



# THE SCOTTISH OFFICE

Department of Health

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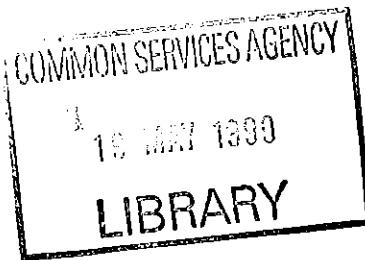
Dear Colleague

## ABSENT VOTING ARRANGEMENTS FOR HOSPITAL PATIENTS AT THE EUROPEAN PARLIAMENTARY ELECTION

The attached guidance outlines the procedures in place to enable patients who are eligible for an absent vote to participate in the forthcoming European parliamentary election. Hospital staff are invited to inform patients of their rights in this respect and, make them aware of the facilities available under these absent voting arrangements to enable them to record their votes.

Yours sincerely

**GEOFF SCAIFE**  
Chief Executive



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## ABSENT VOTING ARRANGEMENTS FOR HOSPITAL PATIENTS AT THE EUROPEAN PARLIAMENTARY ELECTION

### ELIGIBILITY FOR AN ABSENT VOTE

1. Under the Representation of the People Act 1985 a person is eligible for an absent vote, ie to vote by post or by proxy, for an indefinite period if they cannot reasonably be expected to go in person to their allotted polling station, or to vote unaided there by reason of blindness or other physical incapacity. In addition, a person is eligible for an absent vote at a particular election if they cannot reasonably be expected to vote in person, eg because of illness, absence on holiday or on business, or for some other valid reason. Some hospital in-patients and out-patients are therefore likely to be eligible for an absent vote for an indefinite period or at a particular election. Hospital staff should therefore now inform patients of their rights in this respect and make them aware of the facilities available, under these absent voting arrangements, to enable them to record their votes.

### APPLICATION FOR AN ABSENT VOTE

2. An application on the grounds of blindness or other physical incapacity for an absent vote for an indefinite period must be made on Form RPF7B (Scotland), and at a particular election on Form RPF9B (Scotland). Copies of these forms can be obtained from any Electoral Registration Officer (ERO) whose address can be obtained from local authority offices or found in the telephone book. Hospitals should arrange to have a supply of both forms available for patients at the appropriate time. EROs and their staff will assist hospitals by giving advice on the absent voting procedure. Patients who have previously applied for an absent vote on the grounds of blindness or other physical incapacity, and whose application was approved need not apply again.

3. To be effective, the application must be received by an ERO for the area in which the patient is registered not later than 5pm on the 11<sup>th</sup> day before polling day, excluding Saturdays, Sundays, Christmas Eve, Maundy Thursday, Good Friday and other Bank Holidays. **For the European Parliamentary election on 10 June the closing date for applications is Tuesday 25 May.**

4. If, however, the applicant could not reasonably have foreseen on that 11<sup>th</sup> day that he would be, or was likely to be, physically ill on the date of poll, the application on Form RPF9B (Scotland) must be received by the ERO not later than 5pm on the 6<sup>th</sup> day before polling day (**1 June for the European Parliamentary election**), excluding the days mentioned above.

5. Form RPF7B (Scotland), which should be used when applying for an absent vote for an indefinite period is in 2 sections. The voter should retain the notes on the completion of the form for future reference. The application form itself is in 4 parts. The "address on Register" to be entered in Part 1 is the address at which the patient was last registered on the Register of Electors. The reason for the application must be given in Part 2. Applications by patients who are registered as blind persons, or who are in receipt of a higher rate of the mobility component of a disability allowance, need not be attested provided that the application specifies the local authority or local society for the blind by whom the person is

registered or states the nature of the physical incapacity for which the allowance is paid. All other applications on the grounds of physical incapacity must be attested by a Registered Medical Practitioner, a Registered Nurse, or a Christian Science Practitioner who is treating the applicant for the incapacity stated (except where the applicant is resident in a home or similar residential accommodation or in sheltered housing accommodation, in which case it should be attested by the Matron or other person in charge or by the resident warden). Medical and nursing staff are asked to attest applications not only in respect of patients who are already in hospital and are expected to be there and still incapacitated on polling day, but also, when requested, for persons who are awaiting admission and are expected to be in hospital on polling day, and for persons who are out-patients and who cannot reasonably be expected to attend the polling station in person or to vote there unaided by reason of physical incapacity. Part 3 should be completed where the applicant wishes to vote either by post or by proxy and the address to which the ballot paper is to be sent should also be entered. Either the applicant or the proxy should sign to declare the proxy's willingness to act as such.

