

ANGUS COUNCIL

POLICY & RESOURCES COMMITTEE – 1 MAY 2018

SCOTTISH GOVERNMENT CONSULTATION ON ELECTORAL REFORM – FOR INFORMATION

1. BACKGROUND

In December 2017, the Scottish Government launched its consultation on Electoral Reform. Under the Scotland Act 2016, the Scottish Parliament and Government has new powers and responsibilities relating to elections to the Scottish Parliament. This is in addition to existing devolved responsibility for local government elections.

The Scottish Government has issued a commitment to increasing participation in elections both in terms of voter turnout and encouraging citizens to stand for election. It believes there is a need for an electoral system that supports and empowers the engagement of the Scottish people in their own elections,

This consultation is what the Scottish Government consider a first step in reforming the electoral process in Scotland. The Scottish Government will use the results of the consultation process to develop policy proposals that may be taken forward in future legislation.

2. CONSULTATION

The consultation was directed at the whole electorate and young people who will be the voters of the future to collect views of a broad range of respondents including Returning Officers and administrators.

The Chief Executive submitted a response in her role as Returning Officer for Angus Council which is attached for information.

The Election Management Board for Scotland, the Electoral Commission and professional bodies such as the Association of Electoral Administrators (AEA), the Scottish Assessors Association (SAA) and SOLAR have also submitted responses to the Scottish Government.

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[Appendix 1: Returning Officer response](#)

CONSULTATION ON ELECTORAL REFORM



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RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

Individual

Organisation

Full name or organisation's name

Maroo Williamson. Returning Officer – Angus Council

Phone number

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

Publish response only (without name)

Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

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)?

Response:

The term length for both councillors and MSP's is a matter of policy. However, in determining term lengths clashes with other major elections should be avoided if at all possible.

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

Response:

Elections were decoupled as a result of the Gould Report which commented on the 2007 local government elections. The report commented that it was in the interest of the voter to avoid having them vote in two different elections on the same day. This helps to avoid confusion given the different voting systems that are in place for each election with different ways of completing ballot papers.

In respect of local government elections, the date of the election needs to reflect the requirement for administrations to be formed and the subsequent setting of budgets.

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?

Response:

The creation of the EMB has led to Scotland having a very robust and much envied electoral system. The EMB ensures that the voter is at the heart of everything we do as Returning Officers, provides sound guidance and advice, ensures consistency across 32 local authorities and where necessary directs the work of Returning Officers.

The EMB have successfully overseen many elections since they were established including the Scottish Independence Referendum, one of the largest electorate events in recent years.

Any extension of the remit of the EMB would be welcomed, whilst maintaining local Returning Officer arrangements.

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

Response:

The EMB provides an important role in overseeing elections held in Scotland independent from political control/intervention and it is imperative that this continues.

However, the EMB is currently under resourced given its remit. If the EMB is to develop proper funding and resources need to be identified to allow them to continue and build on current functions.

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?

Response:

It is integral to the electoral process that the Returning Officer, the person responsible for running an election, remains independent and free from political control. This independence

provides confidence and assurance to voters that those running elections are not being influenced in any way by politicians.

A local government officer, including a Chief Executive, is responsible to their Council – a set of elected politicians. The law currently states that the duties of the Returning Officer must be separate from any of an individual's duties as an officer of local or central government and Returning Officers are directly accountable to the courts as an independent statutory office holder. It is imperative to the democratic process that this statutory duty remains to ensure that the responsibility of holding any electoral event continues to be undertaken by an independent officer.

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.)

Response:

As stated above, a local government officer, including a Chief Executive, is responsible to their Council – a set of elected politicians. There is currently a legal separation of duties which ensures that a Returning Officer remains independent and free from any perceived political control. This ensures that the Returning Officer is not subject to direction or instruction from elected members of the Council in the discharge of their statutory duties.

It is imperative to the democratic process that this statutory duty remains to ensure that the responsibility of holding any electoral event continues to be undertaken by an independent officer.

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?

Response:

The role of Returning Officer is complex and time critical, requiring the post holder to make key decisions on matters such as determining validity of nominations and rejected ballot papers.

Historically, the role has been held by Chief Executives supported by a professional and experienced Election team and we can see no reason for this not to continue. The primary concern is that the role of Returning Officer remains independent from political control or intervention.

The fee payable for Returning Officers is currently determined by statute and is based on the complexity of the task and is proportional to the size of the electorate in the constituency which they oversee.

For local government elections, a rate was nationally advised by COSLA in 2008 which is substantially less than other elections.

The issue of remuneration is a matter for determination separately but should be commensurate with scale, degree of responsibility and the importance of the duties of an independent Returning Officer and their election teams.

QUESTION 8: Do you agree that candidates' addresses should not be required to appear on ballot papers for local government elections?

Response:

Historically, a candidate's address has appeared on the ballot paper to demonstrate local connection. It also allows voters to distinguish between candidates who have the same or

similar names. However, it is noted that there is an increase in concern regarding the safety and security of our political representatives which must be taken into account.

Currently, candidates are not required to provide their home address on the ballot paper for UK Parliamentary elections – they can choose to an alternative stating their qualification for standing and this position could be adopted across all elections.

