



Briefing 18-01

January 2018

Consultation on Electoral Reform (Scotland)

To : All Chief Executives, Main Contacts and APSE Contacts in Scotland

Key issues:

Scottish Government are consulting on the possibility of:

- Term Lengths for Scottish Parliament and Local Authorities to be made the same.
- Chief Executives of Councils to have Returning Officer included in their Job Description, and fees to be reassessed.
- Scottish Government exploring a number of ways to improve voting accessibility, and alternative methods of voting.
- Boundary reviews to become a rolling process.

Link to Consultation - <https://consult.gov.scot/elections/electoral-reform/consultation/>

Link to Consultation Paper - <http://www.gov.scot/Resource/0052/00529431.pdf>

Introduction

The Scottish Government has launched a consultation on its proposals for Electoral Reform for Scottish Elections. This includes both elections to the Scottish Parliament, as well as elections for Local Authorities in Scotland. This briefing will give an overview of these proposals, particularly where they will impact upon local councils in Scotland. A Full list of questions is included in the appendix.

Term Lengths

Evidence from elections in 2007, where the Scottish Parliament elections and Council elections fell on the same day, show that this led to a significant increase in rejected ballot papers. This is due to happen again in May 2022, where the scheduled UK General election is due to occur on the same day as the Scottish Local elections. Should this continue to be the case, the Scottish Government will seek agreement from Parliament to take action.

In order to avoid these scenarios in future, the Scottish Government is proposing to have both Councillors and MSPs serve for the same length of time, to allow for election cycle

planning. The consultation asks for feedback on whether this term length should be four years, five years, or another length entirely.

The Electoral Management Board

The Electoral Management Board for Scotland (EMB) is responsible for co-ordinating administration of local government elections in Scotland. The Scottish Government is proposing to extend their responsibilities to also include the Scottish Parliament Elections. This would include the ability for the convener of the EMB to issue directions to Returning Officers and Electoral Registration Officers for Scottish Parliament elections, as they do for local authority elections.

Returning Officers

Returning officers are currently appointed by local authorities to serve both for local government and for Scottish government elections. For this, they have been paid for their work in addition to their council employment. However, [the Local Government and Communities Committee](#) has recommended that the current system of payments to Returning Officers should end.

One proposal being consulted on is whether the Chief Executive for each Local Authority should have the role of Returning Officer included within their job descriptions. Feedback is also sought on how returning officers should be appointed and paid.

Local Government Election Ballot Papers

Following the changes to the ballot paper for Westminster elections, and bringing it in line with Scottish Parliament election ballot papers, the Scottish Government proposes to remove candidate addresses from ballot papers or other electoral notices. The Returning officer would be responsible for ensuring candidates meet address requirements. This is due to security risks and changing the ballot will reduce the risk to candidates.

The Scottish Government is also exploring options for changing the order in which candidate names appear on ballot papers. This is to tackle the 'list order effect', which is particularly an issue under single transferable voting, where candidates with higher ballot placement tend to get more first preference votes.

Possible solutions put forward are:

Robson Rotation

Ballots are printed in alphabetical order, but the list starts with a different candidate at the top each time, rotating round the different combinations.

Ballot Paper: Version 1	Ballot Paper: Version 2	Ballot Paper: Version 3	Ballot Paper: Version 4	Ballot Paper: Version 5
Candidate A	Candidate E	Candidate D	Candidate C	Candidate B
Candidate B	Candidate A	Candidate E	Candidate D	Candidate C
Candidate C	Candidate B	Candidate A	Candidate E	Candidate D
Candidate D	Candidate C	Candidate B	Candidate A	Candidate E
Candidate E	Candidate D	Candidate C	Candidate B	Candidate A

Alphabetical-reverse

Two versions of the ballot are printed, half in alphabetical order and half reversed.

Ballot Paper: Version 1	Ballot Paper: Version 2
Candidate A	Candidate E
Candidate B	Candidate D
Candidate C	Candidate C
Candidate D	Candidate B
Candidate E	Candidate A

Randomised

Each ballot is printed with the candidates in a random order.