6. Form RPF9B, which should be used when applying for an absent vote at a particular election, is similarly laid out and this form is used when a voter unexpectedly falls ill just before an election. However, in Part 3 of the form the declaration that the voter is unfit to vote in person must be attested by a medically qualified person, ie a Registered Medical Practitioner or a First Level Nurse trained in general nursing or a Christian Science Practitioner.

7. As it is fairly common for members of a family to have the same or similar forenames care should be taken to ensure that the name entered on the Form RPF7B or RPF9B is the same as that entered in the register of electors. This will normally be the patient's name in full but in any case where doubt arises the ERO will be prepared to advise.

8. It is understood that some hospitals collect all the applications from each ward before sending them to EROs. This means that an ERO may have to deal with a large number of such applications very near to the closing date for their receipt, so that extra pressure is placed on his staff at an already very busy time. It would be most helpful, therefore, if applications could be forwarded to EROs on a continuous basis as soon as practicable after they have been completed.

#### PROCEDURE FOR VOTING

9. Patients who have successfully applied to vote by post will normally receive about one week before polling day a ballot paper and a declaration of identity together with 2 envelopes. Full instructions about the procedure for voting are set out on the back of the declaration of identity. It is important that the patient signs (or marks) the declaration of identity in the presence of a person known to him. That person should then sign the declaration as a witness; without this the declaration will be invalid. Members of the hospital staff or other patients will no doubt be willing to witness the signature of the declaration of identity. Hospitals should ensure that the envelope addressed to the returning officer which should contain the ballot paper sealed inside its own envelope and the declaration of identity, is dispatched without delay, as any ballot papers received after the close of the poll cannot be counted. This means that if ballot papers are being sent to the returning officer by post, they should be posted in time to reach him before – or at the latest on – polling day.

10. If a patient has successfully applied to vote by proxy, the ERO will issue the patient's proxy with a "proxy paper" which entitles the proxy to vote on behalf of the patient.

#### SPOILED POSTAL BALLOT PAPERS

11. If a patient has inadvertently spoiled his postal ballot paper he should return (either by hand or by post) to the returning officer the spoiled ballot paper, the declaration of identity, the ballot paper envelope and the covering envelope. On receipt of these documents the returning officer will issue another postal ballot paper, unless they are received too late for another postal ballot paper to be returned before the close of the poll.

#### POSTAL VOTING AS PROXIES

12. Occasionally a patient may have been appointed as a proxy for another elector. In this event, if the patient himself is entitled to an absent vote, or his qualifying address is in a different electoral area from that of the elector, or he cannot reasonably be expected to vote in person at the elector's polling station, he may also apply to vote by post as proxy on Form RPF11 (Scotland) which can be obtained from any ERO.

#### FORWARDING OF BALLOT PAPERS

13. If a postal ballot paper is received at the hospital for a person who is no longer there, the paper should be forwarded without delay to that person if his latest address is known, or returned to the returning officer at the address shown on the covering envelope.

#### PATIENTS IN MENTAL ILLNESS AND MENTAL HANDICAP HOSPITALS

14. NHS MEL 91996) 78 notified Health Boards of the provisions for the electoral registration of informal patients in mental illness and mental handicap hospitals contained in the Representation of the People Act 1983. Paragraphs 30-36 describe the arrangements for postal voting by such patients.

15. Paragraphs 7-11 of the Circular explained the position in relation to the registration of detained patients. Those detained patients who are registered are covered by the same provisions as informal patients. Under the absent voting arrangements contained in the Representation of the People Act 1985, informal patients who are registered as electors by virtue of a patient's declaration and who cannot reasonably be expected to vote in person, eg because of the distance from the hospital to the patient's home polling station, or because of physical illness, should apply to vote by post or by proxy at a particular election using Form RPF9B under the procedures described in paragraphs 2, 3 and 5 above.

16. Patients who are registered in respect of a home address other than by virtue of a patient's declaration and who are eligible for an absent vote, could apply on either Form RPF7B or RPF9B. Form RPF7B should be used if the application is made on the grounds of blindness or other physical incapacity (see paragraph 4 above). Form RPF9B should be used by patients in mental illness and mental handicap hospitals.