



# Consultation on electoral reform: Analysis of responses



**PUBLIC SERVICES AND GOVERNMENT**

# Consultation on electoral reform: Analysis of responses

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# List of abbreviations

The following abbreviations are used throughout this report:

ERO Electoral registration officer

LGBC Local Government Boundary Commission for Scotland

RO Returning officer

# Executive summary

1. In late 2017, the Scottish Government carried out a public consultation to explore options for reforming and modernising electoral processes in Scotland. The consultation contained 25 questions. It discussed and sought views on (i) how often elections should be held (Questions 1 and 2); (ii) who runs elections and how they are run (Questions 3 to 16); (iii) who can register and vote in elections in Scotland (Questions 17 to 22); and (iv) ways of improving the accessibility of voting and elected office (Questions 23 to 25). The consultation ran from 19 December 2017 to 29 March 2018.

2. The consultation contained a mix of closed (tick-box) and open questions. Thus, both quantitative and qualitative analysis was undertaken. The aim of the analysis was to identify the main themes and full range of views expressed in relation to each question, and to highlight areas of agreement and disagreement. Note that, as with all consultations, the views submitted by consultation respondents – who are a self-selected group – cannot be assumed to represent the views of the wider population.

## **About the respondents and responses (Chapter 2)**

3. The consultation received 911 responses – 844 (93%) from individuals and 67 (7%) from organisations. Organisational respondents included third sector organisations (39%), public sector organisations (22%), political organisations (10%), electoral organisations (9%) and campaign groups (6%). A final category of ‘other organisations’ (13%) included professional and representative bodies and electoral technology providers.

## **Electoral terms (Chapter 3 – Q1 and Q2)**

4. The consultation asked for views about whether Scottish Parliament and local government electoral terms (which currently operate on four-year cycles) should be four years, five years or some other length. Respondents were divided in their views on this question, with 50% favouring five-year terms and 44% favouring four-year terms. The remaining 6% of respondents selected ‘other length’; however, most of these respondents provided general comments rather than specific suggestions regarding alternative term lengths.

5. Those favouring five-year terms thought this length of term would support effective government, help avoid clashes with UK Parliament elections, and reduce voter fatigue. Those favouring four-year terms thought this shorter period would support scrutiny, lead to greater accountability, and help keep the electorate engaged in the democratic process. Respondents offered a range of views on the advantages and disadvantages of avoiding electoral clashes, and of operating fixed electoral terms.

## **Running elections (Chapter 4 – Q3 to Q7)**

6. The consultation asked whether the Electoral Management Board for Scotland (EMB) and the Board’s Convener should be given the same functions in Scottish Parliament elections as they already have for local government elections. A large majority of respondents (86%) agreed with this proposal. Respondents discussed (i) the positive contribution of the EMB in running Scottish local government elections; (ii) the importance of individuals and organisations involved in running elections being (and being seen to be) independent; (iii) governance arrangements for the EMB; and (iv) possible other duties and responsibilities which the EMB should take on.

7. Respondents were also asked for their views in relation to the appointment, role and remuneration of Returning Officers (ROs) in Scottish Parliament elections. This role is currently held for both local government and Scottish Parliament elections by a local government officer on a personal basis (often, in practice, the local authority chief executive). A large majority of respondents (86%) thought that the RO appointment for Scottish Parliament elections should continue to be made on a personal basis. Respondents emphasised the importance of the RO role being independent, free from 'political interference' (real or perceived) and accountable to the courts.

8. Respondents were divided in their views about whether the role of the RO should become part of the job description of local authority chief executives: 36% said 'yes' and 64% said 'no'. Those in favour thought this arrangement would: (i) represent good value for the tax payer; (ii) allow local authority chief executives to delegate the work involved to other staff in the local authority as they do for their other duties; and (iii) 'regularise' what is, in most cases, already current practice. Those who were opposed thought this arrangement would: (i) compromise the independence of the RO; (ii) cause problems regarding the employment of temporary election staff; and (iii) remove the flexibility of local authorities to appoint the most appropriate person for the role – which may not necessarily be the chief executive.

### **Ballot papers (Chapter 5 – Q8 to Q11)**

9. The consultation put forward proposals for removing the current legal requirement for candidate addresses to appear on ballot papers in local government elections. Two-thirds of respondents (64%) agreed with this proposal, and one-third (36%) disagreed. Those in favour of including candidate addresses on ballot papers thought this was important for local democracy and accountability. Those in favour of removing candidate addresses thought this would help protect the privacy and personal safety of candidates and their families. A substantial group of respondents supported including partial address information (e.g. partial postcode, ward, or town) on ballot papers to give an indication of place of residence.

10. The consultation paper also discussed options for counteracting the 'list order effect'. At present, by law, candidates in local council elections are listed in alphabetical order by surname on the ballot paper. The 'list order effect' can result in candidates who are listed higher on the ballot paper being selected over those who are listed lower – thus, those who are further down the list are at a disadvantage. The consultation asked for views about (i) whether a change should be made in the way in which candidates are listed on ballot papers and, if yes, (ii) what form of system would be preferable (rotation, randomisation, alphabetical–reverse alphabetical, or another system).

11. Overall, 81% of respondents supported making a change in the way candidate names are listed on local election ballots papers to counteract the list order effect. Respondents favouring change thought this would be fairer for all candidates. Those opposed thought that the risks of changing the current alphabetical ordering of names were too great. These risks included (i) the potential to cause confusion among voters (particularly if there were multiple versions of a ballot paper in the same ward); (ii) substantially increased costs (in printing, and in retraining polling staff); (iii) practical difficulties in implementation (in terms of proofreading and pre-checking ballot papers, and in counting votes); and (iv) adverse impacts on voters with disabilities (e.g. dyslexia, learning disabilities, cognitive impairments, visual impairments, etc.).

12. Among the respondents favouring change, 64% preferred a system of randomisation – which was described as the 'fairest' way to list candidate names and more likely than a rotational system or alphabetical–reverse alphabetical system to overcome the list order

effect. However, there was disagreement about whether there should be one version of a ballot paper in each ward (with names listed in random order), or multiple versions. Respondents emphasised that any proposed changes to the design of ballot papers must (first) be extensively tested and assessed for its impact on voters.

### **Electronic voting (Chapter 6 – Q12 and Q13)**

13. The consultation paper discussed possible options for introducing electronic voting into Scottish elections, including the use of electronic voting machines at polling stations, and internet and mobile phone voting.

14. There were mixed views in relation to these questions: 62% of respondents said they would be happy to use an electronic voting machine in a polling place instead of a traditional ballot paper; 49% said that if internet or mobile phone voting was available, they would choose to use that rather than vote at a polling place or by post; and 35% said that if internet or mobile phone voting was available, they would be more likely to vote.

15. Respondents emphasised the importance of public confidence in the electoral process. They thought electoral processes should be verifiable (able to be independently audited and validated), secure (free from outside interference) and anonymous (to protect against coercion). Respondents disagreed about whether electronic voting could assist with and / or guarantee these objectives – either now or in the future – and they offered a wide range of arguments, ranging from the principled to the pragmatic, both for and against electronic voting. Respondents often referred to published evidence in their responses to these questions, and they offered varying interpretations of the evidence depending on whether or not they favoured the introduction of (various forms of) electronic voting.

16. The consultation paper also discussed the possibility of voting on more than one day and being able to vote in any polling place in Scotland (rather than at a single, assigned polling place). Overall, 38% respondents supported the idea of being able to vote on more than one day, and 62% did not, with a wide range of reasons offered for the two opposing positions. There were mixed views on the desirability of being able to vote at any polling place (54% were in favour and 46% opposed). Those in favour thought that such a system would reduce the requirement for postal voting (thereby reducing fraud) and help make voting more accessible. Those against the proposal thought this was an unnecessary change (given the availability of postal voting), and that it would increase the risk of electoral fraud, be expensive, create practical problems, and remove the local dimension to voting.

### **Electoral boundary reviews (Chapter 7 – Q14 to Q16)**

17. The consultation paper asked a series of questions about the role of the independent Local Government Boundary Commission for Scotland (LGBC). These addressed (i) the process of conducting boundary reviews; (ii) the independent nature of the LGBC; and (iii) the option of allowing flexibility (in certain circumstances) in determining the number of councillors for local government wards.

18. Just under three-quarters (71%) of respondents supported moving to a rolling programme of reviews for local government electoral boundaries. The perceived advantages of this move were that it would allow more time for local consultation and greater engagement in the review process, and that it would result in electoral areas being more accountable through improved representation. However, those who disagreed thought that a rolling programme of reviews could involve different approaches being used in different areas which would lead to a lack of consistency in the conduct of reviews.



19. A majority of respondents (56%) was opposed to Scottish Ministers being able to change the recommendations of the LGBC on constituency and council wards. However, there was general support for the Scottish Parliament being able to challenge the recommendations of the LGBC (75% were in favour). In addition, a majority (73%) did **not** think the recommendations of the LGBC should have to be implemented without change. In their comments, respondents offered a wide range of views, but emphasised the importance of independence, impartiality and scrutiny in the boundary review process.

20. Around three-quarters (72%) of respondents were in favour of a proposal to allow the LGBC flexibility to recommend wards which have between 2 and 5 councillors, instead of the prescribed 3 or 4 councillors as at present. Respondents generally thought that increased flexibility would allow greater account to be taken of local circumstances such as natural community boundaries and existing links, rurality, population density, geography, travel times and the special circumstances of island communities. Those opposed to flexibility thought the current system worked well, or prioritised 'parity' of representation.

### **Who can register and vote (Chapter 8 – Q17 to Q22)**

21. The consultation paper discussed a proposal to extend the current franchise to include everyone who is legally resident in Scotland. More than three-quarters (79%) of respondents supported this proposal. Those in favour argued that decisions taken by government affect all residents, and therefore all residents should have a say in those decisions. Those who were opposed generally believed that eligibility to vote in Scotland should be based on (UK) citizenship, not residence.

22. Respondents' views about how long a person should be resident before becoming eligible to vote ranged widely, but the most common response was 'five years', followed by 'one year', then 'two years'. Respondents often linked their views about length of residence to other factors which they felt were important to consider in assessing a person's eligibility to vote. These factors were (i) a person's status as a tax payer; (ii) their demonstrated commitment to Scotland; and (iii) their knowledge of, and familiarity with, life in Scotland.

23. The consultation paper also proposed changes which would make it easier for individuals who may be at risk from any form of abuse to register anonymously. Respondents generally supported this proposal (79% were in favour). All respondents emphasised the importance of maintaining the integrity of the electoral register. Those who were opposed to the proposal thought that an increase in anonymous registrations could compromise the integrity of the electoral register, whereas those who supported the proposal thought that safeguards could be put in place to prevent fraudulent voting.

24. The consultation paper discussed current legislation which permits individuals to register and vote in local government elections in more than one local council area, if they meet the necessary residency requirements in each area. Respondents were asked if they thought (i) a voter should continue to be able to register in more than one area, but (ii) should only be allowed to vote once in local government elections.

25. Respondents were generally not in favour of allowing registration in more than one local authority area (85% were opposed). In addition, the vast majority (93%) agreed that a voter should only be allowed to vote once in local government elections. The predominant view was that the principle of 'one person, one vote' was appropriate for local government elections. Respondents thought this would promote fairness, increase public confidence, be simple to operate and reduce the potential for fraudulent voting. In addition, respondents argued that this change was desirable because it would bring local government arrangements into line with other (national) elections.

## **Access to voting and elected office (Chapter 9 – Q23 to Q25)**

26. Finally, the consultation paper invited views about ways of removing barriers to voting, widening access to elected office for under-represented groups, and supporting gender balance among elected representatives.

27. Respondents thought that broad-based action was needed to increase participation and engagement in democratic processes among various equalities groups (older people, younger people, those with disabilities, people from black and minority ethnic communities, women, people from the LGBTI community, carers, those within the care system and other disadvantaged and socially excluded groups). They called for (i) a reinvigoration of local democracy and a raised profile for local government; (ii) improved citizenship education; (iii) more information to be made available in accessible formats; and (iv) a change in the 'culture' of politics (e.g. adversarial nature of party politics, tone of political discourse and associated online abuse) which can alienate many groups from becoming involved in formal politics. There was widespread support for practical actions to make it easier for individuals to participate in elections and cast their vote – there was a general consensus that this was appropriate and important. There was, however, a greater diversity of views on the extent to which government (and / or political parties) should take action to assist those from different groups in becoming elected representatives, and the extent to which any action should be statutory or voluntary.

# 1. Introduction and background

1.1 In late 2017, the Scottish Government launched a public consultation to explore options for reforming and modernising electoral processes in Scotland. The consultation ran from 19 December 2017 to 29 March 2018. This report presents the analysis of the responses received.

## Policy background

1.2 The Scottish Government is committed to increasing access to democratic participation in Scotland, and reforming and modernising electoral procedures, and has already taken action in this area. In particular, in 2015 Scotland introduced legislation to lower the voting age (from 18 to 16) for both Scottish Parliament and local government elections; and in 2017 Scotland introduced the Access to Elected Office Fund for disabled people standing as candidates in the local government elections held that year.

1.3 The Scotland Act 2016 gave the Scottish Government new powers in relation to Scottish Parliamentary elections, complementing its existing powers and responsibilities in relation to Scottish local government elections. These new powers provide an opportunity to introduce further reforms to Scottish electoral procedures and increase participation in political life in Scotland.

## The consultation

1.4 As a first step towards further modernisation, reform, and enhancement of electoral processes and procedures, the Scottish Government published its *Consultation Paper on Electoral Reform*.<sup>1</sup> The paper set out the background, the arguments and evidence, and some proposals on a range of issues related to electoral reform. The views gathered in the consultation will help inform the development of policy and possible future legislation.

1.5 The consultation paper contained 25 questions grouped in four main sections covering:

- How often elections should be held (Questions 1–2) focusing on term lengths for the Scottish Parliament and local councils
- Who runs elections and how they are run (Questions 3–16) covering the role of the Electoral Management Board and returning officers, polling day procedures (including ballot paper design and options for electronic voting), and the work of the Local Government Boundary Commission for Scotland
- Who can register and vote (Questions 17–22) covering issues related to the franchise, anonymous voter registration, and registering (and voting) in more than one local authority area
- Improving the accessibility of voting and elected office (Questions 23–25).

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<sup>1</sup> <http://www.gov.scot/Resource/0052/00529431.pdf>

1.6 The questions comprised a mix of closed (tick-box) questions with follow-up questions inviting further comments, and open questions asking for comments only. In all there were 22 closed questions and 16 questions asking for comments.

1.7 The consultation was launched on 19 December 2017 and closed on 29 March 2018. The consultation paper and online questionnaire could be accessed on the Scottish Government consultation hub and could also be downloaded from the Scottish Government website.<sup>2</sup> In addition, the Scottish Government promoted the consultation in a variety of ways, including through Ministerial letters to stakeholders, notices on social media, and Ministerial roundtable discussions with a range of equalities organisations (including those with a focus on gender, disability, young people and race). The consultation was also mentioned in a Scottish Parliament debate, after which the consultation period was extended.

## About the analysis

1.8 This report presents the analysis of the responses to the consultation. The findings are based on both quantitative and qualitative analysis, with an emphasis on the latter. The analysis explores the views of respondents on each of the issues and options considered in the consultation paper.

1.9 Frequency analysis was undertaken in relation to all the closed questions in the consultation questionnaire and the results are shown in tables throughout this report. As there were relatively few organisational responses to any of the closed questions, no breakdown of these responses is shown for different types of organisation. (See Chapter 2 for information about the way in which different types of organisation were categorised.)

1.10 Comments made in response to each question were analysed qualitatively. The aim was to identify the main themes and the full range of views expressed in relation to each question or group of questions, and to draw out areas of agreement and disagreement.

1.11 Not all respondents answered all questions, and some made comments in relation to a question without ticking a box at the relevant closed question. If the respondent's reply to the closed question could be inferred from their written comments (for example, if their comments began with the words 'yes' or 'no', or if their comments clearly indicated that they agreed or disagreed with a certain proposal), then the appropriate answer to the closed question was added – i.e. the response was imputed. Irrespective of whether it was possible to impute a response to the closed question, all comments received were included in the qualitative analysis.

1.12 As with all consultations, the views submitted and presented in this report are not necessarily representative of the views of the wider public. Respondents to consultations are self-selecting, and individuals (and organisations) who have a keen interest in a topic – and the capacity to respond – are more likely to participate in a consultation than those who do not. Additionally, respondents are likely to focus on individual consultation questions in which they have a particular interest or have particular concerns about. For these reasons, the views of consultation participants cannot be generalised to the wider population.

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<sup>2</sup> Note that the version of the questionnaire that could be downloaded from the Scottish Government website for completion and postal return did not include the tick-boxes.

## Structure of this report

1.13 This report contains nine chapters. Chapter 2 presents information on the respondents to the consultation and the responses submitted. Chapters 3 to 9 present the results of the analysis of the responses to the consultation questions. Findings are presented for individual questions or for groups of questions as appropriate. Annexes to the report contain a full list of organisational respondents (Annex 1), details of the number of respondents answering each question (Annex 2), and a summary of comments on electoral issues which did not directly address the consultation questions (Annex 3).

## 2. About the respondents and responses

2.1 This chapter presents information about the respondents and types of responses received in the consultation.

### Number of responses received

2.2 Altogether, 953 responses were received. Of these, 42 were removed prior to analysis for the following reasons:

- **26 responses** were removed because they did not contain both a valid name **and** valid contact address. To be included as a valid response, a respondent had to give both a name – a first name or first initial **and** a surname – and a postal address or valid email address. Clearly false names (e.g. the names of fictional characters, etc.) were counted as not valid.
- 15 respondents submitted more than one response to the consultation. In most cases, these respondents submitted two different responses (one individual submitted three different responses), although in a small number of cases the second response was an exact duplicate of the first response. All duplicate responses were removed, and multiple different responses from a single individual were combined to form a single composite response. This resulted in the removal of a further **16 responses**.

2.3 Thus, the analysis was based on **911 responses** (Table 2.1).

**Table 2.1: Responses included in the analysis**

	n
Number of <b>responses</b> received:	953
Number of responses removed:	
• Missing a valid name or a valid contact address	- 26
• Duplicate / multiple responses removed	- 16
<b>Total responses:</b>	<b>911</b>

### The respondents

2.4 Respondents were asked to specify whether they were submitting their response as an individual, or on behalf of an organisation or group. Most respondents (n=844; 93%) were individuals (Table 2.2). The 'individual' category includes a number of respondents who identified themselves as 'returning officers'.

**Table 2.2: Types of respondent**

Respondent type	n	%
Individuals	844	93%
Organisations or groups	67	7%
<b>Total respondents</b>	<b>911</b>	<b>100%</b>

2.5 Table 2.3 presents details about the organisations that responded to the consultation. The largest group of organisational respondents comprised third sector groups of various kinds. This category of respondents included organisations with a primary focus on electoral issues and democratic processes as well as organisations representing the interests of different equality groups (e.g. disability, gender, etc.). Together, these organisations comprised nearly two-fifths (39%) of all the organisational respondents. Responses were also received from local authorities and other public sector organisations; political organisations; electoral bodies (i.e. those with a role in administering voter registration and elections, or representing those who are involved in such activities); and campaign groups. A final category of ‘other organisations’ included professional and representative bodies, and electoral technology providers.

**Table 2.3: Types of organisational respondents**

Organisation type	n	%
Third sector organisations	26	39%
Public sector organisations	15	22%
Political organisations	7	10%
Electoral organisations	6	9%
Campaign groups	4	6%
Other organisations	9	13%
<b>Total organisations</b>	<b>67</b>	<b>100%</b>

2.6 See Annex 1 for a full list of organisational / group respondents.

## Responses to individual questions

2.7 As noted above, there were 911 responses to the consultation. However, not all respondents answered all the consultation questions.

2.8 More respondents answered the closed (tick-box) questions as compared with the open questions. In particular, between 74% and 82% of respondents answered each of the closed questions, while the percentage of respondents answering open questions generally ranged from 15% to 46%. The one exception to this was in relation to Question 18, which invited views about how long someone should be resident in Scotland before they become eligible to vote. This open question was answered by 63% of respondents.

2.9 Note that, in general, a relatively small number of organisational respondents answered any of the consultation’s closed questions. Organisational respondents often indicated that the answers to the closed questions were a matter of policy and it was not for them to express a view – although many provided comments discussing implementation issues. In some cases, organisations suggested that the way in which the question was phrased (e.g. Questions 12 and 13 in particular, regarding the use of electronic voting machines and internet or mobile voting) indicated to them that these questions were intended for individuals and not organisational respondents.

2.10 Annex 2 provides details of the percentage of respondents who answered each of the consultation questions.

## **Other views submitted in the consultation**

2.11 In relation to several of the consultation questions, respondents sometimes expressed views that were not directly related to the question asked but were often relevant to the broader issue of electoral policy and electoral reform. These views are summarised briefly in Annex 3 of this report.



### 3. Electoral terms (Q1 and Q2)

3.1 Chapter 1 of the consultation paper covered the frequency of elections. It outlined the legislative rules determining the length of electoral terms for both local councils and the Scottish Parliament, and the UK Parliament, and the arrangements for avoiding electoral clashes (i.e. more than one election taking place on the same day, or close together).

3.2 In brief, elections for local councils in Scotland and for the Scottish Parliament usually take place every four years as determined by the Scotland Act 1998 and the Local Government etc. (Scotland) Act 1994, while the UK Parliament operates on a five-year cycle under the Fixed Term Parliament Act 2011, although the possibility of an early election being called remains. The different electoral cycles in Scotland and the UK mean that electoral clashes are inevitable, and the Scottish Parliament has previously legislated to extend Scottish electoral terms to avoid this.

3.3 The consultation paper discussed the option of introducing a five-year electoral cycle in Scotland as a way of avoiding or minimising future electoral clashes. However, it also acknowledged that there was a wider debate about appropriate term lengths, and the factors that might be taken into account in reaching a decision on this issue. Thus, the consultation paper briefly outlined the arguments in support of both four- and five-year electoral terms, the two most common term lengths in democratic countries around the world.

3.4 The consultation paper included two questions on term lengths. Question 1 was a tick-box question asking respondents how long they thought electoral terms should be, while Question 2 asked for any other comments on term lengths:

**Question 1:** Do you think the term length for the Scottish Parliament and local government should be: [4 years / 5 years / Other length? (please specify)]

**Question 2:** Do you have any other comments or suggestions on term lengths?

3.5 Altogether 743 respondents answered Question 1. Table 3.1 shows that half of all respondents (50%) favoured a five-year electoral term, while 44% favoured a four-year term. Six percent of respondents selected 'other length'.

**Table 3.1: Q1 – Do you think the term length for the Scottish Parliament and local government should be: 4 years / 5 years / Other length?**

Respondent type	4 years		5 years		Other		Total	
	n	%	n	%	n	%	n	%
Organisations	8	38%	11	52%	2	10%	21	100%
Individuals	322	45%	357	49%	43	6%	722	100%
<b>Total</b>	<b>330</b>	<b>44%</b>	<b>368</b>	<b>50%</b>	<b>45</b>	<b>6%</b>	<b>743</b>	<b>100%</b>

3.6 A total of 320 respondents – 38 organisations and 282 individuals – made additional comments on term lengths at Question 1 and / or Question 2. The remainder of this chapter discusses those comments. It looks in turn at views on different term lengths (four years, five

years, and other term lengths); views on avoiding electoral clashes; and views on fixed electoral terms. A final section discusses other comments made by respondents.

3.7 Although some respondents who ticked ‘other length’ went on to indicate a specific preferred term length, most provided more general comments regarding alternative lengths, and these types of responses are covered in the qualitative analysis presented below.

## Views on different term lengths

3.8 As shown in Table 3.1, respondents were split in their preference for four-year and five-year terms, with just a small proportion favouring other term lengths. It should be noted that respondents often made similar points in arguing for different term lengths, and some indicated that they did not feel there were strong arguments either way for four or five years.

### Five-year terms

3.9 Most commonly, respondents who favoured five-year terms said they did so because this time period supported **effective government**. Respondents argued that five years:

- Gave new governments the time to settle in and learn the job, as well as time to carry out their electoral mandate
- Supported long-term strategic policy development and allowed projects and programmes to be implemented, monitored and evaluated
- Created the right conditions for consultation, engagement and collaborative working with partners across different sectors
- Provided stability and continuity in terms of planning and budgeting both within and outwith government.

3.10 These advantages were, for some respondents, seen as particularly important for parliamentary terms as opposed to council terms.

3.11 Some argued that a five-year term was long enough to support stable and effective government while also being short enough to ensure democratic accountability.

