Scottish Ministers may direct.
- (3) In preparing the report, the Electoral Commission may consult such persons as they think appropriate.
- (4) The Electoral Commission must, before the day specified under section (*Registration of electors pilot provision: power to make temporary provision*)(5) (or such later date as the Commission and the Scottish Ministers may agree)—
- (a) send a copy of the report to—
 - (i) the Scottish Ministers,
 - (ii) any local authority in whose area the registration of electors pilot provision relates,
 - (iii) the Electoral Management Board for Scotland, and
 - (iv) where the pilot was proposed by an electoral registration officer under section (*Proposal for registration of electors pilot provision*)(1)(b), that officer, and
 - (b) publish the report in such manner as they think fit.>

Bob Doris

7 After section 28, insert—

<Power to permanently modify provision about registration of electors

- (1) The power in subsection (3) applies if—
 - (a) the Scottish Ministers consider, in the light of a report made under section (*Evaluation of registration of electors pilot provision by Electoral Commission*) on the operation of registration of electors pilot provision, that it would be desirable to achieve the reform outcome described in subsection (2) (“the reform outcome”), and
 - (b) the Electoral Commission recommends making regulations under this section to achieve the reform outcome.
- (2) The reform outcome is for provision similar to that made by a registration of electors pilot provision to apply generally, and on a permanent basis, in relation to the registration of persons in a register of local government electors maintained under section 9(1)(b) of the Representation of the People Act 1983 for all areas in Scotland.
- (3) The Scottish Ministers may by regulations make provision for or in connection with the registration of persons in a register of local government electors to achieve the reform outcome.

- (4) Before laying a draft of a Scottish statutory instrument containing regulations under subsection (3), the Scottish Ministers must consult—
 - (a) the Electoral Management Board for Scotland, and
 - (b) such other persons as the Scottish Ministers consider appropriate
- (5) Subsections (4), (6) and (8) of section (*Registration of electors pilot provision: power to make temporary provision*) apply to regulations made under subsection (3) as they apply to regulations made under subsection (2) of that section.
- (6) When laying a draft of a Scottish statutory instrument containing regulations under subsection (3), the Scottish Ministers must also lay before the Scottish Parliament a copy of the report prepared by the Electoral Commission under section (*Evaluation of registration of electors pilot provision by Electoral Commission*).
- (7) Nothing in this section affects the other powers of the Scottish Ministers to make provision for or in connection with the registration of persons in a register of local government electors.
- (8) Regulations under subsection (3) are subject to the affirmative procedure.>

Section 29

Ross Greer

70 In section 29, page 18, line 7, at end insert—

- <() Without prejudice to the generality of subsections (1) and (2) activities funded under this section may include automatic voter registration at educational establishments.>

Ross Greer

71 In section 29, page 18, line 11, at end insert—

- <() In considering whether to provide financial assistance under subsection (3), the Scottish Ministers must have regard to the impact of the activity or activities in relation to persons with protected characteristics listed in section 4 of the Equality Act 2010.>

After section 29

Jamie Hepburn

44 After section 29, insert—

<Scottish Ministers’ power to make provision about elections under the Local Governance (Scotland) Act 2004

- (1) The Local Governance (Scotland) Act 2004 is modified as follows.
- (2) In section 3 (power to make further provision about local government elections), after subsection (3) insert—
 - “(3A) Provision made by such an order by virtue of subsection (1)(a) may include provision which—
 - (a) refers to a document of a particular description as is published from time to time by such person as the order may specify, and

- (b) gives effect to such a document which meets the conditions or criteria (if any) as the order may specify.”>