The consultation does highlight some drawbacks from changing ballot papers. This includes the cost of printing and proofing multiple versions of the ballot paper, the cost of adapting vote counting machines to handle multiple ballots, and possible voter confusion from ballot changes.

Methods of voting are also discussed, with the Scottish Government exploring options such as Electronic Voting Machines and Internet and Mobile Phone voting. A Number of benefits are offered for these systems, such as including checks for invalid ballots before votes are cast to allow voters to correct any issues, allowing people with disabilities alternative ways to interact with the ballot, and saving money and on printing and staff. Estonia in particular is highlighted as a country that has used both these systems and allows for a case study into the usage of these methods.

Boundary Reviews

Currently, council boundaries and electoral arrangements are reviewed every 8 to 12 years by the Local Government Boundary Commission for Scotland. All council boundaries are reviewed at the same time.

The Scottish Government are proposing that boundary reviews become a continuous process where a small number of councils are reviewed each year, with the aim of all 32 councils being reviewed within a set period of time.

Possible advantages of this are that this would allow for a more locally focused process than is currently allowed by the national reviews, and this allows potential for greater involvement of the community. However, it could make controlling the number of councillors there are at a national level difficult. The consultation is seeking feedback on the principle of rolling reviews at the council level.

The consultation also wants responses on how recommendations made by the Commission are handled by the Scottish Ministers and Parliament. Currently ministers are able to implement recommendations on Local Government Boundaries, with or without changes, or reject them entirely. The Scottish Parliament does not have an opportunity to amend or reject the proposals for Local Government Boundaries. For Scottish Government elections, Scottish Ministers are obligated to put recommendations before parliament without any amendments, and parliament can only vote to accept or reject those recommendations.

The proposals put forward are for local government and Scottish government boundary changes to be handled in the same manner. Feedback is sought on allowing ministers to change recommendations for council wards and Scottish Parliament constituencies, and also allow parliament to challenge recommendations. Opinions are also sought on whether recommendations should be implemented without change.

It has been recommended that in certain circumstances, the commission is able to create wards with either 2 or 5 councillors, to take into account local geography. This would be a change from the current rules where each ward must have either 3 or 4 councillors. The consultation asks for responses on this matter.

Voting

The Scottish Government is proposing to extend the vote to everyone over 16 who is legally resident in Scotland, regardless of their nationality. The argument is that the current system, where preferential treatment is given to EU and Commonwealth citizens, is unfair. The Scottish Government would like feedback on this and views on the length of time someone should be resident in Scotland before becoming eligible.

The Scottish Government are also looking to make it easier to be anonymous on the full electoral register. They aim to allow a wider range of professions the ability to attest applications. They are also looking to increase the security of those in need of anonymity. The consultation asks particularly for the opinions of those who are interested in this area, and has produced a [supporting document](#) focused on anonymous registration.

The Consultation also raises the issue of some people who are able to vote multiple times in Council elections, if they own a second home that they are considered resident in. They are unable to vote at a second address if it is a holiday home for council tax purposes.

Feedback is sought both on whether people should be able to register in multiple local authority areas, and whether they should be limited to one vote in local government elections, regardless of any additional homes.

Accessibility

Currently in Scotland, 19% of the population is disabled, and 4% of the population are ethnic minority, yet this is not reflected in governance, particularly at a local authority level. The consultation outlines some of the schemes in place to address this, such as the [Access to Elected Office Fund](#), and the [Race Equality Framework](#). Responses are requested for other ways that the Scottish Government can remove barriers to voting and elected office.

Improving the accessibility of polling stations is another focus of the consultation, with feedback wanted on how this can be improved.

The final part of the consultation document looks at gender balance in elected office. Despite women being 51% of the Scottish Population, less than 35% of MSPs are women. Whilst much of the ability to influence this lies at the party level in who they choose as their candidates, feedback is invited on what ways the Scottish Government can support gender balance. This includes the 50/50 by 2020 campaign that encourages gender balance on public, private and voluntary sector organisation boards, and the Gender Representation on Public Boards (Scotland) Bill sets the objective for a number of public authorities to have non-executive boards gender balanced.