3.12 It was also common for respondents to support five-year terms because they agreed with the principle of **avoiding electoral clashes**. They thought that bringing Scottish electoral terms into line with electoral terms for the UK Parliament maximised the chance of achieving this. In addition, respondents argued that a five-year term length would **meet the needs of the electorate** by limiting the number of elections and reducing voter fatigue. (See also paragraphs 3.24–3.30 for further discussion of views on avoiding electoral clashes.)

3.13 Some respondents explained why they did **not** favour five-year terms. They thought this time period:

- Was too long to be democratically accountable, and led to governments becoming complacent – respondents argued that it was important that a democratic mandate was ‘refreshed’ on a regular basis

- Was too long for voters to wait to give their views on government performance – some highlighted the implications for those reaching voting age shortly after an election who would have to wait a further five years before casting their first vote
- Did not provide the flexibility needed to operate in fast moving political contexts (both globally and domestically).

3.14 Some were particularly opposed to five-year terms if these were to be fixed term lengths operating on the basis that the elected government would remain in power for the full period.

### **Four-year terms**

3.15 Those who favoured four-year terms tended to emphasise benefits associated with **accountability and democracy**. They thought that this time period:

- Supported scrutiny and accountability and represented an appropriate interval for renewing a government's mandate
- Kept the electorate engaged in the democratic process on an ongoing basis
- Was appropriate given the increasingly dynamic nature of the political environment, and the need to promote fresh thinking
- Encouraged participation in electoral office, and was conducive to elected representatives completing their terms of office
- Ensured a greater turnover in representatives, with potential benefits for diversity and under-represented groups.

3.16 It was also common for respondents to argue that four-year terms represented (i) a reasonable balance between allowing sufficient time for a government to implement its policy programmes and allowing the public to pass judgement on their performance, or (ii) a reasonable compromise for those arguing for longer and shorter term lengths.

3.17 Other respondents, however, simply felt that four-year electoral terms 'seemed to work' or represented an 'optimum' length, or said that they were in favour of 'maintaining the status quo unless there is overwhelming need to change it'. Some also stated that four-year terms were in line with systems used in other countries, in Europe and elsewhere in the world. Some suggested that the UK Parliament should also use four-year terms.

3.18 Conversely, those who did **not** favour four-year terms said that this period (i) did not allow sufficient time for governments to bed in and govern away from the pressure of electioneering; (ii) did not support stability; and (iii) was costly to the public purse and to political parties (especially smaller parties) because of the increased frequency of elections.

### **Other options for electoral term lengths**

3.19 Those putting forward other options proposed term lengths ranging from one year to ten years. Specific suggestions included one, two, three, six, seven and ten years. There was one suggestion for four-and-a-half year terms – this proposal (which was presented as a compromise giving sufficient time for a government to get into the job, and sufficient basis for the electorate to give feedback) would make use of spring and autumn dates to avoid electoral clashes. Other respondents, however, indicated preferred minimum or maximum

terms (e.g. a minimum of three years; a maximum of four years), or indicated an acceptable range (e.g. six or seven years).

3.20 Those arguing for term lengths of **more than five years** echoed the points made by those supportive of five-year terms. Some, however, noted that their support for longer terms was conditional upon effective proportional representation being in place.

3.21 Those arguing for term lengths of **less than four years** echoed the points made by those who favoured four-year terms. In particular, they thought this would give the opportunity for an unpopular or poorly performing government to be voted out of office at an early stage.

3.22 Some respondents also suggested systems based on different term lengths for national and local government, an option not offered in the consultation questionnaire. Most often, this involved longer parliamentary term lengths and shorter council term lengths. As well as being seen as a useful distinction in itself, respondents thought this was appropriate given parliament's strategic role in contrast to the service delivery role of local councils.

### Other comments on term lengths

3.23 Other more general points about term lengths, included the following (each raised by a small number of respondents only):

- Any change in electoral term lengths might have implications for the work programme of the Local Government Boundary Commission.
- Regular consultation should be carried out on how long electoral terms should be. In particular, Scottish independence and / or withdrawal from the EU would affect the electoral landscape and might justify revisiting the issue.

### Electoral clashes

3.24 Respondents often commented on the advantages and disadvantages of avoiding electoral clashes. It should be noted that there were different interpretations of the concept of electoral clashes – with some people discussing clashes in terms of elections on the same day whilst others discussed elections taking place within a short timeframe.

3.25 Respondents who thought there were merits in avoiding clashes thought this (i) helped reduce voter confusion (for the general public and for those with particular needs (e.g. those with learning disabilities or visual impairments)), and (ii) helped keep different elections distinct from each other, thus ensuring that different tiers of government received appropriate campaign coverage and public attention. Some respondents referred to the case for decoupling elections put forward in the Gould report.<sup>3</sup> There was also a wider view that a well-planned and spaced out schedule, which took account of all elections, would provide helpful continuity and clarity for policy planning and development purposes.

3.26 Therefore, in most cases, respondents thought it was right that steps were taken to avoid electoral clashes. Some who held this view saw moving to a five-year electoral cycle as

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<sup>3</sup> *Scottish elections 2007: An independent review of the Scottish Parliamentary and local government elections, 3 May 2007.* Available at: [https://www.electoralcommission.org.uk/data/assets/electoral\\_commission\\_pdf\\_file/0011/13223/Scottish-Election-Report-A-Final-For-Web.pdf](https://www.electoralcommission.org.uk/data/assets/electoral_commission_pdf_file/0011/13223/Scottish-Election-Report-A-Final-For-Web.pdf)

helpful in this respect, arguing that it maximised the chances of avoiding electoral clashes, while others thought that the current option of legislating to avoid clashes offered the required flexibility to deal with the situation. However, a small group of respondents argued that there was limited value in trying to plan to avoid clashes with UK elections, given the possibility of ‘snap’ elections, and that efforts should instead focus on ensuring a robust system for scheduling elections in Scotland, with some advocating ‘offset’ four-year national and local government terms. This arrangement would result in local and Scottish Parliament elections taking place at two-yearly intervals, on an alternating basis.<sup>4</sup>

3.27 Respondents did not necessarily think that elections should be shifted by a whole year to avoid clashes – a common suggestion was that Scottish elections should be shifted to September rather than May in a year in which both UK and Scottish elections were due to take place. Indeed, some favoured a permanent shift to September elections (with the advantage of avoiding May bank holidays being noted). Another option proposed was to legislate for Scottish elections to take place a set period in advance of a UK election.

3.28 There was, however, an alternative view expressed by some respondents: that electoral clashes did not matter or did not represent a good enough reason to change electoral terms, and, indeed, could be helpful. These respondents argued that holding multiple elections on the same day could cut costs, while also reducing voter fatigue and increasing turnout. They also pointed out that other countries hold multiple elections on the same day, and that issues of voter confusion could / should be addressed via other means apart from decoupling elections.

3.29 Some respondents noted other factors which they felt should be taken into account in rescheduling elections to avoid clashes:

- The process and time implications of forming an administration and setting a budget within local councils for the next financial year (elections close to the end of the financial year could cause difficulties with this)
- The potential implications for campaign rules of holding two elections in quick succession
- The benefits of holding elections in months likely to benefit from good weather
- The need for reasonable intervals between elections to avoid electoral / campaigner fatigue, to increase participation, and to avoid constant ‘purdah’ (i.e. periods in the run up to elections in which government activity and announcements are limited).

3.30 These points were made in the context of avoiding electoral clashes, but are also relevant to the scheduling of elections more generally.

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<sup>4</sup> This would involve local councils and the Scottish Parliament having four-year terms, but with these scheduled to start (and end) at two-year intervals, e.g. the Scottish Parliament term would run from 2018 to 2022, while the term for councils would run from 2020 to 2024.

## Fixed terms

3.31 Respondents also commented on the general principle of fixed electoral terms. Most commonly, they expressed support for fixed terms, arguing that this (i) prevented governments from manipulating the timing of elections to their advantage; (ii) aided continuity and clarity, and reduced confusion for the wider public; and (iii) helped with the planning of elections, and the alignment of different electoral cycles.

3.32 There were, nevertheless, a range of views about how firmly fixed terms should be adhered to. Some respondents argued that election dates should be 'set in stone', and that parliaments / councils should complete the full fixed term other than in 'exceptional circumstances' (which did **not** include avoiding electoral clashes). More commonly, however, respondents took a pragmatic view and outlined circumstances in which they thought early elections could (or should) take place. These included rescheduling to avoid electoral clashes as well as holding early elections in response to votes of no confidence.

3.33 Less frequently, respondents expressed opposition to fixed electoral terms. In such cases, respondents thought that there needed to be flexibility to call elections in response to events and circumstances, or that elections should be held 'as and when required'.

3.34 While some respondents commented directly on the advantages and disadvantages of fixed electoral terms, others discussed the need for mechanisms to 'force' an early election, usually within the context of national rather than local elections. There were two main suggestions: first, there should be a mechanism allowing opposition parties (not the governing party) to call for an election, either by a vote of no confidence, or in response to a trigger such as a government being unable to pass a budget; second, there should be a mechanism for the public to indicate their wish for an election because of poor government performance, or a wider 'change in mood' in the country. A third suggestion was for some form of interim monitoring of government performance which would determine whether an electoral term should be allowed to continue. These respondents did not generally discuss their views in the context of fixed terms, and the arguments they put forward would be relevant regardless of whether a fixed-term system was in place.

## Other comments on the scheduling of elections

3.35 Respondents also made a range of other suggestions regarding the scheduling of elections. These were all made by relatively few respondents and concerned various forms of offset or mid-term elections to allow more frequent voting, and encourage a more responsive political environment. Suggestions included:

- A proportion of MSPs / councillors being elected at yearly or two-yearly intervals
- Staggered elections across different regions to encourage politicians to focus on non-central belt areas
- Mid-term elections for regional 'list' MSPs<sup>5</sup>
- Introducing a second chamber to the Scottish Parliament, which could operate on an offset electoral cycle.

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<sup>5</sup> Scottish Parliament elections uses the Additional Member System (AMS) to elect 73 constituency MSPs and 56 MSPs who represent eight regions. Constituency MSPs are elected on a first past the post system. In electing regional MSPs, voters vote for a party, and MSPs are then elected from lists drawn up by political parties so that the final number of MSPs in each region is proportionate to the votes cast for each party. MSPs representing regions are often referred to as 'list' MSPs.

## 4. Running elections (Q3 to Q7)

4.1 This chapter discusses respondents' views in relation to who should run elections in Scotland.

4.2 The consultation paper set out current arrangements and described the roles and functions of the key organisations and individuals who contribute to the running of elections in Scotland. It also discussed (i) proposals to extend the role of the Electoral Management Board for Scotland to Scottish Parliament elections; and (ii) the role of returning officers at Scottish Parliament elections.

### Role of the EMB in Scottish Parliament elections (Q3 and Q4)

4.3 Chapter 2 (Section 1) of the consultation paper set out the current electoral landscape in Scotland. It described the roles and responsibilities in relation to running elections of (i) the Scottish Parliament, (ii) the Scottish Government, (iii) the Electoral Commission (EC), (iv) the Electoral Management Board for Scotland (EMB), (v) returning officers (ROs), and (vi) electoral registration officers (EROs).

4.4 The consultation paper explained that since May 2012, the EMB and its Convener had had a statutory role in relation to local government elections in Scotland. This role includes (i) operational planning at national level, (ii) promoting best practice, and (iii) providing strategic consideration of legislation and policy.

4.5 The Scottish Government is now considering whether the EMB's statutory role in relation to local government elections should be extended to cover Scottish Parliament elections as well. Respondents were invited to give their views on this proposal.

**Question 3:** Do you agree that the Electoral Management Board and the Board's Convener should be given the same functions in relation to Scottish Parliament elections as they already have for local government elections? [Yes / No]

**Question 4:** Do you have any other views on the future role of the Electoral Management Board?

4.6 Table 4.1 below shows that a large majority (85%) of individual respondents and all organisational respondents (100%) who answered Question 3 agreed that the EMB should be given the same functions in relation to Scottish Parliament elections as it currently has for local government elections.

**Table 4.1: Q3 – Do you agree that the Electoral Management Board and the Board's Convener should be given the same functions in relation to Scottish Parliament elections as they already have for local government elections?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	29	100%	–	0%	29	100%
Individuals	568	85%	98	15%	666	100%
<b>Total</b>	<b>597</b>	<b>86%</b>	<b>98</b>	<b>14%</b>	<b>695</b>	<b>100%</b>

4.7 A total of 149 respondents – 27 organisations and 122 individuals – made comments on the role of the EMB at Question 3 and / or Question 4.

4.8 The main themes discussed covered (i) the positive contribution of the EMB (ii) the independence of individuals and organisations involved in running elections (iii) governance arrangements for the EMB and (iv) other duties and responsibilities of the EMB. Each of these is discussed below, followed by a final section covering ‘other comments’.

4.9 It should be noted that responses to this question revealed a degree of confusion about the current role of the EMB. This confusion was apparent especially, but not only, in relation to investigating electoral fraud and wrongdoing. This regulatory function is a role of the Electoral Commission **not** the EMB. However, responses indicated that respondents often thought the EMB was the body with responsibility for investigating electoral fraud. Related to this point, a small number of respondents (including both those who understood the current role of the EMB and those who did not) thought there was a need for increased public visibility / understanding of the role of the EMB.

### **Positive contribution of the Electoral Management Board**

4.10 Respondents who answered ‘yes’ at Question 3, particularly those who were – or whose organisations were – directly involved in running elections, often set out the positive contribution made by the EMB to the running of (local) elections. These respondents thought:

- The EMB has shown strong leadership in relation to its remit. It commands the respect of EROs, ROs and other election officials. Its work is seen as important and effective.
- The EMB has increased the consistency of the approach taken across all 32 local authorities through the provision of guidance, training and advice in relation to the running of electoral events. This has led to greater efficiency and has improved the experience of voters.
- The way in which the EMB is constituted ensures the independence of ROs (who are appointed by local authorities). This is vital in maintaining the confidence and trust of voters (but see the comment at paragraph 4.19 below).

4.11 Given this positive assessment of the work of the EMB, respondents thought it made sense to extend its role to include Scottish Parliament elections, thereby ‘harmonising accountability and responsibility structures’. It was pointed out that both the EMB and the Electoral Commission have advocated this extension for several years. Indeed, it was argued that this change would simply reflect what is already current practice in many cases.

### **Independence of individuals and organisations involved in running elections**

4.12 There was a strong focus in respondents’ comments on the importance of all individuals and organisations involved in running elections being (and being seen to be) independent. Both those who answered ‘no’ at Question 3 and those who answered ‘yes’ highlighted that any individual or organisation involved in running an election must be ‘non-partisan’, ‘impartial’, ‘independent of any political party’, ‘free from influence of donors’ and ‘not have any vested interests’.



4.13 However, there was not a uniform interpretation of what ‘independence’ meant in this context. Some respondents thought independence meant that the Scottish Government should have full control of any Scottish election. Others thought that any individual or organisation involved in running elections would have to be ‘completely independent of government’ whilst others thought they would have to be ‘totally separate from Westminster’.

4.14 Some individual respondents were opposed to extending the EMB’s responsibilities to Scottish Parliament elections because they perceived a lack of independence on the part of the organisations involved in running elections in Scotland (especially those organisations involved in running the 2014 Scottish independence referendum). These respondents said that on the basis of past experience they ‘did not trust’ the EMB to run fair elections.

4.15 A small number of respondents suggested that one way to ensure the independence of the EMB and the Convener (or indeed any organisation involved in running elections) was to improve the scrutiny and oversight arrangements. Suggestions included:

- Establishing an ‘independent commission’, ‘cross-party oversight’, ‘strong public oversight’ or ‘international oversight’ (e.g. by the UN)
- Arranging for the Electoral Commission to oversee the EMB (this is, in fact, the current arrangement)
- Ensuring a Scottish body has responsibility for overseeing Scottish elections.

### **Governance arrangements for the Electoral Management Board**

4.16 Respondents raised a range of issues in relation to the governance arrangements for the EMB. These covered: (i) accountability arrangements (ii) role and remit (iii) appointment process for and role of the Convener (iv) the composition of the EMB and (v) the appointments process for the EMB. Each issue was raised by a relatively small number of respondents.

4.17 As far as *accountability arrangements* were concerned, respondents who mentioned this wished to be clear about where accountability for the EMB lay. Whilst some thought the organisation should be accountable to the Scottish Parliament, others suggested accountability should be with the Scottish public. One organisational respondent suggested the EMB should be an organisation ‘standing separate from Parliament and the minister but answerable to them’.

4.18 Regarding the *role and remit of the EMB*, the main issue raised was the importance of clarity (for the EMB, but also for other bodies in the electoral landscape). These respondents queried whether there was currently a duplication of duties between the EMB, the Electoral Commission, the Local Government Boundary Commission for Scotland and the Boundary Commission for Scotland. A clear definition of the organisation’s role and remit would need to set out, amongst other things, the legal responsibilities of the RO, and the distinctions between (i) general advice and guidance and (ii) legal direction and instruction. It was suggested that, if there was evidence of a duplication of duties, there may be a case for merging all these bodies into a single, overarching body.

4.19 Respondents who commented on *the appointment process for, and the role of the Convener* did this in the context of considering the ‘independence’ of the Convener (as

discussed above in paragraphs 4.12–4.15). Specific comments were that: (i) the role of the Convener is a Ministerial appointment, and this fundamentally undermines the independence of ROs (since the RO cannot both be independent and also be accountable to a Ministerial appointee); (ii) the Convener should not have responsibility for appointing other members of the Board; and (iii) the Convener should be appointed by Parliament and not by Ministers if the role is to be independent.

4.20 Both general and specific suggestions were offered in relation to the *composition of the EMB*. The general point made by these respondents was that they wished to see a more diverse Board, drawn from a wide range of backgrounds and reflecting (protected) equalities characteristics. Specific suggestions were that:

- The Board should have at least two lay members
- The Board should have community representation
- The Board should have international representation
- The Electoral Reform Society should be on the Board
- The Board should **not** include local authority chief executives.

4.21 There was also a small number of comments on the appointments process for the EMB, including that (i) members should be appointed in a ‘clear and transparent manner’; (ii) there should be no ‘place members’ (i.e. membership should be on an individual basis and not related to membership of a specific group or organisation); and (iii) there should be a process for making nominations for election to the Board. In addition, a few respondents commented that they were unsure about how the appointments process was undertaken.

### **Other duties and responsibilities for the Electoral Management Board**

4.22 Respondents suggested a wide range of other duties and responsibilities which they thought the EMB should take on, some of which would require additional legislation and / or a change to its legal status. Some of these suggestions were for new areas of work currently not being undertaken; others involved giving the EMB responsibility for work currently carried out by other organisations. Each of these suggestions was made by a small number of respondents.

4.23 Suggestions for new areas of work included:

- Implementation of new technology in elections including responsibility for support structures, technical infrastructure, processes and procedures, initial set up, testing, audit processes, supplier liaison, etc. It was noted that taking responsibility for this may need the EMB to have a ‘formal legal personality’ (to allow it to enter into contracts, etc.) which would be a significant change for EMB members.
- Developing a centrally maintained website which would act as a repository for all election data (full results, plus all related information including turnout and information about protected equalities characteristics) across all geographic areas. (These data are currently only available on a local basis – in a range of different formats – for each of the 32 local authorities.)
- Establishing a ‘citizens panel’ to independently audit all aspects of the voting process.
- Challenging or changing the recommendations from boundary reviews.

4.24 Suggestions for areas to be added to the EMB's remit which are currently overseen by other organisations included:

- Responsibility for a wider range of elections including: the election of Scottish MPs and MEPs to the UK / European Parliaments, community council elections, and referenda
- Oversight of the electoral registration process
- Investigating alleged electoral fraud or wrongdoing and having the power to request the re-running of an election if necessary
- Production and issue of a wider range of guidance for ROs and EROs.

4.25 Respondents emphasised that any extension to the responsibilities of the EMB must be adequately resourced.

### Returning officers – appointment, role and remuneration (Q5 to Q7)

4.26 Chapter 2 (Section 2) of the consultation paper set out the process for appointing ROs for Scottish Parliament elections, their role, and the arrangements for their remuneration.

4.27 It was explained that, under current legislation, ROs are appointed by local authorities. This arrangement means that the RO is free from any direct influence of Scottish Ministers or the Scottish Parliament. Moreover, since the RO appointment is on a personal basis, is additional to any council employment, and involves a degree of personal liability, the RO is paid a fee for these duties. The consultation paper explained that, currently, ROs appointed for local government elections also act as ROs for Scottish Parliament elections. It is notable that although a local authority is free to appoint any officer of the authority as its RO, in practice in most cases the position is held by the local authority chief executive.

4.28 The consultation paper went on to explain that a report published by the Scottish Parliament's Local Government and Communities Committee in January 2017 had concluded that 'the current system of payments to ROs should end'.<sup>6</sup> Respondents were asked for their views on three issues:

**Question 5:** Should the Returning Officer appointment for Scottish Parliament elections continue to be on an appointment on a personal basis, independent from Scottish Government and local authority control? [Yes / No]

**Question 6:** Should the role of the Returning Officer become part of the job description of local authority Chief Executives? (This is not currently the case and would require renegotiation of terms and conditions.) [Yes / No]

**Question 7:** Do you have any other comments or suggestions about who should have the role of Returning Officer or how Returning Officers should be paid?

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<sup>6</sup> [http://www.holyrood-parliament.scot/S5\\_Local\\_Gov/Reports/LGCS052017R01.pdf](http://www.holyrood-parliament.scot/S5_Local_Gov/Reports/LGCS052017R01.pdf)

4.29 Table 4.2 below shows that, among those who answered Question 5, a large majority of both individual respondents (86%) and organisational respondents (87%) agreed that the RO appointment for Scottish Parliament elections should continue to be an appointment on a personal basis.

**Table 4.2: Q5 – Should the Returning Officer appointment for Scottish Parliament elections continue to be an appointment on a personal basis, independent from Scottish Government and local authority control?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	20	87%	3	13%	23	100%
Individuals	593	86%	96	14%	689	100%
<b>Total</b>	<b>613</b>	<b>86%</b>	<b>99</b>	<b>14%</b>	<b>712</b>	<b>100%</b>

4.30 Table 4.3 below shows that, of those respondents who answered Question 6, nearly two-thirds of respondents (64%) disagreed that the role of the RO should become part of the job description of local authority chief executives; the remainder (36%) agreed.

**Table 4.3: Q6 – Should the role of the Returning Officer become part of the job description of local authority Chief Executives?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	7	35%	13	65%	20	100%
Individuals	247	36%	434	64%	681	100%
<b>Total</b>	<b>254</b>	<b>36%</b>	<b>447</b>	<b>64%</b>	<b>701</b>	<b>100%</b>

4.31 A total of 230 respondents – 29 organisations and 201 individuals – made comments on the role of the RO at Question 5, Question 6 and / or Question 7.

4.32 As has been seen in paragraph 4.29 above, in relation to Question 5, respondents were largely in favour of the RO appointment being ‘an appointment on a personal basis, independent from Scottish Government and local authority control’. It was common for respondents to preface their comments with an endorsement of the position outlined in the question.

4.33 In expanding on their views, respondents emphasised and restated the importance of the RO role being independent, free from ‘political interference’ (either real or perceived) and accountable to the courts; this was thought to be vital if the public were to have confidence in the (integrity of the) elections process. ‘Political interference’ was broadly interpreted by respondents to include (i) Scottish Government and / or local government officials not ‘interfering’ in the role of the RO and (ii) ROs themselves being free from ‘political bias’. Specifically, respondents said that ROs should not be members of – or donors to – any political party and should have no ‘vested interests of any kind’.

4.34 In general, respondents thought that, given the current arrangements for ROs to be appointed on a personal basis and to be accountable to the courts, independence from ‘political interference’ was compatible with the RO holding a (salaried) post within a local authority. However, occasionally respondents expressed a view that employment by the local

authority inevitably compromised the independence of the RO and this arrangement was therefore not viable. This is discussed further below.

4.35 After these introductory comments, respondents went on to discuss a range of themes covering: (i) the inclusion of the RO role within the local authority chief executive job description; (ii) who can fulfil the RO role (including the skills required for the role); and (iii) the remuneration arrangements for ROs. Comments on these issues are presented below. A final section discusses respondents' other comments in relation to the role, remit, appointment and remuneration of ROs.

### **The inclusion of the RO role within the chief executive job description**

4.36 As mentioned above (paragraph 4.30), respondents were divided in their views about whether the role of the RO should become part of the job description of local authority chief executives: around one-third of both individual and organisational respondents agreed with this proposition and two-thirds disagreed.

#### *Views of those in favour of the RO role becoming part of the chief executive job description*

4.37 There were three main reasons offered by respondents who thought the RO role should become part of the job description of local authority chief executives.