Jeremy Balfour

54 After section 29, insert—

<Access to Elected Office Fund

- (1) The Scottish Ministers must maintain a fund—
 - (a) that is named the Access to Elected Office Fund,
 - (b) that provides financial support to disabled persons (within the meaning of section 6(2) of the Equality Act 2010) participating as candidates in—
 - (i) a Scottish Parliamentary general election,
 - (ii) an election held under section 9 of the Scotland Act 1998 (constituency vacancies), or
 - (iii) a local government election (within the meaning of section 204(1) of the Representation of the People Act 1983).
- (2) The Scottish Ministers may from time to time make payments into the Fund of such amounts as they may determine.
- (3) The Scottish Ministers must make arrangements—
 - (a) about the procedure or rules for making payments out of the Fund to disabled persons who are candidates at an election mentioned in paragraphs (i) to (iii) of subsection (1)(b),
 - (b) designating a person to be responsible to administer the making of payments in accordance with that procedure or rules.
- (4) The arrangements under subsection (3)(a) must include provision that payments are only to be made to candidates to the extent that they are reasonably attributable to the candidate having a physical or mental impairment that has a substantial and long-term adverse effect on the candidate’s ability to carry out normal day-to-day activities.
- (5) The Scottish Ministers may only designate a person in accordance with subsection (3)(b) if a draft of the designation has been laid before, and approved by resolution of, the Scottish Parliament.
- (6) The duties mentioned in subsections (1) and (3) may be fulfilled by the continuation of any existing fund which is established and maintained administratively by the Scottish Ministers, including continuing with the administrative arrangements for that fund and with the person responsible for administering that fund (without the need for designation under subsection (5)).
- (7) As soon as reasonably practicable after each ordinary general election for membership of the Parliament (see section 2 of the Scotland Act 1998) and each ordinary local election (within the meaning of section 43(1C) of the Representation of the People Act 1983), the Scottish Ministers must—
 - (a) prepare a report on the operation of the Fund,
 - (b) publish the report in such manner as they consider appropriate.
- (8) Nothing in this section affects any other power of the Scottish Ministers to make arrangements for or in connection with providing financial support to disabled persons

participating as candidates at any election mentioned in paragraphs (i) to (iii) of subsection (1)(b).>

Section 38

Jamie Hepburn

45 In section 38, page 23, line 14 leave out first <under>

Section 41

Jamie Hepburn

46 In section 41, page 24, line 36, leave out <or a constable>

Jamie Hepburn

47 In section 41, page 24, line 38, leave out <or a constable>

Section 45

Ross Greer

72 In section 45, page 26, line 25, at end insert—

<() In section 14 (duty and power to review local government areas), after subsection (4) insert—

“(5) Any review under this section must be completed no less than 18 months before the date of the next normally scheduled election.”>

Ross Greer

73 In section 45, page 26, line 26, after <arrangements),> insert <—

()>

Ross Greer

74 In section 45, page 26, line 27, at end insert—

<() after subsection (3), insert—

“(4) Any proposals under subsection (1) must be made no less than 18 months before the date of the next normally scheduled election.”>

Before section 46

Bob Doris

75 Before section 46, insert—

<Education about electoral and democratic systems

(1) The Political Parties, Elections and Referendums Act 2000 is modified as follows.

- (2) In section 13 (education about electoral and democratic systems), after subsection (1)(a) insert—

“(aa) marking of ballot papers in any election mentioned in section 9A(5A)(a) to (c).”>

Bob Doris

- 76 Before section 46, insert—

<Electoral Commission’s annual report: spoilt ballot papers

- (1) Each report by the Electoral Commission under paragraph 20A of schedule 1 of the Political Parties, Elections and Referendums Act 2000 (“PPERA”) must contain information about what steps the Electoral Commission has taken to reduce the number of spoilt ballot papers in devolved Scottish elections.
- (2) In this section—

“devolved Scottish elections” means any election mentioned in section 9A(5A)(a) to (c) of PERA,

“spoilt ballot paper” means a ballot paper that the voter has inadvertently dealt with in such a manner that it cannot be conveniently used as a ballot paper.>

Section 46

Bob Doris

- 77 In section 46, page 27, line 24, at end insert—

<(1A) A plan under sub-paragraph (1) must include how the Commission will aim to reduce the number of spoilt ballot papers at the elections mentioned in sub-paragraph (9)(a) during the period.

(1B) In sub-paragraph (1A) a “spoilt ballot paper” means a ballot paper that the voter has inadvertently dealt with in such a manner that it cannot be conveniently used as a ballot paper.>

Jamie Hepburn

- 48 In section 46, page 28, line 5, leave out <code> and insert <plan>

After section 46

Bob Doris

- 55 After section 46, insert—

<Reports on promotion of public awareness about elections

- (1) The Political Parties, Elections and Referendums Act 2000 is modified as follows.
- (2) In section 5 (reports on elections and referendums)—
- (a) after subsection (2D) insert—

“(2DA) Subsections (2DB) and (2DC) apply where a report under this section relates to one of the following elections—

- (a) a Scottish Parliamentary general election, or
- (b) an ordinary election of councillors for local government areas in Scotland.