APSE Comment

APSE supports measures that ensure that councils benefit fully from the wide range of skills and experience that councillors can bring to the chamber and operation of the local authority. To this end changes that enable residents from the widest range of backgrounds and circumstance to truly represent their communities are welcomed.

Changes to the existing, proven system of election will require training for both staff and new elected members along with additional technology for some proposals. We believe these transition costs should be acknowledged via the Local Authority grant from the Scottish Government.

APSE's manifesto states:

- APSE believes that the stewardship of local areas is best placed with local elected representatives as they have a direct line of accountability to local people. APSE will campaign for the rebalancing of current debates around local democracy to place more focus on the role of local authorities in determining outcomes in the wider interests of local communities.
- APSE believes elected representatives will continue to be the primary route for ensuring democratic accountability and in particular protecting and promoting places and people.
- APSE believes that all Councillors should be effectively engaged in decisions that affect communities and the daily lives of citizens and will support measures aimed

at strengthening the role of backbench Councillors in local government in working with partners.

In line with the manifesto, APSE will continue to press for strong local representation combined with local accountability. [The Welsh Government](#) launched a consultation looking specifically at Local Government reform earlier in 2017, which covered similar issues to the Scottish Consultation, and the responses to this consultation are likely to be published in early 2018. This will provide an excellent opportunity for learning between devolved administrations.

Iain Scherr

Research and Coordination Officer

Consultation Questions	
Q1	Do you think the term length for the Scottish Parliament and local government should be: 4 Years/5 Years/Other Length (please specify)
Q2	Do you have any other comments or suggestions on term lengths?
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?
Q4	Do you have any other views on the future role of the Electoral Management Board?
Q5	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?
Q6	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.)
Q7	Do you have any other comments or suggestions about who should have the role of Returning Officer or how Returning Officers should be paid?
Q8	Do you agree that candidates' addresses should not be required to appear on ballot papers for local government elections?
Q9	Do you have any other comments to make on this issue?
Q10	The Scottish Government would welcome views on this issue. (Ballot Paper Candidate Order) <ul style="list-style-type: none"> • 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? • If so, what form of new system would you favour: rotation; randomisation; alphabetical-reverse alphabetical? Any other?
Q11	Do you have any other comments to make on this issue?
Q12	Voting Machines <ul style="list-style-type: none"> • Would you be happy to use an electronic voting machine in a polling place instead of a traditional ballot paper? • Would you like voting to be possible on more than one day? • Would you like to be able to vote at any polling place in Scotland? • Do you have any other comments?
Q13	Internet and Mobile Phone Voting <ul style="list-style-type: none"> • If internet or mobile phone voting was available, would you choose to use that rather than vote at a polling place or by post? • If internet or mobile phone voting was available, would you be more likely to vote? • Would you like voting to be possible on more than one day? • Do you have any other comments?

Q14	Do you think that we should move to a rolling programme of reviews of local government electoral arrangements?
Q15	<p>Independence of boundary reviews</p> <ul style="list-style-type: none"> • Should Scottish Ministers be able to change the recommendations of the Local Government Boundary Commission for Scotland on Scottish Parliament constituencies and council wards? • Should the Scottish Parliament be able to challenge the recommendations of the Boundary Commission on Scottish Parliament constituencies and council wards? • Should the recommendations of the Commission be implemented without change? • Please comment on your answer.
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?
Q17	Do you agree that the franchise should be extended to include everyone legally resident in Scotland?
Q18	Do you have any views on how long should someone be resident in Scotland before they become eligible to vote?
Q19	Do you have any other comments to make on this issue?
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?
Q21	Should a voter be allowed to register in more than one local authority area?
Q22	Do you agree that a voter should only be allowed vote once in local government elections in Scotland?
Q23	What other action could the Scottish Government take to widen access to and remove barriers to voting and elected office?
Q24	As well as the above arrangements, is there anything else that could be done to increase the accessibility of elections?
Q25	How can the Scottish Government best support gender balance in those elected as MSPs or local councillors?