4.38 First, respondents thought that such an arrangement would represent good value for money for the taxpayer. Respondents thought that by including these duties within the job description, no additional remuneration for the RO role would be appropriate or required. It was common for respondents who made this point to refer to the (already) high salaries of chief executives and / or the (perceived) high additional costs of separate remuneration for the RO role. Combining the RO duties into the chief executive role was seen as a way of reducing the costs associated with running elections.

4.39 Second, respondents argued that this arrangement made sense since chief executives do not currently and would not in the future do the work themselves. Rather they would delegate the work involved to their staff – just as they do with their other duties. This was also part of the rationale for arguing that no additional remuneration should be associated with this responsibility.

4.40 Third, respondents argued that since, in most cases, the role is currently performed by chief executives, this would simply be 'regularising current practice'. These respondents argued that the current arrangements were appropriate and provided a good solution to the RO's requirement for easy access to expertise, resources and knowledge within the local authority, all of which were necessary for the smooth running of elections.

4.41 Occasionally respondents highlighted adjustments which could or should be made to this arrangement, or they included caveats in their response. In particular, there were suggestions that: (i) the personal liability element should be removed under this scenario; (ii) there needed to be assurances that introducing this new responsibility would not detract from the delivery of other chief executive responsibilities; and (iii) while this arrangement was acceptable, it should be for every local authority to make its own decision.

### *Views of those opposed to the RO role becoming part of the chief executive job description*

4.42 There were three main reasons offered by respondents who were not in favour of the RO role becoming part of the job description of local authority chief executives.

4.43 First, respondents argued that making the RO role part of the job description of local authority chief executives would compromise the 'independence' or 'political independence' of the RO, and thereby undermine confidence in the electoral process. Respondents said that chief executives were accountable to their council and to the elected members, and that it was therefore not possible for them to be independent. (Note that these respondents did not view the fact that RO appointments were made on a personal basis as providing sufficient protection against 'political interference'.)

4.44 Second, respondents thought that such an arrangement would cause problems regarding the employment of temporary election staff. Currently such staff are employed directly by the RO. However, if the RO was also the chief executive, such staff would be employed by the council, and would be covered by council policies and procedures (on employment, leave, working time directive, etc.). It was suggested that this would not be desirable.

4.45 Third, respondents did not believe it was a good idea to remove the flexibility of local authorities to appoint the most appropriate person for the role – which may not necessarily be the chief executive.

4.46 Occasionally these respondents argued that local authority chief executives should be disallowed from performing the role of RO. More often, respondents objected to the routine integration of this role into the job description but did not rule out that it might be appropriate on some occasions.

### **Who can fulfil the RO role?**

4.47 Respondents put forward a wide range of options in relation to who might fulfil the RO role. Suggestions included:

- A senior local government employee
- Someone who is **not** a local government employee
- A senior executive within a public body (e.g. the police, civil service)
- Someone who was legally qualified
- The electoral registration officer
- A suitable 'member of the public', 'local person' or 'responsible person'.

4.48 Respondents emphasised that this was a very demanding and complex role, requiring a wide range of skills (including quasi-judicial skills), and whoever was chosen would need to be 'suitably qualified' and / or appropriately trained. The importance of the 'neutrality' of ROs featured strongly, and it was suggested by some respondents that this might be achieved by employing a retired person or by appointing a 'paid official employed by an independent organisation'; others thought that continuing to appoint ROs on a personal basis would ensure 'neutrality'.

## Remuneration arrangements for ROs

4.49 Some respondents, especially organisational respondents, were aware of (and indeed had contributed to) the recent Scottish Parliament's Local Government and Communities Committee (LGCC) report on payments to ROs. They thought this report, which concluded that 'the current system of payments to ROs should end' formed an appropriate starting point for a re-consideration of the remuneration arrangements for ROs. They also thought the work which was underway in this committee should continue.

4.50 More generally, respondents discussed: (i) the need for greater transparency, consistency and fairness in remuneration arrangements; (ii) the importance of appropriate remuneration; and (iii) the need to bring down the fees / costs associated with the RO role. Each of these aspects is discussed in more detail below.

### *The need for greater transparency, consistency and fairness in remuneration arrangements*

4.51 The recent LGCC report highlighted the need for greater transparency, consistency and fairness in RO remuneration arrangements, and this view was echoed widely among respondents. As regards the current situation, respondents said they were unclear about the RO workload. They thought that increased transparency relating to all relevant expenditure, including the payment of ROs and all other election staff, was necessary. The current situation whereby ROs have discretion in distributing (personal) payments to other staff, and are exempt from freedom of information requests, was not thought to be satisfactory.

4.52 There was also specific comment to the effect that the current system of linking payments to the number of voters within a given area was not appropriate or fair; respondents did not think that the workload in a rural, more geographically dispersed, but less populated area, was any less than that in an urban, more densely populated area with a larger number of voters.

### *The importance of appropriate remuneration*

4.53 Some respondents focused on the importance of 'appropriate' remuneration for the RO. These respondents emphasised the (personal) responsibility of the RO in what was a complex, high profile role of vital importance. They thought it was unreasonable that such a major responsibility should go financially unrewarded, especially given the RO's personal liability in the case of wrongdoing or poor performance. They also emphasised the importance of keeping this payment 'separate' to payment for (salaried) local authority employment in order to preserve the independence of the role.

4.54 It was common for these respondents to go on to say that RO remuneration should be based on a 'job evaluation' just like remuneration for any other role.

### *The need to bring down the fees / costs paid to ROs*

4.55 Some respondents, particularly those who favoured adding the RO role into the job description of the local authority chief executive, focused on the (perceived) high payments to ROs and the need to bring these down, especially in a context of ever increasing numbers of elections. These respondents were concerned at the – as they saw it – large additional payments made to ROs for duties which (they thought) should simply be part of their regular duties. This group of respondents thought that getting expenses (only), a 'small retainer',

'small standard fee', 'fixed fee', 'modest fee for election night only', 'additional hours at overtime rates' or, perhaps, 'time off in lieu' might be appropriate.

### **Other comments regarding the role of the returning officer**

4.56 Respondents made a range of suggestions on the process which should be used to appoint an RO and the arrangements under which the appointment should operate. Some endorsed the current approach whereby the appointment of the RO is made on a personal basis, as they believed this was crucial in ensuring the independence of the role. However, others suggested that the independence of the RO would be better ensured if the appointment was made by an independent body and the appointed individual was accountable to that body. The EMB was thought to be an appropriate body in this regard. More broadly, various respondents suggested that the RO role should be (i) 'publicly advertised' (ii) an 'elected role' (iii) 'picked by the people of Scotland' or (iv) picked at random (as with jurors).

4.57 Whilst there were divergent views expressed about the remuneration of ROs, any respondents who commented on payments made to more junior election officials emphasised the importance of these individuals being paid appropriately for their work.

4.58 There was some comment from respondents about the continuation – or not – of the personal liability of ROs for wrongdoing or poor performance. Views were divided on this. Some respondents argued that this arrangement should continue because it upheld the independence of the role. Others thought it had limited value and suggested one or more of the following possibilities instead: (i) the personal liability should be 'capped'; (ii) it should be replaced / supplemented by an insurance scheme of some kind; and (iii) ROs should be 'indemnified by the state'. In addition, some respondents thought that whilst this was the formal arrangement in law, in practice the risk could be transferred to the council itself if this provision was ever invoked.



## 5. Ballot papers (Q8 to Q11)

5.1 The consultation paper discussed two issues related to ballot papers: the inclusion of candidate addresses on local government ballot papers (Chapter 3, Section 3 of the consultation paper), and the list ordering of candidates (Chapter 3, Section 4). This chapter looks at respondent views on both of these issues.

### Including candidate addresses on ballot papers (Q8 and Q9)

5.2 The consultation paper put forward proposals for removing the current requirement (as set out in the Scottish Local Government Elections Order 2011) for candidate addresses to appear on local government ballot papers and electoral notices. Returning officers (ROs) would instead be responsible for ensuring candidates include an address within the local authority area on nomination papers, and for publishing a statement to this effect. It was noted that candidate addresses were no longer included on ballot papers for other elections in Scotland (to assist with ballot paper design in the case of Scottish Parliament elections, and to protect candidate security in the case of UK Parliament elections). Thus, the proposed change would be consistent with practice in other elections. Views were sought as follows:

**Question 8:** Do you agree that candidates' addresses should not be required to appear on ballot papers for local government elections? [Yes / No]

**Question 9:** Do you have any other comments to make on this issue?

5.3 Altogether, 741 respondents answered the tick-box part of Question 8. Table 5.1 shows that two-thirds of respondents (64%) agreed that candidate addresses should not be required to appear on ballot papers for local government elections, while a third disagreed (36%). Organisations were more likely than individuals to agree (85% compared to 63%).

**Table 5.1: Q8 – Do you agree that candidates' addresses should not be required to appear on ballot papers for local government elections?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	22	85%	4	15%	26	100%
Individuals	453	63%	262	37%	715	100%
<b>Total</b>	<b>475</b>	<b>64%</b>	<b>266</b>	<b>36%</b>	<b>741</b>	<b>100%</b>

5.4 A total of 259 respondents – 32 organisations and 227 individuals – made comments at Questions 8 and / or Question 9. The following sections look at views on the inclusion or exclusion of address information on ballot papers, before looking at related views on qualification criteria for candidates.

5.5 In considering the analysis presented, two points should be noted:

- Many respondents discussed their views in a general way, commenting on the inclusion of address information on all types of ballot papers, rather than on local election ballot papers in particular. Comments also suggested that not everyone appreciated that there were different rules for different elections.

- In a relatively small number of cases, individuals who answered ‘yes’ at Question 8 went on to give comments which suggested that they thought addresses **should** be included on ballot papers, and individuals who answered ‘no’ gave comments which suggested that they did **not** think that addresses should be included. This situation may have arisen as a result of the question wording (i.e. asking people if they **agree** that something should **not** be done). These responses to the tick-box question have not been altered in the analysis.

5.6 The comments provided by respondents indicated three main views on whether candidate addresses should appear on ballot papers: some thought they should be included, some thought they should be excluded, while a third group favoured the inclusion of some limited information to indicate place of residence. This third group of respondents included both those who answered ‘yes’ and ‘no’ at Question 8. This section explores views related to each of the three broad positions.

### **Views in favour of the inclusion of candidate addresses**

5.7 Those who thought candidate addresses should continue to be shown on ballot papers for local elections generally thought that this was important for (local) democracy and accountability, and highlighted the following:

- A local address demonstrated a connection, and a commitment to an area – respondents thought that this was important to voters and allowed them to make an informed choice in casting their vote.
- People had a right to know about the background of those standing for public office, and candidates should be willing to be open about their circumstances.
- Address information was important in allowing people to make contact with candidates or elected representatives.

5.8 For these reasons, respondents thought it was in the public interest, and in the interests of voters, for address information to be included on ballot papers. Some were clear that this should be a home address; others suggested that a work or office address would suffice.

5.9 Some also suggested the inclusion of address information stopped non-local candidates being ‘parachuted’ into an area. In such cases, respondents may not have been fully aware that candidates in local elections must live (or work) within the area they wish to represent, or they may have been expressing concerns about this practice within the context of national elections.

5.10 Other arguments put forward less often by respondents focused on the following:

- Security of candidates: Some respondents stated that they were not persuaded by the argument that including address information posed a risk to the personal safety of candidates. Such respondents said: (i) they were unconvinced about the presence of a risk or did not think evidence of this had been provided, or they thought that any risk was minimal and outweighed by the public interest in making address information available; (ii) that the move was of limited value in protecting individuals as there were many other ways that people could find addresses; or (iii) that any threat to personal security could be dealt with adequately by the police.

- Differentiating between candidates: Respondents thought that including address information was helpful in differentiating between candidates with similar / same names, especially with regard to independent candidates.

5.11 There was also a view that address information should be included on ballot papers but should not be made public in any other way.

### **Views in favour of excluding candidate addresses**

5.12 Those who thought addresses should not be shown on ballot papers for local elections most often saw this as an issue of privacy and personal safety. They thought that the removal of address information was important to protect the privacy of candidates and their families, and to protect them from harm and abuse. Several respondents recounted experiences or concerns of candidates (potential and actual) linked to the publication of addresses. It was suggested that this was a particular issue in local elections where candidates were likely to live in close proximity to voters.

5.13 This group of respondents also put forward the following arguments:

- The current requirement regarding the inclusion of address information represented a barrier to seeking election for some people, including those from groups who were vulnerable to abuse, and may, therefore, have particular concerns about making their home address available on ballot papers (e.g. women, ethnic minorities, those with disabilities, or those from LGBTI communities).
- The inclusion of candidate addresses served no useful purpose in facilitating contact between voters and candidates / elected representatives. Contact could be made via other routes – e.g. party or constituency offices and ROs – and successful candidates could make contact details available after the election.
- A local address did not necessarily make an individual a good representative for an area. It was suggested that it was more important to get to know candidates, and that campaign literature could be used to demonstrate a local connection or a commitment to an area. Some argued that there was no evidence of voters being influenced by the inclusion of addresses on ballot papers (and thus there was no reason to include this information), while others expressed concern that voters may be influenced by such information and wished to avoid that.
- Address information was only needed to confirm qualification to stand and including it on ballot papers represented an unnecessary sharing of personal information (and was thus contrary to good practice, and to the ‘spirit’ of data protection legislation).

5.14 Respondents also thought that removing addresses from ballot papers offered the benefit of consistency with procedure in other elections (some in favour of including address information also argued for consistency across elections); it was also suggested that excluding addresses may offer some scope for reducing the size of ballot papers.

5.15 However, respondents also noted that a move to exclude candidate addresses from ballot papers would have some implications for other aspects of electoral procedures which would have to be given further thought. These included:

- The need to find alternative ways of distinguishing between candidates with identical or similar names – the use of titles, photos or the inclusion of brief biographical details were suggested; some thought decisions about this should be made by the local RO
- The need to consider the implications for including address information (of candidates, agents, and candidates acting as their own agent) on other electoral documents, and the extent to which that was available for others to see – specific reference was made to the publication of the ‘notice of election agents appointed’ which includes agent addresses.

5.16 In a few cases respondents who agreed that candidate addresses should not appear on ballot papers nevertheless acknowledged they had some mixed views on the issue:

- Some thought that including addresses on ballot papers did serve a useful purpose (as discussed by those who supported its retention), but, on balance, believed that candidate safety should be the priority.
- Some thought that it was right that addresses should not be on ballot papers, but also acknowledged that, in practice, such information was usually widely available or easily obtained anyway and thus removing addresses from ballot papers would not solve the issue of candidate safety.

5.17 Finally, one organisation queried whether inclusion of addresses was actually required under the current law and suggested that clarification was needed on this point.

### **Inclusion of limited address information**

5.18 A substantial group of respondents indicated support for providing some limited residence information for candidates on ballot papers. This group thought it was in the public interest to provide such information as this was relevant in judging a candidate’s connection and commitment to a local area, with some thinking this was relevant to all elections (local and national). However, they also thought that providing full address details was not necessary and / or that privacy and personal safety should take priority. Instead, these respondents suggested other ways of indicating residency on ballot papers, for example, by including:

- Partial address information such as (part) postcode or ward / area / town of residence (the latter being appropriate in parliamentary elections with larger constituencies)
- An individual statement as to whether or not each candidate lives within the ward / constituency
- A general statement confirming that each candidate meets the required residency (or other qualification) criterion.

5.19 An alternative suggestion was that inclusion of address information might be made optional for candidates or left to the discretion of ROs. However, others suggested that those who chose not to include their address might be disadvantaged.

### **Views on qualification requirements for local elections**

5.20 Some respondents discussed the general issue of qualification criteria for candidates in local elections. Regardless of whether respondents agreed or disagreed that address

information should continue to be included on local election ballot papers, there was a general view that a residency qualification for candidates was relevant and important. (In most cases, in making their comments respondents did not refer to the other possible ways for candidates to meet the qualification criteria – i.e. place of work, business or property ownership in the local authority area). Respondents argued that this ensured that candidates had a commitment to the area and were knowledgeable about local issues. Thus, some respondents were opposed to non-local candidates in principle; others, however, were concerned about the implications of non-local candidates for travel and relocation expenses. Comments from some respondents suggested that they thought such criteria should apply to all elections.

5.21 There was broad agreement that a robust and transparent system of verification and confirmation (along with appropriate sanctions for breaching the rules) was important to the integrity of the electoral system. However, some of those who favoured removing addresses from ballot papers stressed the distinction between requiring the submission of address information for nomination and verification purposes, and whether that information should be (or needed to be) made available to others.

5.22 In a few cases, respondents argued for qualification criteria to be tightened up by extending the minimum time period required to meet the various criteria (time periods up to two electoral cycles were suggested), by applying a strict 'full-time address' definition, or by introducing robust procedures for proving or verifying residency status.

5.23 Other qualification criteria favoured by respondents in this group included requirements to be on the electoral roll in an area; not to be in debt to the local council; and to gather nomination signatures from one per cent of the local population.

5.24 A less common view was that demonstrating a local connection was not important. Some thought a local connection was of limited value in indicating if someone would be an effective representative, while others argued that such a requirement discriminated against groups such as homeless people and travellers.

### **List order of candidate names (Q10a, 10b, 11)**

5.25 Scotland's local council elections are conducted using a Single Transferrable Vote (STV) voting system. This type of system requires the voter to rank candidates in order of preference – unlike Scottish Parliamentary elections in which the voter simply marks an 'X' against the name of their preferred candidate. The consultation paper noted that, in an STV system, the 'list order effect' can result in candidates who are listed higher on the ballot paper being selected over those who are lower on the list – thus candidates who are further down the list are at a disadvantage.

5.26 At present, by law, candidates in local council elections are listed alphabetically (by surname) on the ballot paper. The consultation paper discussed different options for ordering candidate names, and asked respondents for their views:

**Question 10a:** Do you agree that, in order to counteract the list order effect, a change should be made to the way in which candidates are listed on election ballot papers? [Yes / No]

**Question 10b:** If so, what form of new system would you favour? [Rotation / Randomisation / Alphabetical–reverse alphabetical / Any other (please specify)]

**Question 11:** Do you have any other comments to make on this issue?

5.27 Question 10a asked respondents if they thought a change should be made in the way candidates are listed on election ballot papers to counteract the ‘list order effect’.

5.28 A total of 732 respondents answered this question. Table 5.2 shows that organisations were divided in their views – with 50% answering ‘yes’ and 50% answering ‘no’ – whereas individuals were generally in favour – with 82% answering ‘yes’.

**Table 5.2: Q10a – Do you agree that, in order to counteract the list order effect, a change should be made in the way in which candidates are listed on election ballot papers?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	10	50%	10	50%	20	100%
Individuals	586	82%	126	18%	712	100%
<b>Total</b>	<b>596</b>	<b>81%</b>	<b>136</b>	<b>19%</b>	<b>732</b>	<b>100%</b>

5.29 Respondents who answered ‘yes’ to Question 10a were then asked for their views on the type of new system they would prefer (Question 10b). The consultation paper suggested three possibilities: (i) rotation (where candidates’ names are ordered differently on each version), (ii) randomisation (where candidates have their position on the ballot paper determined by lottery) and (iii) alphabetical–reverse alphabetical (where half the ballot papers are printed in alphabetical order and half in reverse alphabetical order). Table 5.3 shows that, among those who replied (n=579), almost two-thirds (64%) were in favour of candidate names being ordered in a random fashion on ballot papers. Organisations often provided comments without expressing a view at either Question 10a or 10b.

**Table 5.3: Q10b – If so, what form of new system would you favour?**

Respondent type	Organisations		Individuals		Total	
	n	%	n	%	n	%
Rotation	1	10%	51	9%	52	9%
Randomisation	5	50%	365	64%	370	64%
Alphabetical–reverse alphabetical	–	0%	67	12%	67	12%
Other*	3	30%	50	9%	53	9%
More than 1 choice selected	1	10%	36	6%	37	6%
<b>Total</b>	<b>10</b>	<b>100%</b>	<b>569</b>	<b>100%</b>	<b>579</b>	<b>100%</b>

*The table includes only those who answered ‘yes’ to Question 10a above.*

*\* Respondents who indicated a preference for one of the first three options but commented that they wanted candidate names grouped by political party have been recoded into the ‘other’ category above. Percentages may not total 100% due to rounding.*

5.30 Altogether, 253 respondents (36 organisations and 217 individuals) made additional comments in relation to these questions – at Question 10b and / or Question 11.

Respondents commented on:

- **The status quo:** Respondents who answered ‘yes’ at Question 10a explained why they thought a change was needed. Those who answered ‘no’ explained their reasons for preferring the status quo. Respondents who did not answer the tick-box question (including electoral bodies and most public sector organisations) identified challenges and potential risks in changing the current alphabetical listing; these were closely related to the reasons given by respondents who answered ‘no’.
- **The three options discussed in the consultation paper:** Respondents who answered ‘yes’ at Question 10a, and then selected one of the three choices at Question 10b (rotation, randomisation, alphabetical–reverse alphabetical) often explained the reasons for their choice and / or gave reasons for ruling out the other options. Those who selected ‘no’ at Question 10a often explained why (in their view) none of the options offered were appropriate.
- **Other options for counteracting the list order effect:** Respondents who selected ‘Other’ as their choice at 10b suggested a small number of alternative ways of listing candidate names.

5.31 Each of these topics is discussed further below, and some respondents (including those who did not answer the tick-box question) also made general points which are discussed at the end of this section.

### **Views regarding the status quo**

5.32 There were two main perspectives on the (current) alphabetical listing of candidates’ names on ballot papers: the first was that these arrangements should change because they are unfair; the second was that there were likely to be significant risks and substantial costs in any other method of listing candidates’ names.

#### *Views of those favouring change*

5.33 Respondents answering ‘yes’ to Question 10a generally reiterated the points made in the consultation paper that candidates nearer the top of the list on ballot paper have an unfair advantage over those nearer the bottom of the list. Some pointed to specific cases where the list order effect had resulted in an inexperienced candidate, higher on the list, unseating an experienced incumbent candidate in the same party, lower on the list. These respondents thought that changing the way names are listed on the ballot paper would make it fairer for all candidates. Some expressed the view that this issue was very important.

#### *Views of those favouring the status quo, and those highlighting the risks of change*

5.34 Respondents who answered ‘no’ to Question 10a made a range of points. Similar issues were raised by those who did not answer the tick-box question.

5.35 While some respondents queried whether the list order effect did in fact exist, most acknowledged that it did. However, on closer examination it appeared that some believed that the list order effect was mainly a feature in relation to the selection of candidates from within a particular party where more than one candidate was on the ballot paper (i.e. they did not think that the list order effect necessarily applied in the case where there was only one

candidate from a particular party since, in that case, the voter would simply opt for the party of their choice, irrespective of where the candidate's name appeared in the alphabetical listing). These respondents therefore believed that the list order effect was primarily a problem for **candidates**, not for **voters**. This group argued that, from the perspective of voters, the scale and significance of this problem was small, whereas the potential costs and risks of addressing it were likely to be great. Those who answered 'no' to Question 10a thought that these costs and risks could not be justified. There was a widespread view, both among those who answered 'no' and among those who did not answer the tick-box question, that the interests of voters (rather than candidates) must take priority in this matter.

5.36 Respondents in this group pointed out that voters are familiar with alphabetical ordering of names on ballot papers. They thought that any other way of ordering was likely to cause confusion – particularly if there were multiple versions of a ballot paper within the same ward. (The example of an elderly couple receiving different versions of a postal ballot paper was highlighted.) In addition, any change in the alphabetical listing would only apply to local government elections; candidate names would still be in alphabetical order on ballot papers for Scottish and UK Parliament elections, and respondents suggested that this would cause confusion among voters.

5.37 Other potential risks included:

- Problems related to printing and checking ballot papers: There could be an increased risk of errors in printing; and there is likely to be increased the pressure on the administrative processes for ensuring ballot accuracy. In addition, a change to a randomised listing would limit print suppliers to those with the necessary digital facilities capable of producing sets of ballot papers with different ordering, which could increase costs substantially.
- Problems with the count: This included confusion among count staff and an increased risk of errors in counting. It was suggested that a manual count of a randomised ballot paper would be extremely challenging to carry out, thus requiring an electronic count for all elections including by-elections.
- Adverse impacts on voters with disabilities: Repeated concerns were voiced that any system of randomisation (in particular) would cause problems for groups with disabilities (e.g. dyslexia, learning disabilities, cognitive impairments and visual impairments), who were likely to find it more challenging to use a ballot paper with a long list of candidates in random order. Any changes to the alphabetical ordering of names would need to consider the implications for large print and handheld ballot papers, tactile voting devices, etc., to ensure that people with disabilities are not disadvantaged.