(2DB) The report must include a description of the steps taken by—

- (a) the Commission in performing their functions under section 13(1), and
- (b) returning officers,

to promote public awareness about the election and how to vote in it (including, in particular, how to fill in a ballot paper).

(2DC) The report may also include a description of steps taken by any other person to promote public awareness about the election and how to vote in it.”,

(b) in subsection (2E), for “subsection (2D)” substitute “subsections (2D) and (2DB)”.>

Bob Doris

56 After section 46, insert—

<Electoral Commission strategy: spoilt ballot papers

- (1) The Electoral Commission must, before each ordinary local election—
 - (a) prepare a strategy for reducing the number of spoilt ballot papers at the election, and
 - (b) publish the strategy in such manner as the Commission thinks fit.
- (2) In this section—

“ordinary local election” has the meaning given in section 43(1C) of the Representation of the People Act 1983,

“spoilt ballot paper” means a ballot paper that the voter has inadvertently dealt with in such a manner that it cannot be conveniently used as a ballot paper.>

Section 47

Jamie Hepburn

49 In section 47, page 28, line 35, after <Scotland> insert <—

<()>

Jamie Hepburn

50 In section 47, page 28, line 38, at end insert—

<() after subsection (3) insert—

“(4) The schedule makes further provision about the status, membership, etc. of the Board and about other administrative matters in connection with the Board.”.>

Jamie Hepburn

51 In section 47, page 28, line 39 leave out subsections (3) to (5) and insert—

<(3A) Sections 2 to 4 are repealed.

(3B) After section 7, insert—

“Planning and reporting on the Board’s functions

7A Strategic plans

- (1) The Board must, at least 6 months before the start of a 5 year period, submit to the Parliamentary corporation a plan (referred to in this section as a “strategic plan”) setting out, for that 5 year period—
 - (a) the Board’s strategic and policy priorities relating to those of its functions mentioned in section 1(3),
 - (b) how it proposes to achieve them,
 - (c) timetables for doing so, and
 - (d) estimates of the costs of doing so.
- (2) The Parliamentary corporation—
 - (a) must examine each strategic plan submitted to it,
 - (b) must decide whether it is satisfied with the plan, and
 - (c) if it is not so satisfied, may recommend such modifications to the plan as it considers appropriate.
- (3) Before deciding whether it is so satisfied or making any such recommendations, the Parliamentary corporation may provide a draft of the strategic plan and invite, and (if any are given) consider, comments on it from—
 - (a) a committee of the Scottish Parliament, and
 - (b) such other persons as the Parliamentary corporation consider appropriate.
- (4) The Parliamentary corporation must, as soon as reasonably practicable after concluding its examination and making its recommendations (if any) under subsection (2), report to the Board on its findings and recommendations.
- (5) After the Parliamentary corporation has reported to the Board under subsection (4), the Board must—
 - (a) make whatever modifications to the draft strategic plan the Board consider necessary in light of the Parliamentary corporation’s findings and recommendations,
 - (b) lay the plan before the Scottish Parliament, and
 - (c) if the Board do not follow any of the Parliamentary corporation’s recommendations for modifications to the plan under this section, lay before the Scottish Parliament a document describing its reasons for so doing.
- (6) The Board may, at any time during the 5 year period to which a plan relates, review the strategic plan for that period and submit a revised plan to the Parliamentary corporation setting out the matters mentioned in subsection (1).

- (7) Subsections (2) to (5) apply to a revised plan submitted under subsection (6) as they apply to a strategic plan submitted under subsection (1).
- (8) In this section, “5 year period” means each period of 5 years beginning on the first day of the financial year following each ordinary local election (within the meaning of section 43(1C) of the Representation of the People Act 1983).