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

Response:

This issue should not be considered in isolation, as other electoral documents such as the Notice of Poll contain a candidate's home address.

QUESTION 10: The Scottish Government would welcome views on this issue.

- 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?

Response:

This is a matter for Parliament to determine. However there are a number of practical concerns which have been outlined in the EMB and AEA responses which we agree require be considered in full. It if of paramount importance that the interests of the voter are put at the heart of any decision made in respect of the way in which candidates are listed on the ballot paper.

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

Response:

Any changes to the ballot paper will require to be fully tested by engaging with the electorate to ensure that any potential issues are highlighted before formal introduction.

QUESTION 12: Voting Machines

- 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?

Response:

This question really addresses the voter and not Returning Officers, however we have made some comment below.

In order to move forward, we need to acknowledge that electronic voting is the future and welcome this. However, the reality is that we are some way off from overcoming concerns both from voters and politicians around the integrity, secrecy and security of the ballot. There are also concerns around the possibility of fraud and confidence can ebb quickly when these cannot be overcome.

There are also practical issues depending on the type of system in place e.g. any requirement for a wifi connection could be problematic especially in rural areas. The cost of introducing voting machines could also be prohibitive and seen as an unnecessary expense especially at a time when council funding is shrinking.

We also need to consider the implications if such voting machines would replace traditional methods of voting or if they would sit alongside these for those who do not wish to or cannot use a voting machine.

We already have a form of early voting via our postal vote system. Introducing an early voting period would need to review not only the impact on political campaigns but also the way in which a Returning Officer resources polling stations, undoubtedly leading to additional costs.

The freedom to vote at any polling station in Scotland would require a fundamental shift in the way in which the electoral registration process operates. It would also require a system to be developed to ensure that a voter could not vote more than once e.g. a live e-register. However, this in itself would raise a number of issues which the SAA and Electoral Registration Officers will no doubt highlight in their own response to this consultation.

There is also the question of ballot papers which are specific to constituency or ward, no polling station could stock every ballot paper. This would require the use of e-voting machines which could possibly display multiple papers.

QUESTION 13: Internet and Mobile Phone Voting

- 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?

Response:

This question really addresses the voter and not Returning Officers, however we have made some comment below.

As noted above improvements to the way in which voters can access the electoral process are welcomed.

However, the reality is that we are some way off from overcoming concerns both from voters and politicians around the integrity, secrecy and security of the ballot. There are also concerns around the possibility of fraud and confidence can ebb quickly when these cannot be overcome.

With many stories in the news about hacking, voters may find it hard to trust any online method of voting, thus undermining the whole electoral process. Confidence in any e-voting system may be difficult to achieve.

QUESTION 14: Do you think that we should move to a rolling programme of reviews of local government electoral arrangements?

Response:

The impact of local government boundaries reviews can be extensive, requiring ward and polling districts boundaries to be redrawn and new polling stations designated. These are substantial pieces of work and the timing of these need to ensure that administrators have the time to undertake this work prior to any election being called.

A programme of rolling reviews, sequenced around the timing of elections would provide more time for this work to be completed.

QUESTION 15: Independence of boundary reviews

- 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.

Response:

The Local Government Boundary Commission for Scotland is currently an independent body free from political control/intervention and we consider that it should remain so. Where there is any element of political control of boundaries there is a risk that any changes could be seen to favour incumbent candidates.

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?

Response:

Any decision regarding the number of councillors should be made with the interests of the voter in mind, ensuring that ward boundaries and number of councillors reflect the needs of local communities.

QUESTION 17: Do you agree that the franchise should be extended to include everyone legally resident in Scotland?

Response:

We believe that the SAA will address this question and any practical issues or concerns in their response.

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

Response:

We believe that the SAA will address this question and any practical issues or concerns in their response.

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

Response:

No additional comments

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?

Response:

We believe that the SAA will address this question and any practical issues or concerns in their response.

However, we agree the importance of allowing those individuals who may be at risk should be able to have their anonymity protected.

QUESTION 21: Should a voter be allowed to register in more than one local authority area?

Response:

We believe that the SAA will address this question and any practical issues or concerns in their response.

QUESTION 22: Do you agree that a voter should only be allowed vote once in local government elections in Scotland?

Response:

We believe that the SAA will address this question and any practical issues or concerns in their response.

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

Response:

The accessibility of the electoral process is a key principle which each Returning Officer strives to achieve to the best of their ability. We are committed to working with our local communities to break down any barriers which might stop a voter being able to engage in the electoral process.

However, we believe some of the voting practices for those with a disability are outdated and should be reviewed to allow greater access for all e.g. those who can attend the polling station with a person with a disability and the need for them to complete a separate form.

In addition, areas of particular concerns for some of those with a disability e.g. visually impaired or hearing impaired voters need to be addressed directly by engaging with those communities to remove any actual or perceived barriers.

Funding for electoral participation at a local level would also allow the Returning Officer and their staff to engage more widely with such communities to help address particular local issues and to help improve knowledge of electoral process with under represented groups.

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

Response:

As noted above, there is a need for funding to increase the accessibility of elections for all stakeholders.

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

Response:

This is not within the remit of the Returning Officer's, voters are the ultimate decision makers as to which candidates are elected from those standing.

Political parties are responsible for the selection of candidates.