5.38 Some respondents who favoured the status quo and some third sector organisations representing groups with disabilities emphasised that, if there was nevertheless a move towards a random listing of candidates, then to avoid confusion, there should be only one version of the ballot paper for each ward.



## **Views regarding the three suggested options**

5.39 In their comments on the three options discussed in the consultation paper – randomisation, alphabetical–reverse alphabetical and rotation – respondents generally highlighted the perceived advantages of their preferred option and / or the disadvantages of the other two.

### *Randomisation*

5.40 As shown in Table 5.3 above, among the respondents supporting a new system of ordering candidate names, nearly two-thirds (64%) indicated that they supported some form of randomisation. Randomisation was described as the ‘fairest’ way to list candidate names.

5.41 However, among those who supported randomisation, there was disagreement about whether there should be one version of a ballot paper in each ward (with names listed in a random order), or multiple versions. The former, it was suggested, would help to keep costs down and allow voters (particularly those with disabilities) to become familiar with the ballot paper prior to the vote. The latter, it was suggested, was most likely to counteract the list order effect, but also had the greatest risks and costs (see again paragraph 5.37 above).

5.42 Some respondents thought that cost should not be a factor in the decision. However, it was more common for respondents to express concern about the potential costs and / or to suggest ways of minimising costs. These generally involved limiting the number of versions of the ballot paper printed – to one (as discussed above) or a maximum of two.

5.43 In relation to the randomisation process, respondents suggested that the list order on the ballot could be decided by lot or by listing candidates in the order in which their nominations were received.

5.44 Those who were not in favour of randomisation highlighted the risk that a random ordering of a long list of candidates would cause confusion among voters, make it more difficult for people to identify the candidate(s) they want to vote for, and make it harder for some people to participate in the vote.

### *Alphabetical–reverse alphabetical*

5.45 Twelve percent (12%) of those who supported a change in the existing system were in favour of an alphabetical–reverse alphabetical listing of candidate names (see again Table 5.3 above). Those preferring this option thought it would be ‘fair’ and ‘simple’ – the cost and complication of the other options was a factor for some who chose this option.

5.46 Those who gave reasons for not supporting this option suggested that, in a long list of candidates, those in the middle of the list would still be disadvantaged whether the list ran alphabetically or reverse alphabetically.

### *Rotation*

5.47 Nine percent (9%) of those who wanted to change the current system expressed a preference for a rotation system (Table 5.3). Respondents saw this option as addressing the ‘bias’ of an alphabetical ordering since it would ensure that all candidates appear an equal number of times in each position on the ballot paper. It was also seen to be less complicated than randomisation, and less costly. Some also suggested that the use of a rotational system with alphabetical ordering (referred to as ‘Robson Rotation’ in the consultation paper) would

assist voters in identifying their preferred candidate(s) on the list – unlike a completely randomised ordering. It was pointed out that, in order to fully counteract the list order effect, it would be necessary to ensure that each version of the ballot paper was distributed randomly in equal numbers.

5.48 The disadvantage of a rotation system was seen to be that it still retained the alphabetical ordering of names, thus some respondents thought it was unlikely to fully solve the problem of the list order effect – unless it was combined with a form of randomisation.

### **Other suggestions for counteracting the list order effect**

5.49 Respondents who favoured some ‘other’ system (not one of the three choices in the consultation questionnaire) generally wanted candidates to be listed by party. However, those who suggested this had different views about: (i) whether the party names should be listed alphabetically or randomly (e.g. decided by lottery); (ii) whether the candidate names under each party name should be decided by the party itself (the most common view), listed randomly or listed alphabetically; and (iii) where independent candidates would appear in the list (alphabetised under ‘I’ for independent; randomly or alphabetically ordered at the top of the list; interspersed randomly among the party lists; etc.).

5.50 However, some respondents argued against listing candidates by party. This group included some who chose one (or none) of the other options offered in the consultation questionnaire. They thought a listing by party would give too much importance to party affiliation, rather than the qualities / attributes of candidates. It would also, essentially, create **two** list order effects – first of party names, then of candidate names. The process of attempting to address these would (it was thought) be extremely complex and potentially controversial.

5.51 Occasionally, respondents offered other suggestions for addressing the list order effect – for example, ordering candidate names in a chequerboard format, or displaying them in a circle, rather than as a list. Some also suggested ways of making ballot papers more user-friendly – particularly if candidate names were ordered randomly (e.g. using colour-coding with candidate names printed on their party’s colour; having photos of candidates next to their name, etc.). Such suggestions were generally offered by just one or two respondents.

### **General points**

5.52 Some respondents (including electoral bodies and most public sector organisations) made more general points. This group repeatedly emphasised that any change in ballot paper design must be extensively tested and assessed for its impact on voters before any change in the law is made to ensure there are no unintended consequences. Respondents also offered some suggestions for going forward:

- Any change made to the design of ballot papers should be assessed against the design principles set out in the Electoral Commission’s good practice guide for electoral administrators.<sup>7</sup>

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<sup>7</sup> Electoral Commission (2009) *Making your mark. Good practice for designing voter materials: Guidance for electoral administrators*. Available from [https://www.electoralcommission.org.uk/\\_\\_data/assets/pdf\\_file/0004/150358/Making-Your-Mark-Design-Guidance-For-Electoral-Administrators.pdf](https://www.electoralcommission.org.uk/__data/assets/pdf_file/0004/150358/Making-Your-Mark-Design-Guidance-For-Electoral-Administrators.pdf).

- Any change should be as simple as possible to avoid excessive costs and unnecessary complexity.
- Any change should be workable in terms of electoral administration.
- The process and outcome of making any changes must be transparent.
- Future technology needs and possible changes to the voting system should also be taken into consideration.

5.53 Some respondents also commented that the problem of the list order effect is a sign that candidates are not well known by their electorate, and that this problem is magnified by low voter turnout. It was argued that effective and clear campaigning by candidates should be the first step in addressing the list order effect.

## 6. Electronic voting (Q12 and Q13)

6.1 Chapter 2 (Section 5) of the consultation paper discussed possible options for introducing electronic voting into Scottish elections including the use of electronic voting machines at polling stations, and internet and mobile phone voting. This section of the consultation paper also discussed the possibility of voting on more than one day, and being able to vote in any polling place in Scotland (rather than at a single, assigned polling place).<sup>8</sup>

6.2 The consultation paper set out the potential benefits of electronic voting (in relation to increasing voter participation, reducing the number of rejected ballot papers, reducing the costs of elections, etc.); described the current use of electronic counting within local government elections; highlighted international experience of using electronic voting; and explained that the Scottish Government plans to trial innovative electronic voting methods in the future. It went on to ask for respondents' views on a range of related issues.

6.3 Although the consultation paper asked separately about people's views in relation to (i) using electronic voting machines rather than traditional ballot papers (Questions 12a, 12d) and (ii) using internet or mobile phone voting (Questions 13a, 13b, 13d), the issues that respondents raised in their comments at these questions overlapped to a great degree. Moreover, it was common for respondents to simply refer to 'e-voting' or 'electronic voting' as a catch-all phrase to cover issues in relation to both these topics. Therefore, these questions have been analysed together. Points which are specific to either electronic voting machines or to internet or mobile phone voting are highlighted.

6.4 The issues raised in response to the questions on voting on more than one day (Questions 12b, 13c) and on voting at any polling place in Scotland (Question 12c) provided some distinctive themes, and these are discussed later in this chapter (paragraphs 6.31–6.43).

### Electronic voting (Q12a, 13a, 13b, 12d, 13d)

6.5 The consultation questions on electronic voting were as follows.

**Question 12a:** Would you be happy to use an electronic voting machine in a polling place instead of a traditional ballot paper? [Yes / No]

**Question 13a:** If internet or mobile phone voting was available, would you choose to use that rather than vote at a polling place or by post? [Yes / No]

**Question 13b:** If internet or mobile phone voting was available, would you be more likely to vote? [Yes / No]

6.6 In addition, Question 12d and Question 13d asked for 'Any additional comments'.

6.7 Overall, as can be seen from the tables below:

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<sup>8</sup> Note that the phrasing of these questions – which asked about individual voting preferences – suggests that the questions were intended for individual respondents, rather than organisational respondents.

- 62% of those who answered the tick-box part of Question 12a said they would be happy to use an electronic voting machine in a polling place instead of a traditional ballot paper (Table 6.1)
- 49% of those who answered the tick-box part of Question 13a said that if internet or mobile phone voting was available, they would choose to use that rather than vote at a polling place or by post (Table 6.2)
- 35% of those who answered the tick-box part of Question 13b said that if internet or mobile phone voting was available, they would be more likely to vote (Table 6.3).

**Table 6.1: Q12a – Would you be happy to use an electronic voting machine in a polling place instead of a traditional ballot paper?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	11	61%	7	39%	18	100%
Individuals	454	62%	275	38%	729	100%
<b>Total</b>	<b>465</b>	<b>62%</b>	<b>282</b>	<b>38%</b>	<b>747</b>	<b>100%</b>

**Table 6.2: Q13a – If internet or mobile phone voting was available, would you choose to use that rather than vote at a polling place or by post?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	8	57%	6	43%	14	100%
Individuals	356	49%	371	51%	727	100%
<b>Total</b>	<b>364</b>	<b>49%</b>	<b>377</b>	<b>51%</b>	<b>741</b>	<b>100%</b>

**Table 6.3: Q13b – If internet or mobile phone voting was available, would you be more likely to vote?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	8	53%	7	47%	15	100%
Individuals	253	35%	473	65%	726	100%
<b>Total</b>	<b>261</b>	<b>35%</b>	<b>480</b>	<b>65%</b>	<b>741</b>	<b>100%</b>

6.8 A total of 396 respondents – 51 organisations and 345 individuals – provided comments at any of the questions on electronic voting (Question 12a, 13a, 13b, 12d, 13d).

6.9 It is noteworthy that in relation to Question 12a (on the use of electronic voting machines), almost all the comments (92 out of a total of 99 offered) came from individuals and organisations who did not provide a ‘yes’ or ‘no’ answer to the closed question. On the whole, these respondents can be characterised as having ‘mixed views’. This indicates that

62% (see Table 6.1 above) is likely to be an overestimate of the proportion of respondents who would be happy to use an electronic voting machine.<sup>9</sup>

## **Overview of comments on electronic voting**

6.10 There was widespread agreement that public confidence in the integrity of elections was vital to protecting and preserving democracy and the democratic process. There was also widespread agreement that public confidence in elections required the population to be assured that the electoral process was verifiable, secure, and anonymous. However, respondents disagreed strongly about whether electronic voting could assist and / or guarantee these conditions – either now or in the future. The arguments about these particular aspects were at the core of respondents’ views on electronic voting.

6.11 Respondents also discussed whether increased voter participation was likely to result from the introduction of electronic voting. There was a range of views on this point, and disagreements about the evidence in relation to this issue.

6.12 Some respondents commented on the cost implications of electronic voting. The predominant view was that there would be little financial benefit in the short to medium term. This was a consequence of (i) the substantial investment required to develop and maintain any new technology and (ii) the additional support – in terms of increased numbers of properly trained election officials – that the introduction of electronic voting would require.

6.13 The main issues discussed are set out in greater detail below.

## **Public confidence**

6.14 The importance of public confidence in the electoral process was emphasised by both organisational and individual respondents. Respondents said public confidence was ‘paramount’, that it was vital that public confidence in the electoral was ‘not undermined’ and that public confidence in the electoral process was a very basic requirement of democracy. It was common for these comments to be made in the context of current concerns about hacking and foreign interference in elections. Any system that was adopted would have to be ‘tamper proof’.

6.15 More generally, respondents set out their views that, for the electoral process to command public confidence, it would have to be verifiable (i.e. able to be independently audited and validated), secure (free from outside interference) and anonymous (in order to protect against coercion). There were also some suggestions that the standards required for public confidence in voting were higher than those for other activities such as banking or shopping.

6.16 Respondents disagreed about whether electronic voting could assist with and / or guarantee these objectives – either now or in the future. There were four main groups of respondents:

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<sup>9</sup> If the 92 respondents who did not respond to the closed question are classified as having ‘mixed views’, then the distribution across the three categories becomes ‘yes’ (56%) ‘no’ (33%) ‘mixed views’ (11%).

- Those who were strongly in favour of electronic voting. These respondents believed that (there was evidence that) electronic voting had already, and could in the future, deliver a wide range of benefits. It was common for these respondents to refer to published evidence about the benefits of electronic voting.
- Those who were against the introduction of electronic voting. Some of these respondents had principled objections and did not wish any form of electronic voting to be trialled. Others objected on more practical grounds, or thought there was no prospect in the foreseeable future of the security concerns being addressed. It was common for these respondents to refer to evidence from other countries which they argued demonstrated that electronic voting was not viable.
- Those who thought that electronic voting should be explored / developed if and only if there was good evidence available that this could be done in a verifiable, secure and anonymous way.
- Those who had mixed views about the potential benefits or were unsure about what effects the introduction of electronic voting might have.

6.17 Below, the main arguments made for and against the introduction of electronic voting are summarised. As can be seen there was a wide range of different arguments used to support both positions. Following these sections, other themes raised in respondents' comments are described. These cover (i) pilots / trials of electronic voting (ii) combining electronic voting with paper-based methods and (iii) problems with the current voting system.

### **Arguments in favour of electronic voting**

6.18 There was a range of arguments in favour of electronic voting:

- It is important to modernise the current system of voting, and to bring it into line with other activities and behaviours which have increasingly moved online. The current system for voting is very out of date and anomalous in the context of modern life. Moreover, it was suggested that the public generally support a move in this direction. This requirement to modernise is particularly important in relation to young people who have grown up in the digital age.
- Electronic voting improves auditability, integrity, transparency and security through its use of strong authentication procedures and highly developed security arrangements. It also increases the speed with which results can be reported.
- Electronic voting is particularly useful in situations where the voting system is complex. For example, if voters are faced with multiple choices (e.g. under the single transferable vote system), or if there are list systems in operation, or if a randomisation process for the ordering of names is to be used (see Chapter 5). In these circumstances, electronic voting machines can help to guide voters through the task, and thereby reduce the number of inadvertently spoilt ballots.
- Electronic voting is particularly useful for key groups for whom the current system is not satisfactory. In particular, electronic voting machines can increase accessibility for those with a range of disabilities (including visual impairments and learning disabilities), or those requiring translation services.

- Electronic voting can reduce the requirement for postal voting and proxy voting. Given that these forms of voting are those most vulnerable to fraud, then electronic voting can bring greater integrity to the electoral process.
- Remote or mobile voting is far more convenient for people than attending a polling station. It can be particularly helpful in situations where there is bad weather, where transport links are inadequate, or for people who find it difficult to attend in person.
- Electronic voting may reduce costs in the longer term by removing the requirement to print and distribute large numbers of different types of ballot papers, and by reducing the numbers of polling staff required to support the electoral process.
- Electronic voting has already been used to good effect in other countries / places. There was a particular focus on the experience of Estonia, but respondents also referred to successful pilot work in Sheffield, UK and elsewhere. Moreover, these respondents argued there is already a well-developed, secure technology solution available in the form of Blockchain.

### **Arguments against the introduction of electronic voting**

6.19 Respondents opposed to the introduction of electronic voting highlighted a number of issues, ranging from the principled to the pragmatic as follows:

- The technology associated with electronic voting is a 'black box' which is not understood by the general public. The lack of public understanding of the technology will undermine public confidence in the electoral process. This lack of understanding of the technology was contrasted with the very 'low tech' current system which people understand, and which it is possible to (audit and) verify.
- No system which is currently available is safe from hacking / outside interference. There has been experience in the UK of interference in IT systems (malware) with regard to the NHS and other public bodies. No matter how sophisticated the electronic voting system is, it cannot ever be guaranteed to be fully secure. This specific point about security was made repeatedly by individual respondents who identified themselves as 'computer scientists' or 'software engineers' and who emphasised the complexity of the technology and the likelihood of errors.
- The scale of any fraud associated with electronic voting is on a completely different scale from that associated with the current (paper-based) technology. In relation to electronic voting, a few people could do 'untold damage'. This was contrasted with the current system in which attempts at fraud are thought to be labour intensive and to affect small numbers.
- If electronic voting machines were to replace ballot papers at polling stations, then no additional issues – over and above current ones – in relation to voter identification arose. However, with remote or mobile voting, respondents were not convinced that there was the ability to guarantee that an individual voted once and only once.
- There is not sufficient connectivity to allow electronic voting since this would require reliable internet access to be available in all polling stations in Scotland. Connectivity, especially in rural areas is limited. Moreover, slow or intermittent



connections would be highly disruptive to the electoral process and would require major contingency arrangements to be put in place.

- Remote or mobile voting which requires individuals to access the internet on an individual basis does not take account of the 'digital divide' and may disenfranchise those groups who are not digitally sophisticated (including older voters and those living in deprived circumstances). Moreover, the use of electronic voting machines may act as a barrier to the smooth running of elections by requiring a level of familiarity with electronic interfaces which is not universally held (including by election officials).
- Developing electronic voting methods, and focusing on the technology aspects of voting, 'trivialises' the act of voting. Respondents argued that voting is a communal and societal event with deep significance and importance. Reducing this to a remote 'click' puts it on a par with other consumer activities and devalues its significance.
- The public, and voters, are not asking for electronic voting to be introduced.
- There are fundamental problems with the procurement arrangements for any electronic voting system. The 'source code' (i.e. the computer code which underpins the electronic voting system) may not be open or available; the ethics of the providers cannot be guaranteed; there may be issues of commercial confidence, non-disclosure agreements and getting 'locked into proprietary systems' which compromise the amount of control that the commissioner has.
- The evidence demonstrates that electronic voting does not increase voter turnout / voter participation. This was particularly mentioned in relation to the experience in Estonia, where respondents argued that the evidence showed that the people who used electronic voting were people who were going to vote in any case. More broadly, respondents argued that people will vote if the issue under consideration is important to them (they gave the example of the high turnout for the Scottish independence referendum) and they thought that efforts to increase voter participation should focus on the salience of the election, and on other options such as voting on multiple days or at a range of polling places, rather than on the introduction of electronic voting.
- Other places / countries that have tried electronic voting in various forms have stopped investing in it or have withdrawn from it over time due to the various problems, difficulties and lack of benefits which have been demonstrated (examples offered included Ireland's abandoning of electronic voting machines in 2009, concerns about turnout in Norway and security in the Netherlands, France suspending its pilots and the Australian Electoral Commission questioning the security of electronic voting). The particular experience in the US of electronic voting machines was described as 'alarming'. Respondents said that there was evidence that electronic voting machines in the US can easily be hacked and that the use of these machines has fuelled conspiracy theories at 'both ends of the political spectrum'.
- Electronic voting does not reduce costs in the short or medium term and may not even reduce costs in the long term. The set-up / development costs of electronic voting are likely to be very high. There will also be high maintenance costs as well as expense in training polling staff. Additional support in polling stations (in the form

of election staff) will be required for the large numbers of people who are unfamiliar with this technology. The value for money of this type of investment was questioned given the relatively small number of elections which take place. In addition, it was argued that investment in electronic voting was not a priority at a time of austerity.

6.20 Finally, it was argued that although the status quo – i.e. paper based voting – was not perfect, it had many advantages. It was simple to understand, familiar, and could be implemented in a cost-effective way. Any investment should be aimed at improving the current system. Others couched this argument as ‘it isn’t broken, so why fix it?’

### **Pilots / trials of electronic voting**

6.21 Respondents who were opposed to electronic voting in any form said that there should be no pilots or trials conducted.

6.22 However, respondents in all other groups – those in favour, those with mixed views, and those with reservations about electronic voting – emphasised the importance of undertaking proper development work and trials on a small-scale basis before adopting any solution more widely. These trials should ‘test one thing at a time’, involve a wide range of participants in any development work (in particular, electronic voting solutions should be co-designed / co-produced with those with disabilities), and be ‘open to independent scrutiny’.

### **Combining electronic voting with paper-based voting**

6.23 There was substantial comment on the need to run electronic voting systems in tandem with traditional paper-based voting methods. Most often, this kind of comment came from those who did not favour the introduction of electronic voting; however, it was also mentioned as a potentially important and valuable feature by those who were in favour of electronic voting.

6.24 The main argument for running systems in tandem was that not everyone would favour using electronic methods, or indeed would be comfortable using electronic voting; thus, to ensure that no-one was disenfranchised, a choice would have to be available. This argument was made by disability organisations who wished electronic voting to be developed as an alternative to – but not as a replacement for – current systems.

6.25 A subsidiary argument, expressed less often, was that electronic voting should be used only as an ‘assistive technology’, i.e. in a context where an individual was not able to participate using the traditional ballot paper method, but would be able to participate (with appropriate support) using an electronic voting approach.

6.26 Linked to this, there was also discussion about the importance of there being a ‘paper trail’ for every vote cast if electronic voting was adopted. This was sometimes referred to as a ‘VVPAT’ (Voter Verified Paper Audit Trail). Essentially this would mean that the voter would (i) register their vote using an electronic machine (ii) receive a print out with confirmation of their choice(s) and then (iii) place this print out in a ballot box. This would recreate the current paper system and allow for full and transparent auditing and verification.

## Problems with the current voting system

6.27 There were three main issues discussed in relation to the current voting system. Respondents disagreed about whether, and the extent to which, electronic voting might provide a solution to these issues.

6.28 First, the question of spoilt ballot papers was raised. There was concern that these did not necessarily always indicate (as suggested in the consultation paper) that they had been completed 'in error'. Indeed, respondents emphasised the importance of there always being an opportunity for voters to register that 'none of the above' candidates were suitable; this was not the same as a 'spoilt' ballot paper.

6.29 Second, respondents discussed the issue of voter identification. In general, those who raised this thought that the current system for voter identification was inadequate. They wanted more thorough and rigorous identification procedures to be implemented at polling stations.

6.30 Third, respondents were not confident about the current system for postal and / or proxy voting. Whilst those in favour of electronic voting suggested that the current concerns with postal / proxy votes regarding electoral fraud would be reduced if electronic voting came into effect, those against thought any current issues would simply be magnified.

## Voting on more than one day (Q12b and Q13c)

6.31 Question 12b, which followed the question on using electronic voting machines, asked for respondents' views on the possibility of voting on more than one day. An identical question was also asked at Question 13c, following the questions on internet and mobile phone voting.

**Question 12b / Question 13c: Would you like voting to be possible on more than one day?**

6.32 The tables below (Table 6.4 and Table 6.5) show that in both cases, just over one-third of individual respondents (37% at Question 12b and 38% at Question 13c) and around two-thirds of organisations (63% and 67% respectively) supported the idea of being able to vote on more than one day.

**Table 6.4: Q12b – Would you like voting to be possible on more than one day?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	16	67%	8	33%	24	100%
Individuals	269	37%	454	63%	723	100%
<b>Total</b>	<b>285</b>	<b>38%</b>	<b>462</b>	<b>62%</b>	<b>747</b>	<b>100%</b>

**Table 6.5: Q13c – Would you like voting to be possible on more than one day?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	12	63%	7	37%	19	100%
Individuals	269	38%	446	62%	715	100%
<b>Total</b>	<b>281</b>	<b>38%</b>	<b>453</b>	<b>62%</b>	<b>734</b>	<b>100%</b>

6.33 A total of 146 respondents – 31 organisations and 115 individuals – provided comments on this topic (either at Question 12b or 13c, or at Question 12d or 13d). The views offered are discussed below.

6.34 Respondents commenting favourably on this proposal said that allowing for voting on more than one day could (i) mitigate the effects of bad weather and / or transport delays (ii) reduce or remove the requirement to close schools if weekends were chosen (note that this objective could also be achieved with voting on a single day if a weekend day was used) (iii) be popular with some particular groups (e.g. young people, those dependent on a carer) (iv) increase accessibility and (v) reduce the requirement for postal voting.

6.35 Respondents who were generally against this proposal said it (i) could be ‘confusing’ (ii) would increase administration costs due to the need for more polling staff / election officials over a longer period (iii) ‘devalues’ the act of voting (iv) might depress turnout, as people might ‘put off’ voting and the momentum generated by a single day event would be lost (v) would require careful consideration as to how this proposal interacts with the existing registration timetable (e.g. last date of registration, postal and proxy applications, etc.) (vi) might have potential to enhance accessibility but the evidence from pilots was that any effects were very small and (vii) was not required given the existence of postal voting. In addition, respondents suggested that if this were to happen, there would need to be a system which allowed individuals to review and alter their votes if significant events took place during the period the polls were open.

6.36 There were different suggestions about how many days / how long a period would be appropriate. At least two days, ‘a weekend’, ‘several days’, ‘not too long’ and ‘up to one week’ were all suggested.