7B Reports requested by the Scottish Ministers

- (1) The Scottish Ministers may request that the Board—
 - (a) review, and
 - (b) submit a report to them on,any matter relating to the Board’s functions mentioned in section 1(3).
 - (2) Before making a request under subsection (1), the Scottish Ministers must consult the Parliamentary corporation.
 - (3) The Board must comply with a request under subsection (1) within such time as the Scottish Ministers may request, or such later time as Ministers and the Board may agree.
 - (4) The Board may, after submitting a report under this section, publish the report in such manner as it considers appropriate.”.
- (3C) Section 8 and the cross heading immediately preceding it are repealed.
- (3D) In section 9 (interpretation of Part 1)—
- (a) after “Part” insert “and in the schedule”,
 - (b) after the definition of “electoral registration officer”, insert—
 - ““former depute returning officer” means an individual who no longer holds the office but who was previously—
 - (a) a depute returning officer, or
 - (b) a RUK depute returning officer,“former electoral registration officer” means an individual who no longer holds the office but who was previously—
 - (a) an electoral registration officer, or
 - (b) a RUK electoral registration officer,“former returning officer” means an individual who no longer holds the office but who was previously—
 - (a) a returning officer, or
 - (b) a RUK returning officer,”,
 - (c) after the definition of “local government election”, insert—
 - ““Parliamentary corporation” means the Scottish Parliamentary Corporate Body,”,
 - (d) after the definition of “returning officer”, insert—

““RUK depute returning officer” means a person appointed as a depute section 35(4) of the 1983 Act,

“RUK electoral registration officer” means an officer appointed under, or holding office in accordance with, section 8(2), (2A) or (4) of the 1983 Act,

“RUK returning officer” means an officer holding office in accordance with section 24 or 26 of the 1983 Act,” and

(e) in the section title, after “Part 1” insert “and the schedule”.

(3E) After section 22 (short title), insert as a schedule—

“SCHEDULE
(introduced by section 1(4))

ELECTORAL MANAGEMENT BOARD FOR SCOTLAND

Status

- 1 (1) The Board, its members and staff—
 - (a) are not servants or agents of the Crown, and
 - (b) have no status, immunity or privilege of the Crown.
- (2) The Board’s property is not property of, or property held on behalf of, the Crown.

Membership

- 2 (1) The Board is to consist of—
 - (a) a convener, who must be either—
 - (i) a returning officer,
 - (ii) a RUK returning officer, or
 - (iii) a former returning officer, and
 - (b) 8 other members of whom—
 - (i) 5 are to be from the RO category, and
 - (ii) 3 are to be from the ERO category.
- (2) In this schedule—
 - (a) a person is part of “the RO category” if the person is—
 - (i) a returning officer,
 - (ii) a depute returning officer,
 - (iii) a RUK returning officer,
 - (iv) a RUK depute returning officer,
 - (v) a former returning officer,
 - (vi) a former depute returning officer, and
 - (b) a person is part of “the ERO category” if the person is—
 - (i) an electoral registration officer,

- (ii) a RUK electoral registration officer, or
 - (iii) a former electoral registration officer.
- (3) The convener is to be appointed by the Parliamentary corporation on the nomination of the Scottish Parliament.
 - (4) The convener is to appoint the other members.
 - (5) When appointing members, the convener is to have regard to the desirability of the membership taken as a whole having a broad range of experience in relation to—
 - (a) different local authority areas (including different kinds of areas) throughout Scotland, and
 - (b) the different constituencies and regions provided for Scottish parliamentary elections by schedule 1 of the Scotland Act 1998 (including different kinds of constituencies and regions).
 - (6) A person may not be appointed as a member of the Board if that person has a relevant connection to a political party.
 - (7) In this schedule, a person has “a relevant connection to a political party” if that person would be ineligible for appointment as a member of the staff of the Electoral Commission in accordance with—
 - (a) paragraph 11A(1)(a) or (b) of schedule 1 of the Political Parties, Elections and Referendums Act 2000, or
 - (b) paragraph 11A(1)(c) of that schedule, taking the relevant period mentioned there to be the last 12 months.

Depute conveners

- 3 (1) The convener may, from the members of the Board who are in the RO category—
 - (a) appoint a depute convener to act for such period, not exceeding 5 years, as the convener, at the time of the appointment, may determine, and
 - (b) reappoint that depute convener for one further period, not exceeding 5 years, as the convener, at the time of the reappointment, may determine.
- (2) The convener may, from any other of the members of the Board—
 - (a) appoint a second depute convener to act for such period, not exceeding 5 years, as the convener, at the time of the appointment, may determine, and
 - (b) reappoint that second depute convener for one further period, not exceeding 5 years, as the convener, at the time of the reappointment, may determine.
- (3) A depute convener appointed under sub-paragraph (1) may carry out any of the convener’s relevant functions where—
 - (a) the office of convener is vacant, or

- (b) the person holding the office is for any reason unable to perform the convener's functions.
- (4) In sub-paragraph (3) the convener's relevant functions are—
 - (a) the convener's functions under this Act, and
 - (b) the convener's functions under section 43A of the Representation of the People Act 1983 (in relation to fixing another day for the holding of the poll at an ordinary local election).
- (5) A second deputy convener appointed under sub-paragraph (2) may perform such of the convener's functions under this Act (and to such extent) as the convener may determine, but may not issue directions under sections 4A, 5, 5A or 6.