6.37 A small number of respondents asked why the question on voting on more than one day had been repeated.

## **Voting at multiple polling stations (Q12c)**

6.38 Question 12c, which followed the question on extending the voting period, asked for respondents’ views on the possibility of voting at any polling place in Scotland.

**Question 12c:** Would you like to be able to vote at any polling place in Scotland?

6.39 Table 6.6 shows that there were mixed views among individuals on the desirability of being able to vote at any polling place (53% said ‘yes’ and 47% said ‘no’). Organisational respondents, by contrast, were generally in favour of the proposal (85% said ‘yes’).

**Table 6.6: Q12c – Would you like to be able to vote at any polling place in Scotland?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	17	85%	3	15%	20	100%
Individuals	386	53%	340	47%	726	100%
<b>Total</b>	<b>403</b>	<b>54%</b>	<b>343</b>	<b>46%</b>	<b>746</b>	<b>100%</b>

6.40 A total of 116 respondents – 26 organisations and 90 individuals – provided comments on this topic (at Question 12c, 12d and / or 13d). Respondents who supported electronic voting in general tended to comment favourably on this proposal, while those who did not support electronic voting did not.

6.41 There was comment from respondents on both sides of the argument that this facility could only be available, and made to work if there were a single, centralised version of the electoral register, kept up-to-date in real time, fully networked, and available in every polling station. This would require major investment. Respondents who did not support being able to vote at any polling station thought the expense of such a system could not be justified.

6.42 Those who were in favour said such a system made practical sense, and would reduce or remove the need for postal voting, reduce fraud, and help to make voting more accessible. These respondents also argued that this is already done successfully in other countries.

6.43 By contrast, those who were against such a development argued that such a system was unnecessary (given the existence of postal voting), that it would increase the risk of electoral fraud, that the transporting of votes to the correct counting venue would be problematic, that it would require wholesale changes to the design of the ballot paper, and that it would remove the local link to the activity of voting.

## 7. Electoral boundary reviews (Q14 to Q16)

7.1 Chapter 2 (Section 6) of the consultation paper discussed the role of the Local Government Boundary Commission for Scotland (LGBC) in defining and carrying out periodic reviews of electoral boundaries (for Scottish Parliament constituencies and regions, and local government wards) and councillor numbers (in each council and in each ward).

7.2 The consultation asked a series of questions about (i) the process of conducting boundary reviews (ii) the independent nature of the LGBC and (iii) the option of allowing flexibility (in certain circumstances) in the number of councillors in local government wards.

### Reviewing local government electoral arrangements (Q14)

7.3 At present, a review of local government electoral boundaries is carried out every eight to twelve years across Scotland, with all boundaries reviewed at the same time, as part of a single nationwide exercise. The consultation paper discussed the option of moving to a rolling programme of reviews of local government electoral boundaries (i.e. the boundaries for a number of council areas would be reviewed each year, with the aim of reviewing all 32 areas within a set period). It was stated that there was no intention to move to rolling reviews for Scottish Parliament boundaries.

7.4 The consultation paper suggested that a rolling programme of reviews could help deliver a more locally focused approach than the existing system of a single nationwide review. It might also help with managing the work programme of the LGBC. However, the consultation paper also noted that a rolling programme might mean that there were differences in the approach to reviews undertaken at different points in time, and might make it more difficult to be certain about the exact number of councillors across Scotland at any particular point in time.

7.5 Question 14 asked respondents what they thought about moving to such a system:

**Question 14:** Do you think that we should move to a rolling programme of reviews of local government electoral arrangements? [Yes / No]

7.6 Altogether, 691 respondents answered the tick-box part of Question 14, with just under three-quarters (71%) expressing support for moving to a rolling programme of reviews of local government electoral boundaries. There was an almost identical pattern of responses among both organisational and individual respondents (Table 7.1).

**Table 7.1: Q14 – Do you think that we should move to a rolling programme of reviews of local government electoral arrangements?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	12	71%	5	29%	17	100%
Individuals	482	72%	192	28%	674	100%
<b>Total</b>	<b>494</b>	<b>71%</b>	<b>197</b>	<b>29%</b>	<b>691</b>	<b>100%</b>

7.7 A total of 132 respondents – 28 organisations and 104 individuals – provided comments at Question 14. The views offered are discussed below.

### **Views of those who agreed with a rolling programme**

7.8 Those supportive of the introduction of a rolling programme described such a move as sensible, pragmatic, and practical – they thought it would result in a system that was ‘fit for purpose’. More specifically, respondents thought such a system would:

- Encourage a more locally focused approach, by giving more time for local consultation, and consideration of local factors and relevant data
- Support participation and engagement in the review process, partly as a result of the increased profile of individual reviews in local areas
- Result in electoral areas that were more accountable through improved representation, and in more sustainable wards based on natural boundaries which would need changing less often.

7.9 It was also suggested that a rolling review programme would (i) be helpful to local authorities in their preparation work for elections and (ii) ease the pressure on the LGBC with work spread over a longer time period.

7.10 However, it was also common for respondents to stress that, should a rolling review programme be introduced, there would need to be a clearly defined work programme, with a consistent approach and appropriate quality control processes adopted across all reviews. Any future change in the number of councillors allowed per ward (see Question 16) was flagged up as a specific factor which might result in different reviews being carried out under different frameworks. Respondents also emphasised the importance of public input to the process as a way of enhancing accountability and democracy, and of working in partnership with local communities and local government.

7.11 Some respondents offered views on how a rolling programme might be taken forward. Suggestions mainly focused on issues related to the timing, and included: (i) reviewing all wards within specific Scottish Parliament constituencies or Valuation Joint Board areas at the same time; (ii) prioritising areas that were undergoing rapid population change (with some suggesting a rolling programme might allow more frequent review of such areas); (iii) ensuring that reviews were not too frequent (minimum time periods of 10 and 20 years between reviews were proposed); and (iv) only implementing agreed changes at the time of the next election. There was also a suggestion that local authority boundaries themselves, as well as the boundaries of wards within local authorities, might also be considered as part of a rolling review programme.

7.12 Some respondents were, however, cautious and offered support for a rolling programme only if the proposed move would not result in confusion for the electorate, or if the process was shown not to be wasteful.

## **Views of those who disagreed with a rolling programme**

7.13 Those opposed to the introduction of a rolling programme of reviews gave a range of reasons. Most often they thought it was important that the same principles and methods should be applied to all reviews (local and national). There was concern that a rolling programme of reviews might involve different approaches being used in different areas which would lead to a lack of consistency in the conduct of reviews. It was argued that difference in approaches and outcomes could, in turn, have an impact on voter understanding and confidence in the system, and may lead to pressure for more frequent reviews in some areas.

7.14 Respondents were also concerned that a rolling programme of reviews might:

- Lead to a lower profile for individual reviews and reduced public awareness with regard to the review process
- Increase the potential for 'gerrymandering' (i.e. the act of altering electoral boundaries for political advantage) (because of a lower profile)
- Result in increased public confusion, and have a negative impact on local accountability and electorate engagement
- Cause difficulties for political parties and other groups in planning their campaign work (e.g. in getting access to up-to-date electoral registers), and for local government administrators in planning for elections
- Be less cost-effective than the current system.

7.15 There was also some concern that a rolling programme was not practical because of the impact that changes in one area might have on other areas (the consultation paper did, however, state that all wards within a local authority area would be reviewed together).

7.16 Some respondents simply indicated that they were happy with the current review system – they thought it worked, did not want 'change for change's sake', or were not convinced by the stated advantages of a rolling programme.

7.17 Among respondents who were opposed to a rolling review programme, there were also some more general comments on the appropriate frequency of boundary reviews, with suggestions including that: (i) reviews should only be undertaken when a problem or difficulty arose; (ii) reviews should take place at the end of the parliamentary or council term only; (iii) frequent reviews were not necessary; or that (iv) reviews should not be done often because of the expense involved.

## **Views of those who neither agreed nor disagreed with a rolling programme**

7.18 Around a fifth of those offering comments at Question 14 did not provide a response to the tick-box question (i.e. they did not answer 'yes' or 'no' to the question of whether Scotland should move to a rolling programme of reviews). This group of respondents was largely (although not exclusively) made up of organisations; in particular, it included all the electoral bodies who commented at this question.

7.19 Many of the points made by this group of respondents were similar to those made by other respondents. However, their responses typically discussed both pros and cons of introducing a rolling programme of reviews, noting, for example, the consistency offered by



the current approach versus the opportunity to concentrate on individual councils, or the importance of responding to changing demographics versus the need to take account of the resources involved in carrying out reviews.

7.20 Respondents in this group also offered views on the broader impact of a move to a rolling programme. They highlighted:

- The need to take account of electoral cycles, noting (i) the implications for electoral planning within local authorities, and the need for any work programme to take account of the time required to undertake polling district reviews, produce electoral registers etc., and (ii) the potential implications of some areas or wards being reviewed prior to an election and others not
- The need to consider how the process would align with reviews of parliamentary boundaries.

### Independence of boundary reviews (Q15)

7.21 The consultation paper set out the existing role of Scottish Ministers and the Scottish Parliament in relation to boundary reviews, and respondents were invited to give their views about the relationship between the LGBC and Scottish Ministers / the Scottish Parliament, particularly regarding recommendations made by the LGBC. There were three tick-box questions which asked: (i) whether Scottish Ministers ought to be able to change the recommendations of the LGBC (Question 15a); (ii) whether the Scottish Parliament should be able to challenge the LGBC's recommendations (Question 15b); and (iii) whether LGBC recommendations should be required to be implemented without change (Question 15c). A fourth question (Question 15d) asked respondents to comment on their answers.

**Question 15a:** Should Scottish Ministers be able to change the recommendations of the Local Government Boundary Commission for Scotland on Scottish Parliament constituencies and council wards? [Yes / No]

**Question 15b:** Should the Scottish Parliament be able to challenge the recommendations of the Boundary Commission on Scottish Parliament constituencies and council wards? [Yes / No]

**Question 15c:** Should the recommendations of the Commission be implemented without change? [Yes / No]

**Question 15d:** Please comment on your answer.

7.22 A total of 702 respondents answered **Question 15a**. Table 7.2 shows that a majority (56%) indicated they were opposed to Scottish Ministers being able to change the recommendations of the LGBC on constituencies and council wards. However, this view was more prevalent among organisations (80% expressed opposition) than among individuals (who expressed more mixed views, with 55% opposed and 45% in favour).

**Table 7.2: Q15a – Should Scottish Ministers be able to change the recommendations of the Local Government Boundary Commission for Scotland on Scottish Parliament constituencies and council wards?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	3	20%	12	80%	15	100%
Individuals	308	45%	379	55%	687	100%
<b>Total</b>	<b>311</b>	<b>44%</b>	<b>391</b>	<b>56%</b>	<b>702</b>	<b>100%</b>

7.23 A total of 701 respondents answered **Question 15b**. In contrast to the response at Question 15a, there was general support for the Scottish Parliament being able to challenge the recommendations of the LGBC – 75% were in favour. However, there was again a different pattern of response among organisations and individuals – three-quarters (76%) of individuals supported this idea, while organisations were more divided in their views (with 53% answering ‘yes’ and 47% answering ‘no’) (Table 7.3).

**Table 7.3: Q15b – Should the Scottish Parliament be able to challenge the recommendations of the Boundary Commission on Scottish Parliament constituencies and council wards?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	8	53%	7	47%	15	100%
Individuals	519	76%	167	24%	686	100%
<b>Total</b>	<b>527</b>	<b>75%</b>	<b>174</b>	<b>25%</b>	<b>701</b>	<b>100%</b>

7.24 Finally, at **Question 15c**, answered by a total of 671 respondents, a large majority (73%) did **not** think that the recommendations of the LGBC should have to be implemented without change. Individuals were more likely than organisations to offer this view (73% compared to 58%) (Table 7.4).

**Table 7.4: Q15c – Should the recommendations of the Commission be implemented without change?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	5	42%	7	58%	12	100%
Individuals	178	27%	481	73%	659	100%
<b>Total</b>	<b>183</b>	<b>27%</b>	<b>488</b>	<b>73%</b>	<b>671</b>	<b>100%</b>

7.25 Thus, across the three tick-box questions respondents indicated a degree of opposition to Ministers being able to change recommendations, support for Parliament being able to challenge recommendations, and opposition to LGBC recommendations being implemented without change.

7.26 A total of 319 respondents – 31 organisations and 288 individuals – commented at one or more parts of Question 15 (a to d). More than half of those who did so commented in a general way – i.e. they did not comment directly on any of the sub-questions at Question 15 (or the sub-question they were referring to in their comments was not clear). These

respondents offered general comments on the boundary review process; the role of 'independence' in that process; the approach taken by the reviews; and the roles of Ministers (or the Government), Parliament, and the LGBC in the review process.

7.27 Thus, the following sections discuss overall views first, before summarising comments on the roles of Ministers and Parliament in challenging and changing boundary review recommendations, and on the role of the LGBC more generally.

7.28 It should be noted that the views of respondents were complex, covering multiple variations in roles and relationships between different bodies with an involvement (or potential involvement) in the boundary review process. Further, respondents did not always make a clear distinction between 'challenging' and 'changing' recommendations in their responses. Thus, the analysis presented is high level in nature, and concentrates on the principles that were important to respondents in answering the various parts of the question.

### **Overall views about the independence of boundary reviews**

7.29 There was a commonly expressed view that independence and impartiality were crucial to the boundary setting process in order to protect against political interference or 'gerrymandering'. There was, though, a range of views on what constituted 'independence', and the type of arrangements that would deliver the required level of independence.

7.30 There was also a widespread view that the work of the LGBC should – like the work of all public bodies – be transparent and open to scrutiny, and subject to challenge where justified by the evidence or where due process had not been followed. There were differing views on the form that scrutiny and challenge should take, with some suggesting this should be provided by the Scottish Parliament or Scottish Ministers, and others suggesting it should come from outwith Parliament and / or the Government.

### **The role of Ministers in boundary reviews**

7.31 The response to Question 15a shows that most respondents were opposed to Scottish Ministers being able to change LGBC recommendations and this view was reinforced in the comments from respondents which, in the main, indicated opposition to or reservations about Ministerial involvement in the boundary review process. A common view expressed by respondents was that Ministerial (or government) involvement was not compatible with an impartial or neutral process. There was concern about gerrymandering (or the perception of gerrymandering). However, some supported the option of Ministers being able to intervene, either as representatives of their constituencies with knowledge of local circumstances and evidence, or because they had access to relevant information as a result of their Ministerial status. Most often, though, respondents thought this should be restricted to challenging but not changing recommendations. Others suggested that any Ministerial interventions should be subject to parliamentary debate and challenge.

7.32 Less often, respondents said that it was appropriate for Ministers to have an active role in the boundary review process because of their status as part of the elected government.

### **The role of the Scottish Parliament in boundary reviews**

7.33 The response to Question 15b shows support for Parliament having a role in challenging the recommendations of the LGBC. Respondents generally thought that this role

should be limited to challenge (as framed in the question) – they did not want Parliament to be able to overrule or ‘derail’ the recommendations of the LGBC. They saw the role as scrutinising, debating and questioning the recommendations of the LGBC, and thought that this was a legitimate function for Parliament given its knowledge of the Scottish context, and for MSPs given their role in representing their constituents.

7.34 Some respondents did, however, think that Parliament should have a more formal role in authorising the recommendations of the LGBC, i.e. that Parliament should have the ‘final say’ in accepting or rejecting recommended changes. In arguing in favour of parliamentary involvement, some respondents suggested that Parliament’s elected status gave it authority over the (unelected) LGBC.

7.35 Respondents offered a variety of comments on how parliamentary involvement in considering LGBC recommendations might work, as follows:

- Parliament’s role should be restricted to approving or rejecting but not changing recommendations.
- Parliament’s role in changing recommendations should be clearly prescribed.
- A ‘super-majority’ (e.g. two-thirds) should be required for Parliament to reject or change a recommendation.
- A consensus or cross-party support should be required for Parliament to reject or change a recommendation.
- Parliament’s committee system might be the appropriate forum for considering boundary changes.
- Parliamentary involvement should be part of a wider process of challenge and consultation.
- There should be joint Parliament / LGBC processes for dealing with recommendations rejected by Parliament.

7.36 Some wished to see local government having a role in the challenge process (see also paragraph 7.40 for comments on local government input to reviews). As such, there was a suggestion that, while Parliament should have a challenge role with regard to **parliamentary** boundaries, that role should lie with local government for **council** boundaries.

7.37 Respondents who expressed opposition to Parliament being involved in boundary setting thought that – like Ministerial involvement – this risked undermining the impartiality and independence of the process. Respondents argued that those with an interest in the outcome of reviews should not have a role in the process of responding to such reviews.

## **Views on the Local Government Boundary Commission for Scotland and the review process**

7.38 Although the consultation questions focused on the role of Ministers and Parliament in considering review recommendations, it was common for respondents to also offer views on the LGBC, and the boundary review process.

7.39 With regard to the LGBC, some thought that this body acted impartially, and that their integrity and independence were fundamental to the boundary review process. However, others expressed concern that the LGBC was not neutral in carrying out its work. For example, there were suggestions that the LGBC tended to promote the interests of the party in power or act in the interests of the UK Government rather than the Scottish Government. With regard to this latter point, there were calls for all boundary decisions in Scotland to be within the remit of the Scottish Parliament. Others suggested steps that might be taken to ensure the impartiality of the LGBC. These included involving representatives of different political parties in the work of the Commission, taking steps to recruit more widely to the LGBC, or inviting international scrutiny of LGBC work.

7.40 With regard to the review process itself, respondents offered a range of other comments, with a particular focus on how it might be improved. These included the following:

- **Criteria in determining boundaries:** In general, those commenting on this issue thought that the current process put too much emphasis on achieving 'parity' in representation (i.e. the principle of having roughly equal numbers of electors per elected representative). As noted in the consultation paper, parity is currently the over-riding factor in determining electoral arrangements. However, respondents were critical of recent boundary review recommendations and called for a more flexible approach that put greater emphasis on local circumstances such as geography and community ties. The alternative view, expressed less often, was that boundary review criteria on parity and ward / constituency population size should be adhered to as closely as possible.
- **Community input to boundary reviews:** A range of respondents argued for greater community input to the boundary review process, whether that was in the initial development of recommendations or through a process of subsequent consultation and challenge. Respondents felt this was important in ensuring local circumstances were considered in the review process and getting the best outcomes for local people. They thought this should involve local government and other local bodies as well as individuals, with the importance of involving equality groups also noted. The use of referenda was suggested for getting approval for major changes.
- **Scrutiny, appeal or challenge mechanisms:** There was a range of calls for mechanisms for scrutinising, challenging or appealing the recommendations of the LGBC, outwith the government or parliamentary systems. There were several suggestions relating to court-based systems or the use of the judicial review process. Respondents noted that any such mechanisms could be open to elected representatives or the government, as well as to members of local communities.
- **The importance of consensus and partnership working:** There were several suggestions for how the approach to boundary reviews might incorporate consensus or partnership-based working across stakeholder groups. While this was seen as important at local level during initial reviews, it was also highlighted as important in responding to challenges to recommendations.

7.41 There was a view that expertise, clear guidance and criteria, and strong evidence were important in ensuring robust recommendations, and that sound processes would reduce the need for subsequent challenge and change.

7.42 At a more general level, there were calls for: (i) a more fundamental reassessment of the boundary review process, with a preference stated for a partnership-based approach involving local and national government; (ii) a consistent approach to the process for setting all electoral boundaries (UK Parliament, Scottish Parliament, local councils), which should fall within the remit of the Scottish Parliament; and (iii) a revisiting of the approach to boundary-setting if Scotland became an independent country.

## Number of councillors in each ward (Q16)

7.43 The consultation paper noted that current legislation (the Local Governance (Scotland) Act 2004) requires all council wards to have three or four councillors, but it suggested that there may be exceptional circumstance in which allowing wards to have fewer, or more, councillors would give the LGBC greater flexibility to take account of community ties and local geography when reviewing ward boundaries. The consultation paper also noted that the Islands (Scotland) Bill currently being considered by the Scottish Parliament would allow wards including inhabited islands to have one or two councillors. Question 16 asked for views about whether the LGBC should have flexibility (across the whole country) to recommend wards with between two and five councillors in appropriate circumstances (this provision would, thus, be in addition to the proposals contained in the Islands Bill).

**Question 16:** Should the Local Government Boundary Commission for Scotland be allowed the flexibility to recommend wards which have between 2 and 5 councillors, instead of 3 or 4 councillors as at present? [Yes / No]

7.44 Altogether, 689 respondents answered the tick-box part of Question 16. Table 7.5 shows that nearly three-quarters of respondents (72%) were in favour of this suggestion, with a near identical pattern of responses for organisations and individuals.

**Table 7.5: Q16 – Should the Local Government Boundary Commission for Scotland be allowed the flexibility to recommend wards which have between 2 and 5 councillors, instead of 3 or 4 councillors as at present?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	11	73%	4	27%	15	100%
Individuals	488	72%	186	28%	674	100%
<b>Total</b>	<b>499</b>	<b>72%</b>	<b>190</b>	<b>28%</b>	<b>689</b>	<b>100%</b>

7.45 A total of 164 respondents – 26 organisations and 138 individuals – provided comments at Question 16, as discussed below.

7.46 There was a lot of commonality in the responses of those who ticked ‘yes’ and those who ticked ‘no’, with respondents using their comments to qualify their answer in various ways. In particular, respondents often indicated partial agreement or disagreement with the proposal in that they agreed with flexibility at one end of the scale, but not the other (i.e. they supported the option of allowing wards with two councillors but did not support the option of allowing five councillors, or vice versa). In addition, some respondents commented on the pros and cons of the proposed flexibility without indicating clear support or opposition for the

proposal. This group of respondents included some of the electoral and public bodies who responded to the consultation. Thus, the sections below look at general views on increased flexibility, before looking at flexibility regarding the maximum and minimum number of councillors per ward, and the implementation of a flexible approach.

### **General views on flexibility**

7.47 Respondents indicating **support** for flexibility to recommend wards with two or five representatives generally argued that ‘one size does not fit all’. This group thought that Scotland was a diverse country, and that increased flexibility would allow greater account to be taken of rurality, population density, geography and travel times, ‘natural communities’, and the special circumstances of island communities in setting ward boundaries. Some said that they wished to see electoral parity given a lower priority in setting boundaries and local circumstances given higher priority (see paragraph 7.40).

7.48 Some respondents argued for greater flexibility than proposed in the consultation paper. However, others were more cautious, and offered several caveats and qualifications to their support for flexibility. Most commonly, respondents suggested that wards should only have less than three or more than four councillors in ‘exceptional circumstances’ governed by strict criteria, where there was a strong local case and local support, or where this would allow existing ward boundaries to remain unchanged, despite a shift in population. Others suggested that flexibility should only be used with government or parliament agreement. Some also noted the potential disadvantages of having fewer than three or more than four councillors (as discussed by those opposed to flexibility – see paragraphs 7.56 and 7.58) and, thus, thought that flexibility should be used sparingly.

7.49 There was also some concern amongst those who were generally supportive of the proposal about the motivation for the increased flexibility and how it might be applied. Respondents were clear that flexibility should be used where it was in the best interests of communities and should not be used for political gain in the interests of a single party or as a way of reducing the electoral chances of smaller parties.

7.50 As noted above (see paragraph 7.46), it was common for those **opposed** to flexibility to be opposed to either flexibility in the maximum number of councillors per ward or flexibility in the minimum number but not both. Those who indicated more general opposition to flexibility made two main points:

- They thought the current system based on three or four councillors worked well, or simply felt that two was too few and five was too many.
- They favoured a system based on greater standardisation in which all wards would have the same number of councillors (three or four) and / or the same number of voters per representative. This, it was said, would give equal choice to all voters, and would ensure that all areas were equally represented on councils.

### **Views in relation to flexibility in the maximum number of councillors per ward**

7.51 There were two main reasons offered by those supporting the option of allowing more than four councillors per ward. Most often, respondents thought that that this would provide greater scope for wards to be based on natural communities (as discussed above). It was further suggested that this would lead to fewer boundary changes in the future as there would

be the option to increase the number of councillors in response to population growth within a ward rather than having to redraw boundaries.

7.52 Respondents mainly emphasised the benefits for urban areas with dense populations, stating that flexibility to have more than four representatives would help prevent situations where boundaries cut through natural communities and traditional areas in order to create wards. It was argued that the proposed flexibility would empower local populations, and avoid the confusion, frustration and disengagement that resulted from areas being split simply to meet current criteria regarding parity of representation and number of representatives per ward.

7.53 However, it was also common for respondents to argue that bigger wards (in terms of population) with greater numbers of elected representatives were important in allowing proportional representation to operate effectively. Having a larger number of councillors in each ward allows a greater number of voters to have their views reflected in the outcome of the election; this is particularly the case in areas where the local electorate contains a more diverse range of political views. Respondents commonly referred to this as 'proportionality'.

7.54 There were, though, different views on the minimum or optimum number of councillors required to achieve reasonable proportionality. Respondents variously suggested that there should, for example, be 'at least four', 'no more than five' and 'up to ten' councillors per ward. Some thought that wards should, as a matter of routine, be bigger than at present, with some suggesting that wards of three (or fewer) councillors should be the exception. There was a view that the LGBC should be required to recommend the largest practical size of ward in order to maximise proportionality.

7.55 Respondents also gave a number of other reasons for favouring wards with greater numbers of councillors. For example, they thought this would encourage more people to stand as candidates and would help support diversity in representation; would increase the accessibility of local representatives and protect against poor representation; and would offer opportunities for joint working between councillors. (Note, however, that, in terms of the final point, there was an alternative view that having a greater number of representatives per ward might be a hindrance to council working.)

7.56 Those who saw disadvantages in having more than four councillors thought this would create wards that were too geographically large to be coherent or manageable, and would be detrimental to voter recognition and awareness regarding elected representatives.

### **Views in relation to flexibility in the minimum number of councillors per ward**

7.57 Those who favoured flexibility in allowing fewer than three councillors generally highlighted the advantages for sparsely populated rural areas, as this option would mean the LGBC could recommend wards which covered less extensive geographic areas than was the case at present (because of the need to achieve electoral parity). Those expressing this view thought that geographically large wards were detrimental because of: (i) the lack of links between the different areas and diverse communities included in the ward; (ii) the practical challenges faced by residents in accessing their representatives; and (iii) the challenges faced by councillors in acting as effective representatives and carrying out council business over large areas.



7.58 Those who expressed opposition to having fewer than three councillors mainly thought that this did not deliver proportionality or did not offer effective representation to local people (see paragraphs 7.53 and 7.55).

7.59 A range of respondents commented directly on provisions contained in the Islands (Scotland) Bill currently under consideration by the Scottish Parliament. Most often respondents expressed support for this, but there was a mix of views on whether such flexibility should be available in other areas, or whether the islands should be treated as a special case. Some, however, had reservations about the use of one or two member wards even in the islands, and highlighted the risks of uncontested elections and the benefits of multi-member wards for all voters.

### **Implementing greater flexibility**

7.60 In terms of implementing increased flexibility, respondents highlighted the following:

- There would need to be guidance on the circumstances in which flexibility might be applied.
- Any boundary changes which made use of increased flexibility should require local input and be agreed in partnership with local officials and populations.
- Any presumptions regarding the treatment of adjacent two- and three-member wards would need to be clear.
- Any application of flexibility should take account of the impact on the local council, and the relative representation of different areas.
- Ensuring public awareness and understanding of a flexible approach would be important, at a general level and in relation to changes to individual wards.
- Any new system should be piloted.

## 8. Who can register and vote (Q17 to Q22)

8.1 Chapter 3 of the consultation paper discussed a range of issues in relation to who may register and vote in Scottish Parliament and local authority elections in Scotland.

### Extending the franchise (Q17, 18, 19)

8.2 At present, a person may vote in Scottish Parliament and local government elections if they are over 16 years old and are (i) a British citizen; OR (ii) a qualifying Commonwealth citizen<sup>10</sup>; OR (iii) a citizen of the Irish Republic or European Union.<sup>11</sup> Thus, some groups of overseas citizens have the right to vote in Scotland, while other groups (i.e. those who are not EU or Commonwealth citizens) are excluded from the franchise which some people consider to be discriminatory. As the Scotland Act 2016 gave the Scottish Government power over the administration of Scottish elections, there is now an opportunity to change the existing franchise for Scottish elections.

8.3 The consultation paper discussed a proposal to extend the current franchise for Scottish Parliament and local government elections to include everyone who is legally resident in Scotland. There were three questions on this proposal.

**Question 17:** Do you agree that the franchise should be extended to include everyone legally resident in Scotland? [Yes / No]

**Question 18:** Do you have any views on how long someone should be resident in Scotland before they become eligible to vote?

**Question 19:** Do you have any other comments to make on this issue?

8.4 A total of 751 respondents answered the tick-box part of Question 17. Table 8.1 shows that there was general support among organisations (92%) and individuals (78%) for extending the franchise to everyone legally resident in Scotland.

**Table 8.1: Q17 – Do you agree that the franchise should be extended to include everyone legally resident in Scotland?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	24	92%	2	8%	26	100%
Individuals	568	78%	157	22%	725	100%
<b>Total</b>	<b>592</b>	<b>79%</b>	<b>159</b>	<b>21%</b>	<b>751</b>	<b>100%</b>

8.5 Question 18 invited views on how long someone should be resident in Scotland before they become eligible to vote. This was an open question, with no tick-box. Question 19 asked for any other comments on the issue of extending the franchise. Some respondents commenting at Question 18 included an explanation of **why** they had suggested a particular length of residence, while others provided their explanation at Question 19. As there was a

<sup>10</sup> Qualifying Commonwealth citizens are those who have the right to enter and remain in the UK.

<sup>11</sup> The 1992 Maastricht Treaty imposed reciprocity inside the European Union concerning voting rights in local elections.

great deal of overlap between the issues raised at Question 18 and Question 19, the responses to these two questions have been analysed together.

8.6 A total of 613 respondents – 43 organisations and 570 individuals – commented at Question 18 and / or Question 19.

### **Views in favour of extending the franchise to all legal residents**

8.7 Respondents supporting an extension of the franchise to all people who are legally resident in Scotland argued that decisions taken by government affect all residents; therefore, all residents should have a say in those decisions. Some suggested that extending the franchise in this way would demonstrate that Scotland is an inclusive and welcoming country. The point was also made that Scotland needs to increase its population, and so steps should be taken to encourage new residents to see themselves as part of the community as quickly as possible. This group thought that enfranchising residents would support the process of integration.

### **Views opposed to extending the franchise to all legal residents**

8.8 Respondents answering ‘no’ to Question 17 commonly stated that eligibility to vote should **not** be based on residence, but on citizenship. In general, this group thought that only British citizens should have the right to vote in Scotland. However, a subset of this group said the franchise should also continue to include qualifying Commonwealth citizens. These latter views, and views about the right of EU citizens to vote in Scotland, are discussed below at paragraphs 8.35–8.37.) Respondents who advocated voting rights being based on citizenship gave the following reasons for their view:

- Non-British citizens are not ‘stakeholders’ in Scotland / the UK to the same extent as citizens.
- The right to vote in an election should be based on a voter’s clear, meaningful and long-term connection to a country.
- It would be unfair that a citizen of another country should be permitted to vote in Scotland if a person from Scotland is not permitted to vote in that other country.
- Voting eligibility based on residence would undermine the sovereignty and future security of Scotland.
- The ability to vote is one of the most important benefits of being a citizen – why offer people citizenship if any resident can vote?

8.9 Some in this group suggested that eligibility to vote should not only require British citizenship but also a period of residence: e.g. ‘to vote in Scotland you should hold a British passport and have lived in Scotland on a permanent basis for 10 years’. Similarly, there were also suggestions among this group of respondents that British citizens living abroad (e.g. ‘permanently’, ‘for more than five years’, ‘for more than seven years’) should **no longer** be able to vote in elections in Scotland. (It was not clear if this group of respondents thought such lengthy residence requirements should also apply to British citizens who move to Scotland from elsewhere in the UK.)

## **Length of residence required before becoming eligible to vote**

8.10 Both among those who answered ‘yes’ and those who answered ‘no’ to Question 17, there were specific suggestions at Question 18 about how long a person should be resident in Scotland before they can vote. These ranged from ‘there should be no minimum period of residency – if you live here you should have a say’ to ‘25 years’. The most common response was ‘five years’. ‘One year’ and ‘two years’ were the next most common suggestions.

8.11 Some respondents did not suggest a **specific** period of residence, but made other types of suggestions, the most common of which were that: (i) eligibility to vote should be based on (British) citizenship, not residence; (ii) eligibility should be based on residence plus some other criterion (e.g. paying taxes, speaking English, having no criminal history, etc.); or (iii) there could (or should) be different residence requirements for local authority elections versus Scottish Parliament elections versus other votes (e.g. referenda). Occasionally, respondents suggested that the minimum period of residence should be linked to the length of a parliamentary term (i.e. either four or five years).

8.12 There were, however, clear differences in the views of respondents who answered ‘yes’ at Question 17 compared to those who answered ‘no’. Those who answered ‘yes’ tended to favour shorter residency requirements – five years or less. This includes some who thought eligibility to vote in Scotland should be available to people immediately upon taking up residence in Scotland. Very few in this group supported a residence requirement of more than five years.

8.13 By contrast, those answering ‘no’ to Question 17 were more likely to say that the residence requirement should be five years or more or that the right to vote in Scotland should be available only to British citizens. None of this group thought that a person should be eligible to vote in Scottish elections immediately upon taking up residence in Scotland, and very few suggested a residency requirement of less than five years.

## **Explanations for proposed periods of residence**

8.14 As noted above, those in favour of extending the franchise to everyone legally resident in Scotland also tended to suggest shorter periods of residence (i.e. less than five years), arguing that ‘if you live here, you should have a say’. This view was particularly common among those who believed there should be no minimum period of residency required.

8.15 However, respondents also often linked their views about length of residence to other factors (or criteria) they felt were important to consider in assessing a person’s eligibility to vote. Furthermore, while respondents did not always agree on the specific length of time an individual should be resident before being permitted to vote, they did generally agree on what these other criteria were – regardless of whether they thought voter eligibility should be based on residence or British citizenship, or whether they suggested a short residence requirement or a long one.

8.16 These criteria were: (i) a person’s status as a tax payer; (ii) the person’s demonstrated commitment to Scotland; and (iii) their knowledge of, and familiarity with, life in Scotland. Each of these is discussed below.

### *Tax payer status*

8.17 The most important factor for respondents in assessing a person's eligibility to vote was their tax-paying status. Those mentioning this issue often based their views on the principle that there should be 'no taxation without representation'. This argument was particularly prominent among those favouring shorter residence requirements.

8.18 Respondents who opposed voter eligibility based on residence and / or who advocated longer residence requirements had a different perspective on this issue: this group saw a person's tax paying status as a necessary indication of their contribution and commitment to Scotland.

8.19 Some respondents thought that being a council tax payer should be sufficient for determining voter eligibility for all elections. However, others emphasised that it was not enough simply to pay tax in Scotland, a person must also be resident. Thus, someone who owns property in Scotland but lives elsewhere, should not be able to vote in Scotland. Some suggested that only those who paid **income tax** in Scotland should be able to vote in Scottish elections. Occasionally, an alternative view was expressed that people who paid council tax but did not live in Scotland **should** be able to vote in **local elections only**, but not in Scottish Parliament elections or other national polls (such as referenda).

8.20 Only very occasionally did respondents question whether it was appropriate to link the right to vote with being a tax payer. The point was made that this would effectively disenfranchise unpaid carers and give the impression that Scotland does not value the contributions of such individuals.

### *Demonstrated commitment to Scotland*

8.21 Another important factor for respondents in assessing voter eligibility related to a person's demonstrated commitment to life in Scotland. Those mentioning this issue thought that 'visitors', 'transient populations', and certain groups who may be resident in Scotland on a 'temporary' basis should not be eligible to vote in Scotland on the basis that they are unlikely to have the necessary commitment to life in Scotland.

8.22 Respondents often equated commitment to Scotland with length of residence, and periods ranging from six months to 10 years were seen by different respondents to be sufficient to demonstrate the necessary level of commitment. Employment ('contributing to the economy') was also cited as evidence of commitment by some. Others argued that only by becoming a British citizen could an individual demonstrate their commitment to Scotland, and on this basis, eligibility to vote should be based on citizenship not residence.

8.23 Respondents raising the issue of 'commitment' were concerned that people resident in Scotland for only a short period of time should not be able to influence public policy if they do not have to live with the consequences of their vote. They also argued that it was unfair to those who **had** made a commitment to Scotland if elections could be decided by people who had not made the necessary commitment. Such people would include, for example, students from overseas (or elsewhere in the UK), people working on short-term contracts, 'migrant workers', and people who own property in Scotland but who do not live there permanently. Although mentioned less often, this same argument was also applied to people born in Scotland, but now living overseas. Some thought people from Scotland living overseas should be required to show that they were physically present in Scotland – not simply having

an address in Scotland – for a certain period of time each year (suggestions ranged from six months to nine months) to be able to vote in Scottish elections.

### *Knowledge of Scottish affairs*

8.24 The third consideration commonly raised by respondents related to a person's knowledge of life in Scotland. Thus, the length of residence required to be eligible to vote should be long enough for a prospective voter to become familiar with Scottish society, culture, politics, and way of life, and to have a sufficient understanding to be able to take a position on local / national issues. Some respondents in this group suggested that the minimum period of residence required to be eligible to vote should be linked to the length of a parliamentary term (i.e. four or five years).

### **Groups that should and should NOT be eligible to vote in Scotland**

8.25 As suggested in the discussion above, respondents' comments on this issue frequently focused on who should or – more often – who should **not** be able to vote in Scotland. Moreover, respondents' views about residence requirements and other associated factors (i.e. tax paying status, demonstrated commitment, etc.) were often presented as reasons for excluding certain groups from the franchise in Scotland – including some groups who are currently eligible to vote. The main focus of attention was on holiday home owners and students from outside of Scotland. Less often, views were expressed in relation to asylum seekers, refugees and migrant workers; prisoners; or EU and Commonwealth citizens.

### *Holiday home owners and students from outside of Scotland*

8.26 Irrespective of whether they answered 'yes' or 'no' to Question 17, or whether they thought the residence requirement should be short or long, respondents often pointed to two groups that they thought should **not** be able to vote in Scotland. These were:

- People who owned property, but did not live permanently, in Scotland (referred to as 'holiday home owners', 'second home owners', 'absentee landlords', or 'summer visitors' – including those who lived elsewhere in the UK)
- Students living in Scotland temporarily (including students from EU, EEA and Commonwealth countries as well as those whose permanent home was elsewhere in the UK).

8.27 An alternative view, expressed less often, was that these two groups should be able to vote in local authority elections only.

8.28 Very few respondents explicitly expressed support for giving the vote to those who come to Scotland as students. However, one young people's organisation argued that, whether someone comes to Scotland to work, live or study, they have a fundamental right to have a say in how the country and their local communities are being run. Therefore, enrolment in university, college or a school in Scotland should **not** be a criterion for denying a young person a vote, but rather should provide evidence of their eligibility. Another organisation suggested that overseas students should be eligible to vote in Scotland if they are studying here for more than one year.

### *Asylum seekers, refugees and 'migrant workers'*

8.29 Among the respondents who discussed voting among asylum seekers, refugees and 'migrant workers' (including people who cannot speak English), there was disagreement about whether these groups should be eligible to vote in Scotland. Those opposed argued that they should first demonstrate a commitment to life in Scotland, and / or they should become British citizens first. However, there were contradictory views expressed – with some suggesting that asylum seekers and refugees should be able to vote if they have permission to work (and pay tax), and others opposed to extending the franchise to contract workers / short-term workers who may be paying income tax on their earnings. (Note that it was not always clear what respondents meant by 'migrant', 'short-term' or 'contract' workers and / or whether these designations applied **only** to people from overseas or if they also applied to people moving to Scotland from elsewhere in the UK for a temporary work placement.)

8.30 Some respondents answering 'yes' to Question 17 specifically argued in favour of giving a vote to asylum seekers and refugees. These respondents thought that whatever definition of 'legally resident' is agreed, it should ensure these groups are included – and that they should be eligible to vote if they are ordinarily resident in Scotland on the date of their application to be on the electoral roll. However, it was also suggested that, if a decision is taken not to allow asylum seekers and refugees to vote in Scotland, then other mechanisms should be put in place to enable the views of these groups to inform public policy.

### *Prisoners*

8.31 Among the respondents who raised the issue of prisoner voting, there was disagreement about whether this group should be eligible to vote. Several third sector organisations and some individuals wrote lengthy responses which addressed this single issue. These respondents set out arguments supporting the enfranchisement of prisoners and opposing the current blanket ban on prisoner voting – based on the principle that voting is not a privilege, but rather a basic human right. They argued that preventing people in prison from voting achieves no purpose: it does not protect public safety, act as a deterrent, or contribute to an offender's rehabilitation. In addition, as a form of punishment, it bears no relationship to the crime committed, and is arbitrarily applied – for example, convicted offenders who are given community-based sentences have the right to vote, but those who are imprisoned are prevented from voting. By contrast, enfranchising prisoners could provide a focus for education, enhance their sense of citizenship, and make a positive contribution to their rehabilitation and return to society.

8.32 This group acknowledged that there may be circumstances in which disenfranchisement is a suitable punishment for an offender – for example, in cases of a person convicted of breaking electoral laws. However, it was argued that the decision to remove the right to vote should be made and communicated by a judge at the point of sentencing, and it was suggested that the Scottish Sentencing Council should be asked to provide guidance to support the courts in using this discretionary form of sentence. These respondents also suggested that there may be certain groups of prisoners for whom disenfranchisement is appropriate – for example, those committing the most serious offences, or those serving life sentences – but that this should be expressly set out in legislation.

8.33 This group also noted that most countries in Europe now allow prisoner voting except in cases of the most serious offences or the longest prison terms. They argued that the current blanket ban on prisoner voting was a breach of the European Convention on Human Rights and called for the Scottish Government to remove the ban and bring Scotland into line with international norms of democratic accountability and representation.

8.34 Respondents who specifically stated that they opposed prisoners having a vote were, by and large, respondents who were also not in favour of extending the franchise more generally. The main argument given by this group was that if a person had 'contravened the rights of others', they should not 'be afforded the privilege of voting', and that they have given up the right to vote by committing a crime.

#### *EU and Commonwealth citizens*

8.35 Among respondents commenting on whether EU and / or Commonwealth citizens should have the right to vote in Scottish elections, there were differences of opinion.

8.36 Those who answered 'no' to Question 17 (opposed to extending the franchise) generally argued that, after Brexit, EU citizens should **not** be permitted to vote in Scotland unless they become British citizens first. However, in relation to Commonwealth citizens, some thought the same rule should apply (i.e. Commonwealth citizens should become British citizens first) while others thought Commonwealth citizens should continue to be able to vote in Scotland if their countries had reciprocal voting rights for UK citizens.

8.37 By contrast, those who answered 'yes' to Question 17 (in favour of extending the franchise to all legal residents of Scotland) generally thought Commonwealth citizens, and EU citizens who come to Scotland after Brexit should be able to vote in Scotland if they live and work in Scotland (subject to the same minimum residence requirement which exists for any other immigrant to Scotland). This group also believed that EU citizens currently resident in Scotland (who already have the right to vote in Scottish elections) should not lose that right when the UK leaves the EU, and they thought this right should also be extended to any EU citizens who move to Scotland before the UK leaves the EU.

#### *Other groups*

8.38 Occasionally, respondents discussed other groups that should, or should not, be eligible to vote in Scotland. Some suggested that voting rights should be available to foreign spouses of British citizens living in Scotland, and foreign spouses of non-British citizens working in Scotland. Others thought eligibility to vote in Scotland should be extended **only** to the citizens of countries where there are reciprocal voting rights. Groups that should **not** be eligible to vote in Scotland included people whose assets were held in tax havens and those who could not speak English. Each of these groups was mentioned by a relatively small number of respondents.

### **Different residence requirements for different types of vote**

8.39 Some respondents suggested that there may be a case for having different residence requirements for different types of vote. This view was expressed both among those answering 'yes' to Question 17 and those answering 'no'. Where this issue was mentioned, in general, these respondents thought there could be a shorter period of residence and less restrictive conditions (i.e. anyone legally resident) for voting in local authority elections,



whereas a longer residence period and / or more restrictive conditions (e.g. citizenship, income tax payment, place of birth) should be required for Scottish Parliament elections and constitutional referenda. Very occasionally, it was suggested that only people born in Scotland should be permitted to vote in constitutional referenda.

### **Administrative implications of extending the franchise to all residents**

8.40 Some organisational respondents (including electoral bodies) made general comments about the practical and administrative implications of extending the franchise to all legal residents in Scotland. Some emphasised the importance of having a clear definition of the term 'legally resident', and clarity about any length of residency requirement.

8.41 It was pointed out that Northern Ireland is the only part of the UK to have had a form of residency requirement for voters. However, this was abolished in 2014 following concerns raised by the Electoral Commission. The following points were noted:

- Requirements to produce and check proof of address and evidence of length of residency will place a significant additional burden both on a prospective voter and electoral administrators. This could be a significant issue in the run up to a large electoral event. Electoral registration officers would need to be adequately financed to meet any increased resource requirements.
- These requirements are likely to have a negative impact on certain groups that are already less likely to be registered to vote – including young people and people living in areas of higher social deprivation – who may find it difficult to provide the required documentary evidence. Young people living at home, in particular, may be unable to produce documentary evidence of their residence as they may not have a driving licence or a bank account, and are less likely to have a utility bill or other statement of account in their own name.
- The majority of applications to register to vote are currently made using an online (UK-wide) service, which does not allow for the inclusion of information about length of residency. Consideration should be given to how proof of the start of a person's residency can be incorporated into the online application process to avoid creating a two-track system whereby some voters register online, and others must register using a paper form.
- The Scottish Government should consider whether a residency requirement for voters might have implications for the permissibility of individual donors to political parties and the right to stand for election.

### **Anonymous registration (Q20)**

8.42 Chapter 3 (Section 2) of the consultation paper discussed proposed changes to the existing scheme for anonymous voter registration. The consultation discussed the difference between the two versions of the electoral register: the 'open register' and the full version. The open register is available to anyone who wants to buy a copy, while access to the full version is restricted and only used for elections, preventing and detecting crime, or checking applications for loans or credit. Electors may opt out of appearing on the open register; nevertheless, whilst the full register cannot be purchased, it is still available for public inspection, often in libraries or other public buildings in local communities.

8.43 The anonymous voter registration scheme, which has been available for over 10 years, is intended to protect people whose safety might be at risk if their name and address appeared on the (full) electoral register. These would include victims of harassment, stalking or domestic abuse. However, some survivors of abuse have reported difficulties in providing the required evidence or being able to access the people who could attest to the risk to their safety. Thus, the Scottish Government has proposed a number of changes to the scheme, to expand the list of professions who can attest applications, and to add new court orders to the list of documentary evidence that can be used to support an application. Respondents were asked for their views on these proposed changes.

**Question 20:** Do you think that we should make it easier for individuals who may be at risk from any form of abuse to register anonymously, whilst maintaining the integrity of the electoral register? [Yes / No]

8.44 A total of 752 respondents replied to the tick-box question, with a large majority of both organisations (91%) and individuals (78%) expressing support for this proposal (Table 8.2).

**Table 8.2: Q20 – Do you think that we should make it easier for individuals who may be at risk from any form of abuse to register anonymously, whilst maintaining the integrity of the electoral register?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	29	91%	3	9%	32	100%
Individuals	565	78%	155	22%	720	100%
<b>Total</b>	<b>594</b>	<b>79%</b>	<b>158</b>	<b>21%</b>	<b>752</b>	<b>100%</b>

8.45 One hundred and thirty-three (133) respondents (32 organisations and 101 individuals) commented at Question 20.

### Overall views about anonymous voter registration

8.46 Irrespective of whether they answered ‘yes’, ‘no’ or made no answer to the tick-box part of Question 20, respondents emphasised the importance of maintaining the integrity of the electoral register. Those who answered ‘yes’ generally thought it would be possible to put the necessary safeguards in place to prevent fraudulent voting. Among this group there was widespread endorsement of the safeguards proposed by the Scottish Government.

8.47 By contrast those who answered ‘no’ believed that anonymous voter registration would compromise the integrity of the electoral register and enable fraudulent voting. This group queried how an ‘at risk’ person would be defined and were concerned that certain individuals may be classed ‘at risk’ when (in the views of these respondents) they should not be.

8.48 Both groups commented on the current public nature of the electoral register and suggested ways of improving privacy for voters more generally.

8.49 Each of these main themes is discussed below.

## **Making anonymous registration easier for those at risk**

8.50 Respondents answering 'yes' to this question strongly supported the right of vulnerable people to register anonymously. Key messages from this group were that:

- Voting is a fundamental right
- Those who are at risk should be protected, while also being given every opportunity to participate in the democratic process
- Making it easier for these individuals to register anonymously may encourage people to vote who might not otherwise do so.