Duration of appointment

- 4 (1) The convener—
 - (a) holds office for such period, not exceeding 5 years, as the Parliamentary corporation, at the time of appointment, may determine, and
 - (b) may be reappointed for one further period, not exceeding 5 years, as the Parliamentary corporation at the time of the reappointment, may determine.
- (2) Other members of the Board—
 - (a) may be appointed for such period, not exceeding 5 years, as the Parliamentary corporation, at the time of appointment, may determine, and
 - (b) may be reappointed to the Board (once or more) for such further period, not exceeding 5 years, as the Parliamentary corporation at the time of the reappointment, may determine.
- (3) An appointment as deputy convener under paragraph 3(1) or (2) ends when the person appointed is no longer a member of the Board.

Early termination of membership

- 5 (1) The convener may be relieved of office by the Parliamentary corporation at the request of the convener.
- (2) The other members may, by notice in writing to the convener, resign office as a member.
- (3) The convener may be removed from office by the Parliamentary corporation—
 - (a) if—
 - (i) the Parliamentary corporation is satisfied that the convener has breached the terms and conditions of office and the Parliament resolves that the convener should be removed from office for that breach, or

- (ii) the Parliament resolves that it has lost confidence in the convener's willingness, suitability or ability to perform the functions of the convener,
- and, in either case, the resolution is voted for by a number of members not fewer than two thirds of the total number of seats for members of the Parliament, or
- (b) if the convener becomes connected to a political party.
- (4) Any other member may be removed from office by the convener if—
 - (a) the member has been absent, without reasonable excuse from meetings of the Board for a period of longer than 6 consecutive months, or
 - (b) the convener considers that the member is—
 - (i) unable to perform the functions of a member, or
 - (ii) unsuitable to continue as a member, or
 - (c) the member becomes connected to a political party.
- (5) In this schedule, a person “becomes connected to a political party” on the occurrence, in relation to that person, of such an event as is mentioned in any of paragraphs (a) to (ca) of paragraph 3(3) of schedule 1 of the Political Parties, Elections and Referendums Act 2000.

Remuneration, allowances and expenses of members

- 6 The Board may, with the approval of the Parliamentary corporation, pay to its members such remuneration, pensions, allowances and expenses as it may determine.

Staff

- 7 (1) The Board may appoint staff.
- (2) The staff are to be employed on terms and conditions as may, with the approval of the Parliamentary corporation, be determined by the Board.
- (3) A person may not be appointed as a member of the staff of the Board if the person—
- (a) is a member of the Board, or
 - (b) has a relevant connection to a political party.
- (4) The appointment of any member of the staff of the Board is to terminate if the person becomes connected to a political party.

Procedure etc.

- 8 (1) It is for the Board to regulate its own procedure (and quorum).
- (2) The convener may (with the agreement of the other members of the Board) invite a person to attend a meeting of the Board for the purpose of providing advice or otherwise assisting the Board in carrying out its functions.

Powers of the Board and validity of actions

- 9 (1) The Board may do anything which appears to it—
- (a) to be necessary or expedient for the purposes of, or in connection with, the performance of its functions, or
 - (b) be otherwise conducive to the performance of its functions.
- (2) The validity of anything done by the Board is not affected by—
- (a) a vacancy in membership,
 - (b) a defect in the appointment of a member,
 - (c) the removal or disqualification of a person as a member after appointment.

Budget

- 10 (1) The Board must, before the start of each financial year, prepare proposals for the Board's use of resources and expenditure during the year (a "budget") and, by such date as the Parliamentary corporation determines, send the budget to the Parliamentary corporation for approval.
- (2) The Board may, in the course of a financial year, prepare a revised budget for the remainder of the year and send it to the Parliamentary corporation for approval.
- (3) In preparing a budget or revised budget, the Board must ensure that the resources of the Board will be used economically, efficiently and effectively.
- (4) A budget or revised budget must contain a statement that the Board has complied with the duty under sub-paragraph (3).