8.51 The general view from these respondents was that 'no one should have to choose between voting and their own safety'. Some described the proposal as 'common sense', 'pragmatic' and 'workable'.

8.52 Among those who supported the proposal, including those who did not answer the closed question, there were comments on: (i) the eligibility for anonymous registration; (ii) the evidential sources required to support an application for anonymous registration; (iii) the types of professionals who should be able to attest applications; and (iv) the process and timescales for renewing anonymous registration.

### *Eligibility for anonymous registration*

8.53 There was general agreement that those who are victims (or at risk) of harassment, stalking or domestic abuse should have the right to register anonymously. Some respondents expanded on these categories and suggested that the following groups should also be considered 'at risk':

- Victims of human trafficking
- Those at risk of forced marriage, honour-based violence or female genital mutilation
- Any person at risk of violence or threatening behaviour
- People who have suffered emotional abuse.

8.54 In addition, respondents identified situations involving child abuse, where the safety of a child might be at risk if the name / address of their parent / guardian was publicly available.

8.55 There were also suggestions that people with learning disabilities (who are disproportionately at risk of harassment, abuse, hate crime and exploitation) should have the option to register to vote anonymously, and that the professionals involved in administering the process should have the necessary training to assist this group in doing so.

8.56 Finally, there was also a view that, in discussing the proposals in the specific context of gender-based violence, the consultation paper had not sufficiently recognised other groups who may be reluctant to have their name and address publicly available, due to fears for their personal safety. Respondents noted, for example, people who may be at risk because of personal or family debts linked to addiction, the use of informal money lenders, or the actions of unscrupulous landlords etc.

8.57 Less often, the view was expressed that 'everyone should be able to register anonymously', not only people who were at risk of harm, but anyone who desires privacy.

### *Evidential sources to support an application for anonymous voter registration*

8.58 In general, respondents who answered 'yes' to Question 20 thought that the process of applying for anonymous voter registration should be as straightforward as possible.

8.59 Some identified sources of evidence which should be used to support an application for anonymous voter registration. These comprised different types of protection and exclusion orders issued by the courts, and there was a view that recently expired orders should also be able to be used to support applications. It was suggested that Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS) should be consulted on other relevant orders and proceedings that might be used as evidence. In addition, the point was made that not all victims report domestic abuse to the police, and, in the case of rape, not all complaints lead to prosecution. Thus, there needs to be other sources of evidence (apart from protection orders and other evidence of criminal proceedings) which individuals can use to support an application for anonymous registration.

### *Professionals who may attest applications*

8.60 There was support for expanding the current list of professionals who may attest applications to include: lower ranked police officers (those ranked Inspector or above were specifically mentioned); registered health professionals (including hospital doctors, GPs, nurses and midwives); staff (not just managers) in specialist domestic abuse and rape crisis services (including Women's Aid and Men's Aid groups). Other respondents also advocated inclusion of: social workers, qualified counsellors, first responders (under the national referral mechanism to identify victims of human trafficking), and victim support services.

8.61 Respondents thought that expanding the list of professionals who could attest applications would reduce the burden on the limited group of professionals currently able to do so. They thought it would be particularly helpful to include health professionals among the list of attestors, as some individuals (including those who may have suffered persecution in other countries) may not trust the police. In addition, as mentioned above, not all victims report domestic abuse to the police or take action through the criminal justice system. At the same time, however, there were concerns voiced about the possibility of GPs or other health professionals charging a fee for this service, thus creating a financial barrier for applicants.

### *Process and timescales for renewing anonymous voter registration*

8.62 Occasionally, respondents commented on the process and timescales for renewing anonymous voter registration. Those who did generally argued that there should not be a requirement to reapply or obtain further attestation on an annual basis. These respondents argued that domestic violence does not operate on an annual basis, and they suggested that a person should remain anonymous on the electoral register as long as their situation remains unchanged. Respondents emphasised that the process for renewal must not be onerous or act as a barrier to retaining (anonymous) voter registration.

8.63 There were different views among this relatively small group about what the renewal period should be (ranging from five years to indefinitely, and / or linked to the length of any protection order). Regardless of the period chosen, there was also a call for greater clarity and consistency in the information available to applicants about the process for renewing their anonymous registration.

8.64 An alternative view put forward by one electoral organisation was that the current system of annual renewal helps to ensure the accuracy of the electoral register by confirming that a voter is still resident at their address. However, this organisation stated that there was scope to improve the system by reducing the amount of evidence that applicants must produce each year when renewing their anonymous registration.

#### *Other suggestions relating to implementation*

8.65 Those who supported easier access to anonymous voter registration made a number of suggestions about the implementation of this facility:

- Electoral registration officers should publish a statement explaining the checks undertaken to confirm that an individual is entitled to register anonymously.
- Rather than having postal ballot papers posted to the home addresses of those who have registered anonymously, there should be provision for these individuals to access their postal ballot at a secure centre close to their home, or within easy travel distance – e.g. a post office, bank or other similar public office where staff have agreed to maintain confidentiality.
- There should be criminal penalties leading to imprisonment for data breaches which may compromise the personal safety of anonymous voters.

#### **Views opposed to making anonymous registration easier for those at risk**

8.66 Respondents answering ‘no’ to this question generally did so because they thought that making it easier for people to register anonymously would compromise the integrity of the electoral register and enable fraudulent voting. This group believed that anonymous voter registration should be reserved exclusively for those it covers at present; and that it should not be ‘too easy’ for people to register to vote anonymously.

8.67 Other reasons given by this group for opposing greater accessibility of anonymous voting for those who are at risk of abuse were that: (i) there is enough scope in current legislation to give protection to those who need it; (ii) voting is a privilege and responsibility – anyone entitled to vote must be willing to identify who they are; (iii) elections must be open to scrutiny and able to be challenged by the public; and (iv) there should be nothing secret or hidden in democratic voting systems.

#### **Other suggestions**

8.68 Some respondents (both those answering ‘yes’ and those answering ‘no’ to Question 20) suggested alternatives to anonymous voter registration. These included: allowing people to vote using their National Insurance Number instead of an address; remote electronic voting using an email address, text number or a personal access code; using Blockchain technology which (it was claimed) allowed individuals to control their own voter registration record; and using biometric registration. There was no information provided on how these alternatives would work in practice. There were also suggestions that, rather than registering anonymously, a person should be required to have their name on the register, but not their address (which would only be available to the electoral registration office).

## The public nature of the electoral register

8.69 Less often, some respondents queried why the electoral register is a public document at all. This group believed that the electoral register should not be available in any form to any individual or organisation apart from local or national government bodies and organisations involved in administering elections. There were also suggestions that the 'open' register should be opt-in only; that it should be illegal to sell the information in the electoral register; and that debt collection agencies should not be able to access the register. Such comments were made both by those who answered 'yes' and those who answered 'no' at Question 20.

## Registering and voting at local government elections (Q21 and Q22)

8.70 Chapter 3 (Section 3) of the consultation paper discussed current legislation which permits individuals to register and vote in local government elections in more than one local council area. In order to be able to do this, individuals must meet the necessary residency requirements for each area (i.e. they must be able to prove that they are resident, and spend a significant amount of time at each address). However, it was noted that there are ongoing concerns among members of the public about (i) the potential for owners of holiday homes to register and vote twice – despite the fact that it is not permitted to register to vote at a dwelling that has been identified as a holiday home for council tax purposes; and (ii) the risk that individuals registered to vote in more than one local authority area may vote more than once in other (national) elections – which is illegal.

8.71 Questions 21 and 22 asked for views about registering and voting at local government elections as follows.

**Question 21:** Should a voter [continue to] be allowed to register in more than one local authority area? [Yes / No]

**Question 22:** Do you agree that a voter should only be allowed [to] vote once in local government elections in Scotland?<sup>12</sup> [Yes / No]

8.72 Overall, as can be seen from the tables below:

- Respondents were generally not in favour of allowing registration in more than one local authority area, with two-thirds (65%) of organisations and 86% of individuals expressing opposition (Table 8.3).
- The vast majority of both organisations (85%) and individuals (93%) agreed that a voter should only be allowed to vote once in local government elections in Scotland (Table 8.4).

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<sup>12</sup> Note that there was an error in the wording of this question. It should have read 'Do you agree that a voter should only be allowed to vote once in local government elections in Scotland?'

**Table 8.3: Q21 – Should a voter be allowed to register in more than one local authority area?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	6	35%	11	65%	17	100%
Individuals	106	14%	626	86%	732	100%
<b>Total</b>	<b>112</b>	<b>15%</b>	<b>637</b>	<b>85%</b>	<b>749</b>	<b>100%</b>

**Table 8.4: Q22 – Do you agree that a voter should only be allowed to vote once in local government elections in Scotland?**

Respondent type	Yes		No		Total	
	n	%	n	%	n	%
Organisations	17	85%	3	15%	20	100%
Individuals	676	93%	50	7%	726	100%
<b>Total</b>	<b>693</b>	<b>93%</b>	<b>53</b>	<b>7%</b>	<b>746</b>	<b>100%</b>

8.73 A total of 274 respondents – 25 organisations and 249 individuals – made comments in relation to Question 21 and / or Question 22.

8.74 Although these two questions asked about distinctive aspects of the local government elections process (registration and voting respectively), there was substantial overlap in the comments provided; indeed, it was common for respondents to answer Question 22 by saying ‘see my answer to Question 21’. Therefore, responses to these questions have been analysed together.

### **Overview of comments about registering and voting in local government elections**

8.75 The predominant view was that ‘one person, one vote’ was appropriate for local government elections. Respondents thought that this would promote fairness, increase public confidence, be simple to operate and reduce the potential for fraud. It would also bring local government elections into line with other (national) elections. Only a small minority supported continuation of the current arrangements.

8.76 It was common for respondents to conclude that a ‘one person, one vote’ approach necessitated a system whereby an individual had to be registered in one place and one place only. For those who did not draw this conclusion, there were divergent views about the benefits (or otherwise) of permitting registration in more than one place. Some thought that having multiple registrations was convenient, and improved accessibility. Others thought it increased the chances of fraud and should therefore be avoided.

8.77 Respondents’ views are set out in more detail below.

#### **‘One person, one vote’**

8.78 There was a range of arguments to support the view that ‘one person, one vote’ was an appropriate approach to adopt for local government elections as follows:

- Democracy is about equality. Everyone who has a right to vote should have an equal say. It is particularly unfair if (wealthy) people and / or landlords with multiple properties are allowed to have a greater say in the outcome of an election. Anything other than 'one person, one vote' is discriminatory.
- The current system allowing multiple registrations is complex, and open to abuse. If the 'one person, one vote' system was implemented this would be simple to operate and would make it easier to detect any fraudulent voting. Moreover, a simple system of 'one person, one vote' will increase public confidence in the voting system.
- Under current rules, someone with multiple properties in a single local authority area does not receive multiple votes in that area. This means that within the local authority area the 'one person, one vote' rule is preserved. This rationale should be extended across local authority areas.
- Other (national) elections operate on the basis of 'one person, one vote'. There is no reason why local government elections should be different.

### **Those with more than one residence**

8.79 Respondents recognised that there were circumstances in which individuals might have more than one (legitimate) residence. They mentioned students especially in this regard, but also extended their comments to those who worked away from home during the week and / or those whose lives were split across multiple residences (including seasonal workers, carers, people with learning disabilities, etc.).

8.80 As far as these individuals were concerned, respondents expressed a range of views as follows:

- It was important to have a flexible system which encourages people to vote. This means that these individuals should be allowed to register in more than one local authority. However, in many cases respondents went on to say that this multiple registration should not result in individuals being able to vote more than once.
- Everyone with more than one residence should be allowed to choose where their main residence is and vote there (and only there). This was important because it would not be fair for someone to be able to decide this for each election, on the basis of where their vote had the potential to 'count most'.
- Students should be able to (register and to) vote either at their term-time residence or at their home address (but not both).
- Students should be allowed to (register and to) vote only at their home residence. Part of the rationale for this view was that students could 'disenfranchise the local population' if they voted at their term-time address (as students are potentially a very large proportion of the local franchise).

8.81 These comments were sometimes linked to more general comments (see the analysis of Question 12 above) about the desirability of being able to vote from any polling station, anywhere (although only once). They were also sometimes linked to a discussion of postal and / or proxy voting which, it was argued, negated the requirement for multiple registrations.



## **Views of those who are in favour of retaining the current arrangements**

8.82 A small number of respondents were in favour of retaining the current arrangements. They reiterated the arguments made in the consultation paper that: (i) if you pay rates in a local authority area then you should be entitled to a vote; (ii) business rate payers should be allowed a vote in relation to each business premises; and (iii) unlike (parliamentary) constituencies, each local authority is a separate body with its own governance arrangements.

8.83 In addition, it was argued by a very small number of respondents that the number of multiple registrations (and therefore multiple votes) should 'not be open ended' and should be limited (a maximum of two or three registrations / votes was suggested).

## 9. Access to voting and elected office (Q23 to Q25)

9.1 Chapter 4 in the consultation paper related to widening access to voting and elected office. The consultation paper highlighted the importance of ensuring that the diversity of Scotland's population was reflected at all levels of public life and drew attention to the current under-representation of three groups in particular: people with disabilities, those from minority ethnic communities, and women. It also described action being taken to address this issue and sought views on further action that might be taken to help widen access.

9.2 The chapter included three open questions – i.e. there were no tick-boxes for respondents to complete. Questions 23 and 24 addressed the broad issues of removing barriers to voting, and widening access to elected office for under-represented groups:

**Question 23:** What other action could the Scottish Government take to widen access to and remove barriers to voting and elected office?

**Question 24:** As well as the above arrangements, is there anything else that could be done to increase the accessibility of elections?

9.3 Question 25 focused on women and how the gender balance amongst elected representatives might be improved:

**Question 25:** How can the Scottish Government best support gender balance in those elected as MSPs or local councillors?

9.4 Altogether, 395 respondents (46 organisations and 349 individuals) answered Question 23, 256 respondents (36 organisations and 220 individuals) answered Question 24, and 421 respondents answered Question 25 (34 organisations and 387 individuals). Respondents' views are discussed below.<sup>13</sup> Overall, a total of 521 respondents answered at least one of the three questions.

9.5 There was a great deal of overlap in the views expressed across these questions, and the comments have therefore been analysed together. The themes identified are reported in sections looking in turn at: (i) overall views; (ii) creating the right conditions for increased access to elections and elected office; (iii) improving access to voting and elections; (iv) widening access to elected office for under-represented groups, including those with disabilities, those from BME communities, and women; and (v) taking forward activity to widen access to voting, elections and elected office. Issues relevant to individual groups are highlighted. A final section looks at other comments made by respondents.

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<sup>13</sup> These figures include around a tenth of respondents at Question 23 and almost a quarter of respondents at Question 24 who simply answered 'no' or 'none', indicating that they did not think action (or further) action was required to remove barriers or widen access to voting, elections or elected office.

## Overall views on widening access to voting and elected office

9.6 Questions 23 to 25 did not explicitly ask for views on **whether** the Scottish Government should take action to widen access to voting and elections or support gender representation, but instead asked **how** this might be done. Nevertheless, many respondents did comment on whether action should be taken, with most expressing support. These respondents offered a wide range of comments on the type of action that might be taken, and how these two issues might be taken forward.

9.7 However, opposition to – or reservations about – action also featured strongly in respondents' comments. Such views were expressed more frequently at Question 25, with its focus on gender, than at Questions 23 and 24 with their broader focus on under-represented groups in general. In particular, there was opposition to 'quotas', all-women shortlists (as mentioned in the consultation paper) and other initiatives regarded as 'positive discrimination'. Indeed, some respondents queried the premise of these questions (Question 25 in particular) and the apparent assumption that there was an issue to address in terms of improving access and that government should take action in relation to this matter.

## Creating the conditions for better access to voting and elected office

9.8 Across Questions 23 to 25, there was a widespread view that broad-based action was required to increase participation and engagement in democratic processes, including both voting and running for elected office. While some argued this was required for (specific) equality groups, others thought this was something that needed to be addressed for the population as a whole, with the main points discussed summarised below:

- Respondents called for a **reinvigoration of local democracy and a raised profile for local government**. There were calls for: (i) increased openness and transparency in council business with specific suggestions for live streaming of meetings, and encouragement of public attendance at meetings; (ii) the creation of smaller local councils, and an increase in the number of councillors; and (iii) greater devolvement of powers and budgets at local level and more opportunities for contributing to decision-making processes. It was argued that these kinds of initiatives would raise awareness and understanding of local politics, increase the opportunities to get involved, and highlight the importance of participation, whether that was via voting or seeking elected office. It was also suggested that people should be encouraged to get involved in local community issues, and that there should be increased support for community development work to help build local democracy. Local participation in formal and informal politics was seen as an important stepping stone to participation in national politics.
- There was a frequently expressed view that improved **citizenship education** would help ensure that all young people (including those with special needs) had adequate knowledge about Scottish political systems and understood both the importance of voting and how to exercise their vote. Citizenship education could also promote the value of participation in elected office and encourage people to get involved in organisations such as the Scottish Youth Parliament.
- Respondents thought there was a need for more **information** to be made available through various channels and in a full range of accessible formats to ensure that people were properly equipped to engage in politics and public debate. This should

cover issues such as the voting system(s); the role of the UK and Scottish parliaments, and local and community councils; and the roles of councillors, MSPs and MPs. There were also calls for information of all types to be made more accessible – respondents thought that complicated language and political jargon acted as barriers to different groups, including those with learning disabilities and those with English as a second language.

- There were calls for a change to the **'culture'** of politics. Respondents thought that the adversarial nature of party politics and parliamentary debate, and the tone of political discourse and associated online abuse, alienated many groups from formal politics and that this needed to be addressed. Respondents referred to discriminatory (sexist and racist) attitudes and practices within political parties and the political establishment, including bullying and intimidation, and the presence of an 'old boys network' which effectively excluded different equality groups. There was, in particular, a widespread view that this culture was a significant barrier to women's participation. It was argued that many women were put off or disadvantaged by this culture – respondents noted that women had to be very determined and thick-skinned to succeed in this environment. There were calls for a shift to a culture based on positive behaviour and collaborative working, and for steps to be taken to tackle discrimination, harassment and abuse in all its forms.

9.9 With regard to the under-representation of women in elected office, in particular, respondents frequently saw this as a reflection of **wider inequalities in society**. They highlighted the gender pay gap and the differential in disposable income; the continuation of gendered roles in society which meant that women were more likely to undertake domestic roles and have responsibility for childcare and other caring roles; and sexist attitudes and the gender stereotyping that continued to be promoted by the media and commercial entities. The multiple demands on women's time meant that they had less personal time available for involvement in politics. It was argued that these issues would need to be addressed in order to achieve an improved gender balance amongst elected representatives. In many cases respondents advocated multi-stranded approaches to tackling these issues, with varying emphasis on different aspects of activity.

## Widening access to voting and elections

9.10 There was widespread agreement amongst respondents that action should be taken to improve access to voting. While some focused on particular groups (e.g. those with disabilities) in their comments, other talked more broadly about the need to widen access for equality groups, or for disadvantaged groups more generally.

9.11 Less commonly, respondents did not think that action to increase access to voting was needed. Such respondents thought that current systems were adequate, and that options such as postal and proxy voting were sufficient to overcome any minimal barriers that did exist.

## Action to improve access to voting and elections

9.12 Respondents put forward a wide range of suggestions for how access to voting might be improved for different groups within the population. As well as discussing those with disabilities and those from BME communities, respondents discussed how access to voting

might be improved for other groups such as older people, younger people, women, those from the LGBTI community, carers and those within the care system, and other disadvantaged and socially excluded groups. Respondents offered numerous detailed points focusing on different aspects of the electoral process – most, however, related to the issues of voter registration, voting arrangements, and information for voters, as summarised below.

### *Voter registration*

9.13 Some respondents saw tackling issues related to voter registration as a key step in widening access to voting. This group was keen to see a simple registration process and a more proactive approach to encouraging people to sign up – e.g. general publicity campaigns as well as initiatives focusing on communities with traditionally low levels of registration, outreach work with marginalised groups (e.g. the homeless or those with addiction problems) or working with schools and community groups. This was seen as particularly important in the context of the individual registration system introduced in 2013. There were calls for the registration process to take account of the needs of the homeless, trans people, those in care, and those with reduced capacity. With regard to the latter, a range of respondents raised the issue of the ‘declaration of truth’ contained in electoral registration forms. Under the current system of individual registration, this declaration must be completed by all those registering, and respondents argued that the law should be changed to allow this to be done by a guardian or someone with power of attorney (as is allowed in England).

9.14 There were also suggestions for automatic registration based on National Insurance Numbers or other official ID, on-the-day registration based on the presentation of ID, or the introduction of incentives to register.

9.15 Some also suggested that prohibiting the use of the electoral register for non-electoral purposes may encourage some to register to vote – e.g. those who were concerned that registering to vote might allow them to be pursued for old debts including council tax debts.

### *Voting arrangements*

9.16 The process of casting a vote was the key issue for most of those who discussed widening access. There was broad agreement that voting arrangements had to cater for those with special needs. In responding to the question, some organisational and individual respondents focused on addressing the needs of particular groups – e.g. those with learning disabilities and those with visual impairments. Others argued for polling day arrangements to take account of the needs of those with special needs of all types. Individual respondents often described their own personal experiences in attending polling stations to cast their vote.

9.17 The following issues were commonly raised:

- Location of polling stations: Respondents wished to see polling stations in easily accessible locations, with account taken of the distance that might need to be travelled by those in rural areas in particular. There were calls for people to be able to vote in libraries, shops or other convenient locations, for polling stations to be located in venues familiar to particular local communities (e.g. mosques). It was also suggested that voters should be able to choose where to vote, and that mobile polling stations, home visits, and assistance with transport (publicly funded rather than provided by political parties) might all be helpful for groups such as the elderly, those with disabilities or those with caring responsibilities.

- Meeting the needs of those with disabilities: There was a wide range of comments on the importance of ensuring polling stations were fully accessible to those with disabilities and providing appropriate funding for this. Comments focused on:
  - Making provision for those with physical disabilities via disabled parking spaces, ramps, wheelchair accessible doors, low level polling booths, etc.
  - Catering for those with sensory impairments by using tactile voting, alphabetic ordering of candidates, and technology that supported independent, secret voting, or by offering a BSL interpreter where cost effective – several respondents drew attention to the ‘six principles of inclusive communication’.<sup>14</sup>
  - Accommodating those with mental health problems, autism and learning disabilities by providing quiet spaces and information about quiet times, including pictures on ballot papers and other documentation, using simple, consistent signage, and introducing a card which indicated the need for assistance.
- Meeting the needs of those from BME communities: Respondents suggested that information (or assistance) at polling stations should be available in appropriate community languages.
- Timing of elections: There were calls for weekend or public holiday voting, voting over more than one day (see also Question 12b and 13c), extended opening hours for polling stations, and a right to time off work to vote. Such arrangements were seen as helpful to those who relied on carers, those who were carers, and those with health conditions which varied over time. The benefit of avoiding electoral clashes in order to reduce confusion for those with learning disabilities was also noted.
- Provision of assistance and support: Respondents stressed the importance of those with special needs having appropriate support and assistance at polling stations (and with the electoral registration process). Respondents wished to see appropriately trained polling station staff, increased awareness of the assistance available to different groups, increased choice as to whom an individual could take to a polling station to assist them, the opportunity to contact someone in advance of polling day for assistance, and the opportunity to practice with any voting technology. There were also calls for appropriate training for carers, care home managers and staff, and those working with looked after children to ensure that individuals with particular needs were given appropriate support in participating in elections and casting their vote.

9.18 Many respondents saw internet voting as a solution to the barriers faced by different groups. Most often, respondents argued that those with disabilities would benefit from being able to vote from their own home. Others identified as benefiting included the elderly, those with mental health problems, and those with caring responsibilities.

9.19 Others stressed the importance of ensuring everyone had access to an appropriate means of voting, whether that be online, postal or proxy voting.

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<sup>14</sup> <http://www.gov.scot/Resource/Doc/357865/0120931.pdf>

### *Provision of information*

9.20 There was a general view that the provision of appropriate information had an important part to play in widening access to elections. Respondents highlighted the need for various types of information – e.g. guidance on the voting system and how to vote; general publicity and awareness raising with regard to electoral registration and forthcoming elections; targeted information on issues relevant to particular groups; campaign literature issued by parties and candidates etc. – to be available in formats suitable for different groups (young people, those with learning disabilities and visual impairments, those with English as a second language etc.). Specific suggestions included the use of polling cards to convey information about voting procedures, and the use of text reminders to encourage voting.

9.21 Some suggested that returning officers might have a role in establishing a single online portal to provide easy access to electoral and campaign information.