Financial provision

- 11 (1) The Parliamentary corporation is to pay—
- (a) the salary and allowances of the convener and any depute convener,
 - (b) any expenditure properly incurred by the Board in the exercise of the functions of the Board.
- (2) Sub-paragraph (1)(b) does not require the Parliamentary corporation to pay any expenses which exceed or are otherwise not covered by a budget or, as the case may be, a revised budget approved under paragraph 10.
- (3) However, the Parliamentary corporation may pay those expenses.
- (4) The Parliamentary corporation is to indemnify the Board in respect of any liabilities incurred in the exercise of the functions of the Board.

Accountable officer

- 12 (1) The Parliamentary corporation is to designate the convener, a member of the Board, or a member of the Board's staff as the accountable officer for the purposes of this paragraph.

- (2) The functions of the accountable officer are—
 - (a) those specified in sub-paragraph (3), and
 - (b) where the accountable officer is not the convener, the duty set out in sub-paragraph (4),

and the accountable officer is answerable to the Parliament for the exercise of those functions.

- (3) The functions referred to in sub-paragraph (2)(a) are—
 - (a) signing the accounts of the expenditure and receipts of the Board,
 - (b) ensuring the propriety and regularity of the finances of the Board,
 - (c) ensuring that the resources of the Board are used economically, efficiently and effectively.
- (4) The duty referred to in sub-paragraph (2)(b) is a duty, where the accountable officer is required to act in some way but considers that to do so would be inconsistent with the proper performance of the functions specified in sub-paragraph (3), to—
 - (a) obtain written authority from the convener before taking the action, and
 - (b) send a copy of that authority as soon as possible to the Auditor General for Scotland.

Accounts and audit

- 13 (1) The Board must—
 - (a) keep proper accounts and accounting records, and
 - (b) prepare annual accounts in respect of each financial year.
- (2) The Board must send a copy of the annual accounts to the Auditor General for Scotland for auditing.

Annual report

- 14 (1) The convener must, prepare a report on the carrying out of the Board's functions during each financial year.
- (2) After securing the Board's approval of the report, the convener must—
 - (a) lay the report before the Scottish Parliament, and
 - (b) send a copy of the report to the Scottish Ministers.
- (3) The report must be laid before the Parliament within 7 months of the end of each financial year.”.

(3F) In section 7(2) of the Referendums (Scotland) Act 2020 (chief counting officer), after “section 2 of” insert “, or paragraph 2 of the schedule of,”.>

After section 47

Jamie Hepburn

52 After section 47, insert—

<Application of public bodies legislation to the Electoral Management Board for Scotland

- (1) In the Freedom of Information (Scotland) Act 2002, in Part 7 of schedule 1 (others), after paragraph 63A insert—

“63B Electoral Management Board for Scotland.”
- (2) In the Public Services Reform (Scotland) Act 2010—
 - (a) In schedule 5, after the entry relating to David MacBrayne Ltd insert—

“Electoral Management Board for Scotland”.
 - (b) In schedule 8, after the entry relating to the Drinking Water Quality Regulator for Scotland insert—

“Electoral Management Board for Scotland”.
- (3) In schedule 1 of the Gender Representation on Public Boards (Scotland) Act 2018, after the entry relating to David MacBrayne Limited (company number SC015304) insert—

“Electoral Management Board for Scotland”.>

Jamie Hepburn

53 After section 47, insert—

<Transitional provision: membership of the Electoral Management Board for Scotland

- (1) A person who holds the office of convener of the Electoral Management Board for Scotland immediately before the coming into force of the amendments made by section 47(3E) continues to hold that office.
- (2) The duration of that person’s appointment is to be calculated as if that person was appointed as convener for the first time for a period of 5 years on the day that the amendments made by section 47(3E) came into force.
- (3) Any other person who is a member of the Board immediately before the coming into force of the amendments made by section 47(3E) continues as a member of the Board.
- (4) The duration of the appointment of a person mentioned in subsection (3) is to be calculated as if that person was appointed as a member for a period of 5 years on the day that the amendments made by section 47(3E) came into force.
- (5) Accordingly, a person continuing as a convener or as a member of the Electoral Management Board for Scotland in accordance with this section—
 - (a) remains eligible to be reappointed in accordance with paragraph 4 of the schedule of the Local Electoral Administration (Scotland) Act 2011, but
 - (b) may be removed from office in accordance with paragraph 5 of that schedule.>

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