### **Widening access to elected office for under-represented groups**

9.22 This section covers access to elected office for under-represented groups. It covers access for disabled people, and those from BME communities, and women, the three groups highlighted in the consultation questions, as well as covering equality groups more generally.

9.23 The main view amongst those who commented on widening access to elected office was that further action should be taken to remove barriers for those in under-represented groups. Respondents identified a range of issues faced by different groups and put forward a variety of suggestions on how these might be addressed. This group emphasised the benefits of greater diversity amongst elected representatives and agreed that the government and other stakeholders (e.g. councils, political parties, trade unions, third sector organisations) all had a role to play in bringing this about.

9.24 Some noted that progress was already being made or endorsed action that had already been taken – e.g. the pilot Access to Elected Office Fund (AEOF) which offered funding to meet additional expenses incurred by disabled candidates in elections, the ‘50/50 by 2020’ campaign which aimed to achieve gender equality in the boardroom and public life, and the government’s record with regard to promoting gender equality. In most cases however, respondents thought further steps were required.

9.25 The views of those who supported further action, and the proposals they put forward in their responses are discussed in the next section. There were, however, a mix of views about the extent to which statutory or voluntary action should be pursued.

9.26 Less commonly, respondents expressed opposition to, or reservations about, action being taken to remove barriers and widen access to elected office. These respondents offered several slightly different views as follows:

- They did not think there were any significant barriers to suitably qualified and committed people putting themselves forward for elected office or did not think the existence of barriers had been properly established.
- They thought the personal characteristics of elected representatives were irrelevant.
- They emphasised the importance of people being selected and / or elected on ‘merit’ or ability and were opposed in principle to individuals getting preferential

treatment, to the disadvantage of other groups because of particular characteristics – such action was seen as ‘undemocratic’, ‘politically correct’, ‘patronising’ and representing a form of discrimination against ‘majority’ groups.

- They were content with the current system, and the action already taken, and did not think anything additional was required.
- They did not think it was the role of government to take (statutory) action on this issue and argued that the selection of candidates and election of representatives should be left to parties and voters.

9.27 As already noted, such views were most common at Question 25, with around a quarter of respondents expressing opposition to, or reservations about, action to redress the gender imbalance in elected office.

9.28 Indeed, the responses to Question 25 revealed a wide range of nuanced views on the pros and cons of taking action to address the gender imbalance in elected representation. As well as offering clear support or opposition to action being taken, the following views were also put forward by respondents:

- Some respondents argued for statutory intervention as the only way to bring about change, while others stated a preference for voluntary arrangements. It was, for example, common for respondents to support action being taken, but to explicitly state their opposition to statutory quotas or all women shortlists (AWS).
- Some had reservations about taking action but felt that it was the only way to get results, was necessary in the short term, or should be used until no longer needed.
- Some accepted that there was an issue but did not think ‘positive action’ was the right way to achieve change – there was concern that this might be counterproductive.
- Some thought the government had a role in tackling the root causes of the gender imbalance and promoting equality of opportunity at a societal level, but not in directly intervening to bring about change in electoral representation.

9.29 Other respondents stated variously that: (i) no groups should get ‘special’ treatment; (ii) there should be a level playing field for all; (iii) the situation was already improving and would continue to do so over time; and (iv) taking steps to address the needs of one group (e.g. women) raised the issue of taking steps to address under-representation of other groups.

### **Action to widen access to elected office**

9.30 Respondents put forward a range of suggestions as to how access to elected office might be widened, as discussed in the sections below. Specific points relevant to widening access for under-represented groups in general and supporting an improved gender balance are highlighted as appropriate.



### *Education, encouragement and engagement*

9.31 There was a broad consensus that improving access to elected office for under-represented groups would require a raft of activities aimed at educating, engaging and encouraging individuals to come forward and get involved in public life.

9.32 Respondents identified the following groups who might require additional encouragement to play a full part in democratic processes: women; young people including those with experience of the care system; those with disabilities, including sensory impairments and learning disabilities; those from BME communities; those new to the country; those with English as a second language; those with caring responsibilities; and those from disadvantaged areas or living in poverty.

9.33 Activities and initiatives advocated by respondents included:

- Training, mentoring and coaching support to help individuals build the skills and experience needed to succeed in politics and public life
- The development of specific qualifications for those interested in pursuing public office
- Publicity campaigns (press, social media, etc.), roadshows and other engagement work targeted at particular groups, and the use of role models in promoting the opportunities and benefits of becoming involved in public life, and encouraging people to stand for election
- Recognition of different points of entry and pathways into politics, and encouragement and support for individuals to get involved in decision-making in their communities, places of work, and places of learning, as well as in local and Scottish elections.

9.34 Although some thought that the government had a role to play in encouraging people to get involved and become elected representatives, other noted the importance of working with umbrella and representative groups to increase the numbers of people coming forward.

### *Financial and other assistance for those seeking election*

9.35 The consultation paper highlighted the establishment of the AEOF as an important step in widening access to elected office by providing financial support to candidates with disabilities. Respondents expressed strong support for this initiative. Many argued that similar assistance should be extended to other groups – e.g. those from BME communities, those with children or carer responsibilities, those from disadvantaged backgrounds – who might face additional expense or financial barriers in running for elected office.

9.36 Some also suggested that there was scope to increase the impact of the fund (or extend the fund) by, for example:

- Raising awareness of the fund and the support available amongst relevant groups
- Increasing the allowances available, and making sure that there were no negative implications for those on benefits
- Ensuring similar assistance was available for all elections

- Extending assistance to an earlier point in the process to increase the chance of selection as a candidate.

9.37 There was also a suggestion that successful candidates could be required to reimburse any allowances received in order to support the sustainability of the fund.

9.38 Respondents also thought there was a place for other types of non-financial assistance to ensure candidates and prospective candidates from disadvantaged and / or equality groups could participate in campaign activities. The need for appropriately scheduled campaign activities, and accessible and appropriately run hustings were noted.

9.39 Although most candidates for elected office do so as representatives of parties, some respondents highlighted the importance of ensuring that those seeking office as independent candidates had adequate support and are not deterred or disadvantaged because of the domination of established parties. Respondents noted the need for improved and accessible information on standing for election, and a review of the deposit and nomination process. There was also a proposal (put forward by some electoral bodies, amongst others) that returning officers might be given a role in providing access to centrally available, neutral information on all candidates (see also paragraph 9.21) which would be of particular benefit for those standing without party backing.

#### *Candidate selection and the role of political parties*

9.40 There was a widespread view that political parties had an important role to play in widening access to elected office (and in improving the gender balance among representatives in particular), given that most candidates at both national and local level stood as party representatives and were selected as candidates via party selection processes. As such, respondents wished to see steps taken to ensure that parties had open, fair, transparent selection systems which would help achieve a more diverse range of candidates, including in winnable seats. There were calls for the establishment of 'best practice' for candidate selection and for the monitoring of performance against this.

9.41 With regard to improving the gender balance among elected representatives, some respondents were supportive of initiatives such as all women shortlists for selecting candidates, gender-balanced candidate lists, and 'zipped' candidate lists (i.e. alternating male / female candidates) for regional MSP seats for the Scottish Parliament. It was, though, pointed out that where parties had taken such action, this had not always resulted in an improved gender balance (particular attention was drawn to the Green party use of 'zipped' lists in the 2016 election).

9.42 More generally there was a commonly expressed view that the culture within political parties discriminated against equality groups, and that action was needed to address this. Respondents thought that political parties needed to take steps to tackle racism and sexism, and to become more inclusive and diverse organisations, and be more proactive in encouraging and supporting different groups to become involved in party structures. Specifically, respondents suggested that parties should:

- Recruit more diverse staff (including parliamentary assistants and researchers)
- Provide equalities training for party officials, staff, candidates and representatives

- Establish codes of conduct and mandatory procedures for the reporting of and responding to discrimination and harassment
- Take active steps to promote equality and diversity, to engage with different communities, to monitor activities and membership in terms of equality groups, and to offer training, mentoring and buddying systems aimed at particular groups.

9.43 There were differing views as to whether parties should be required (by law) to take action of this type or should simply be encouraged to do so.

9.44 It was also noted that community groups and campaigns provided alternative routes to, and relevant experience for, getting involved in politics, and that women, in particular, often played prominent roles in such activities. It was thus argued that greater value should be attached to non-formal types of political participation, and that increased links between grass-roots activists and elected representatives would help ensure that a wider range of individuals contributed to local and national debates.

#### *Carrying out the role of an elected representative*

9.45 There was a clear view that steps needed to be taken to make it easier for those from different equality groups to carry out the role of elected representatives (locally or nationally).

9.46 There were calls for 'flexible' or family-friendly working arrangements including opportunities for part-time working or job-shares, short working days and day-time meetings, options for video meetings, remote working and voting, and provisions for childcare, and maternity, paternity and carers leave. It was argued that such arrangements would widen access generally but would be of particular assistance to those with disabilities, and those with caring and family responsibilities (who were most likely to be women).

9.47 With regard to those with disabilities, respondents also highlighted the need for fully accessible meetings, and the availability of support and information in appropriate formats for different groups (e.g. those with learning disabilities and sensory impairments) to allow them to participate fully as elected representatives.

9.48 Some highlighted the need to address financial barriers to becoming an elected representative. This was seen as a particular issue at the local level, and respondents argued for the need for the pay and pension arrangement of councillors to be reviewed to make the role a more realistic option for a wider range of groups. In particular, respondents noted that those from equalities groups were likely to experience poverty, and that the structural inequalities in income in society meant that women were more likely than men to be in low paid employment. Thus, such individuals were less likely to have the same financial reserves as other groups to allow them to take on a councillor role, particularly if they were also supporting a family.

#### *The electoral system and electoral rules*

9.49 Some respondents identified aspects of the electoral system and electoral rules which might be changed in order to help widen access to elected office. These respondents often focused on possible reforms which they argued would encourage parties to put up a more diverse range of candidates and increase the chances of those from under-represented groups being successful. There were varying degrees of support for extending the use of the single transferrable vote (STV) system to national elections, with some presenting evidence

on this point; a move towards wards / constituencies with greater numbers of representatives (see also Chapter 7); the use of a national 'list' to help achieve balanced representation in the Scottish Parliament; and the use of a 'count again' process instead of by-elections for filling mid-term vacancies in multi-representative wards / constituencies.

9.50 With regard to increasing the number of women elected to office, some respondents expressed support for the option of electoral systems or rules which were explicitly designed to achieve an improved gender balance (or a minimum threshold). These included setting gender quotas for parliament and local councils; having constituencies / wards for which two representatives, one male and one female (or four representatives, split two and two), are elected; requiring gender balanced candidate lists from parties; using the regional list system to achieve gender balance in the Scottish Parliament; and introducing a power to co-opt (proposed in the context of community councils). However, as already noted, not all respondents favoured such actions – regarding them as unnecessary, because (in their view) there was no significant problem to be solved, undemocratic because they took choice away from voters, or undesirable as they may prevent the 'best person' being elected.

9.51 Other suggestions for change included the following:

- Encouraging younger people to put themselves forward for election by reducing the minimum age to stand for public office to 16.
- Increasing turnover in representation by introducing a maximum age for candidates or a maximum number of terms that could be served (particularly for those elected via the list system)
- Reducing the dominance of the major established parties (which were seen by some as barriers to increased diversity) by: (i) adapting the 'list' system to allow representation of 'interest' or umbrella groups; (ii) removing party logos from ballot papers; and (iii) reforming the rules relating to political donations and campaign expenditure, and giving consideration to public funding of parties and the dissemination of campaign literature in local elections.

## **Taking forward activity to widen access**

9.52 Some respondents discussed how any initiatives to widen access to voting, elections and elected office might be taken forward, with two main themes identified in the comments:

- The need for a strategic and evidence-based approach: There was a general view that any action taken needed to be properly planned and evidence-based. Respondents suggested that work should be undertaken to further understand and explore the barriers faced by different groups and to identify international good practice. In addition, future activity should be subject to ongoing monitoring and review. There were calls for the development of action plans including building on current initiatives such as the Race and Equality Action Plan. As part of this process, it was argued that elected bodies and political parties should be required to

publish equalities data and that, along with the establishment of minimum standards, this would be important in allowing effective monitoring of progress.<sup>15</sup>

- The need for partnership working and consensus: Respondents (including organisations with a remit in this area) noted that this was not an issue that could be dealt with in isolation and highlighted the importance of relevant organisations working together to explore barriers, agree actions and make changes. Respondents highlighted the importance of seeking non-partisan, cross-party agreement. In addition, although some thought that positive steps had been taken, there was also a view that this was an area with considerable scope for further improvement, and that responsibility for this lay with a range of statutory bodies – e.g. local authorities, national government, the Electoral Commission, and the Electoral Management Board for Scotland – who should work together with other stakeholders (political parties, third sector groups etc.) in taking this agenda forward.

9.53 The need for appropriate resourcing of ongoing electoral services and new initiatives was also noted.

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<sup>15</sup> Although political parties are not covered by the Equalities Act, some respondents suggested the new powers provided by the Scotland Act 2016 would allow the Scottish Parliament to legislate on this issue.

# Annex 1: Organisational respondents

## *Third sector organisations (26)*

- Church of Scotland Church and Society Council
- Coalition for Racial Equality and Rights
- Council of Ethnic Minority Voluntary Sector Organisations (CEMVO) Scotland
- Democracy Volunteers
- ENABLE
- Engender
- Howard League Scotland
- Inclusion Scotland
- Learning Disability Alliance Scotland (LDAS)
- Leonard Cheshire Disability
- Midlothian Voluntary Action
- People First (Scotland)
- Prison Reform Trust
- Royal Blind
- Royal National Institute of Blind People (RNIB) Scotland
- Scottish Commission for Learning Disability
- Scottish Council on Deafness
- Scottish Council on Visual Impairment (SCOVI)
- Scottish Independent Advocacy Alliance
- Scottish Prisoner Advocacy and Research Collective
- Scottish Refugee Council
- Scottish Women's Aid
- Scottish Women's Convention
- Visibility
- Voluntary Action South Lanarkshire
- Young Scot

## *Public sector organisations (15)*

- Aberdeen City Council
- ALACE Scotland
- Care Inspectorate
- Comhairle nan Eilean Siar
- CoSLA
- Dumfries and Galloway Council
- Equality and Human Rights Commission
- Improvement Service
- Information Commissioner's Office
- Inverclyde Council
- Orkney Islands Council
- Police Scotland
- Scottish Youth Parliament
- SOLACE Scotland
- West Lothian Council

### *Political organisations (7)*

- Scotland's Independence Referendum Party
- Scottish Conservative and Unionist Party
- Scottish Green Party
- Scottish Labour Party
- Scottish Liberal Democrats
- South Lanarkshire Conservative Councillors
- Twitter community @YesDayScotland

### *Electoral bodies (6)*

- Association of Electoral Administrators (AEA) and Scotland and Northern Ireland Branch of the AEA
- Electoral Commission
- Electoral Management Board for Scotland
- Local Boundary Commission for Scotland
- Scottish Assessors Association – Electoral Registration Committee
- Society of Local Authority Lawyers & Administrators in Scotland (SOLAR) Elections Working Group

### *Campaign groups (4)*

- Democracy Club CIC
- Electoral Reform Society Scotland
- Open Rights Group
- Women 50:50

### *Other organisations (9)*

- Common Weal Ltd
- The Institution of Engineering and Technology
- Law Society of Scotland
- Modern Democracy
- The Royal College of Midwives, Scotland
- Royal Society Edinburgh
- SmartMatic
- UK Engage
- WebRoots

## Annex 2: Number of responses to each question

Table A2.1 below shows the number of respondents who answered each of the consultation questions.

**Table A2.1: Number of responses to each consultation question**

Question		Number of responses	% of total (911)
1	Do you think the term length for the Scottish Parliament and local government should be: [4 years? / 5 years? / Other length (please specify)?]	743	82%
2	Do you have any other comments or suggestions on term lengths?	305	33%
3	Do you agree that the Electoral Management Board and the Board's Convener should be given the same functions in relation to Scottish Parliament elections as they already have for local government elections? [Yes / No]	695	76%
4	Do you have any other views on the future role of the Electoral Management Board?	141	15%
5	Should the Returning Officer appointment for Scottish Parliament elections continue to be on an appointment on a personal basis, independent from Scottish Government and local authority control? [Yes / No]	712	78%
6	Should the role of the Returning Officer become part of the job description of local authority Chief Executives? (This is not currently the case and would require renegotiation of terms and conditions.) [Yes / No]	701	77%
7	Do you have any other comments or suggestions about who should have the role of Returning Officer or how Returning Officers should be paid?	229	25%
8	Do you agree that candidates' addresses should not be required to appear on ballot papers for local government elections? [Yes / No]	741	81%
9	Do you have any other comments to make on this issue?	248	27%
10a	Do you agree that, in order to counteract the list order effect, a change should be made to the way in which candidates are listed on election ballot papers? [Yes / No]	676	74%
10b	If so, what form of new system would you favour: [Rotation / Randomisation / Alphabetical–reverse alphabetical / Any other (please specify)] Please select all that apply.	588	65%
11	Do you have any other comments to make on this issue?	146	16%
12a	Would you be happy to use an electronic voting machine in a polling place instead of a traditional ballot paper? [Yes / No]	747	82%
12b	Would you like voting to be possible on more than one day? [Yes / No]	747	82%
12c	Would you like to be able to vote at any polling place in Scotland? [Yes / No]	746	82%
12d	Do you have any other comments?	325	36%
13a	If internet or mobile phone voting was available, would you choose to use that rather than vote at a polling place or by post? [Yes / No]	741	81%
13b	If internet or mobile phone voting was available, would you be more likely to vote? [Yes / No]	741	81%
13c	Would you like voting to be possible on more than one day? [Yes / No]	734	81%
13d	Do you have any other comments?	314	34%
14	Do you think that we should move to a rolling programme of reviews of local government electoral arrangements? [Yes / No]	691	76%
	Comments	132	14%
15a	Should Scottish Ministers be able to change the recommendations of the Local Government Boundary Commission for Scotland on Scottish	702	77%



	Parliament constituencies and council wards? [Yes / No]		
<b>15b</b>	Should the Scottish Parliament be able to challenge the recommendations of the Boundary Commission on Scottish Parliament constituencies and council wards? [Yes / No]	701	77%
<b>15c</b>	Should the recommendations of the Commission be implemented without change? [Yes / No]	671	74%
<b>15d</b>	Please comment on your answer.	309	34%
<b>16</b>	Should the Local Government Boundary Commission for Scotland be allowed the flexibility to recommend wards which have between 2 and 5 councillors, instead of 3 or 4 councillors as at present? [Yes / No]	689	76%
	Comments	164	18%
<b>17</b>	Do you agree that the franchise should be extended to include everyone legally resident in Scotland? [Yes / No]	750	82%
<b>18</b>	Do you have any views on how long should someone be resident in Scotland before they become eligible to vote?	578	63%
<b>19</b>	Do you have any other comments to make on this issue?	214	23%
<b>20</b>	Do you think that we should make it easier for individuals who may be at risk from any form of abuse to register anonymously, whilst maintaining the integrity of the electoral register? [Yes / No]	750	82%
	Comments	133	15%
<b>21</b>	Should a voter be allowed to register in more than one local authority area? [Yes / No]	749	82%
	Comments	249	27%
<b>22</b>	Do you agree that a voter should only be allowed vote once in local government elections in Scotland? [Yes / No]	746	82%
	Comments	146	16%
<b>23</b>	What other action could the Scottish Government take to widen access to and remove barriers to voting and elected office?	395	43%
<b>24</b>	As well as the above arrangements, is there anything else that could be done to increase the accessibility of elections?	256	28%
<b>25</b>	How can the Scottish Government best support gender balance in those elected as MSPs or local councillors?	421	46%

## Annex 3: Other views on electoral reform

In response to the consultation, some views were expressed which did not relate directly to the questions asked but which, nevertheless, related to the topic of electoral reform. In some cases, relevant issues were raised repeatedly across multiple questions.

The headings below capture the main additional themes addressed.

### **MSP terms of office**

There were calls for limits to be placed on the length of time any one person could hold office. Some respondents focused on list MSPs, suggesting that they should be limited to a maximum of two terms in office. Conversely, there was also a suggestion that provision might be made for particular representatives to remain in post beyond an election to oversee long-term projects.

There were also requests for a system to be introduced that allowed individual representatives to be 'recalled' if the electorate lost confidence in them or were unhappy with their performance, attendance or voting record. This was thought to be especially important if longer electoral terms were in place.

### **Reform of the Scottish Parliamentary electoral system**

There were calls for a wider review and reform of the current electoral and proportional representation system.

In particular, a recurring theme was dissatisfaction with the way the Additional Member voting system was working in Scottish Parliamentary elections. Respondents who raised this issue were critical of the party 'list' system, and the fact that the individual candidates elected as regional ('list') MSPs are decided by parties on the basis of pre-prepared lists, and not by the voters (who vote for parties and not individual candidates). This means that individuals who had (repeatedly) **not** been successful via the constituency 'first past the post' system can still be elected to Parliament (on the basis of proportional representation), and that unpopular regional MSPs cannot be voted out by the electorate. Respondents saw these arrangements as 'unfair' and 'undemocratic'; some described the fact that individuals could be rejected by their local constituents but nevertheless selected by their party to be in a position of power as 'corrupt'. Some called for the Additional Member system to be scrapped and for a single transferable vote (STV) system to be used in all elections in Scotland. Others proposed putting limits on the number of terms a list candidate could serve before being dropped from the regional list (i.e. just once or twice).

### **Single Transferable Vote system and local council elections**

Respondents expressed a range of views about the Single Transferable Vote system which is used in local council elections. These included: (i) a preference for a 'first past the post' / one member per ward electoral system as well as (ii) support for proportional representation, and STV in particular, and, in some instances, calls for it to be used in Scottish parliamentary elections. Some respondents also noted more specific points regarding the use of the current system of STV: for example, the difficulties of running by-elections in multi-member wards based on a system of proportional representation; and the option of introducing a limit on the

number of candidates any party could put forward in wards with small numbers of representatives.

### **Electoral security and preventing fraudulent voting**

Some respondents discussed issues relating to electoral security and the prevention of fraud, including the possible introduction of a requirement to show voter identification at polling stations.

There were calls to reform procedures for postal voting. Some respondents wanted to see restrictions on – or even the banning of – postal voting, since they saw postal voting as particularly vulnerable to fraud. Some were concerned about the misuse of postal voting in care homes specifically where, it was claimed, postal ballots were not always completed by the intended voter.

There was also discussion of the need for a mechanism for checking between local registers, to detect fraud.

### **Democratic representation in Scotland**

Some respondents who replied to Questions 14 to 16 commented on a number of other issues related to boundaries, council areas and number of councillors, but not directly related to the work of the LGBC. There were contrasting views on these issues. Some believed that the number of councillors across Scotland was already too great. Others argued that Scotland compared poorly with other countries in terms of political involvement and representation, and that Scotland needed more councillors to enhance the quality of local democracy – achieved variously through reducing ward sizes and / or increasing the number of elected representatives per ward. There was also a view that Scotland should have a greater number of councils, with each council covering a smaller area.

### **Encouraging participation and increasing accessibility to elected office**

In addition to the points discussed in Chapter 9, respondents also highlighted a number of other options for widening access, or increasing voter participation which were not directly related to the issues raised in the consultation paper, as follows:

- Some thought that voting should be made compulsory.
- There were suggestions that (in addition to electronic voting and voting by mobile phone), there should be (landline) telephone voting.
- There was a view that the voting system was a factor in current (and decreasing) turnout at elections, and there were two main suggestions as to how this might be reformed to encourage more people to vote: (i) adopting a single uniform system across all elections (national, local) which would help reduce confusion among voters; and (ii) adopting an appropriate proportional representation system in all elections which ensured that everyone's vote 'counted' equally.
- There was some concern that any move to require the presentation of ID by voters at polling stations might reduce access for already disadvantaged groups and might cause particular problems for trans people.

- There were calls for certain groups of people to be specifically excluded from electoral office (e.g. those with un-spent convictions for serious offences, those without UK residency or citizenship), and for prospective candidates to go through a disclosure process.
- Finally, some called for the impact of Brexit on EU nationals standing in elections to be monitored.

### **Other comments**

Respondents also commented on a range of other issues, including issues relating to aspects of electoral law and practice, electoral spending, campaign rules, the integrity of political campaigning, and the design of ballot papers (i.e. with some suggesting that ballot papers should also include a 'none of the above' option). Occasionally, respondents also discussed the use of referenda and the funding of political parties. Some respondents – individuals in particular – discussed the importance of reviewing various aspects of electoral procedures on a regular basis.

Finally, there was also a small number of comments indicating broader disillusionment or disagreement with the current constitutional and political landscape and conduct in public office.



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