

Consultation on Electoral Reform

Introduction

The Scottish Government is committed to increasing participation in Scotland and encouraging more people to use their vote and stand for election. We need to look at any improvements that could help more people in Scotland to engage with elections.

This consultation is directed at the whole of the Scottish electorate including children and young people who are the voters and politicians of the future. The Scottish Government hopes that a broad range of people from all over Scotland will contribute and share their thoughts on our proposals.

Chapter One: How often should elections be held?

1. Term lengths

In Scotland, Local Government (i.e. council) elections and Scottish Parliament elections are held every four years and the term lengths are set out in law. Ideally, we would not want different elections to be held on the same day but, as things stand, the next scheduled UK General Election will fall on the same day as Scotland's local government elections in 2022.

The Scottish Government is aware of this potential clash and, if it becomes necessary, will seek the approval of the Scottish Parliament to make any necessary changes to scheduled election dates. It may make sense to move onto a 5 year cycle, just like Wales and Northern Ireland currently have, although there are those who support shorter terms.

Question 1: Do you think the term length for the Scottish Parliament and Local Government should be:

- A. 4 years?
- B. 5 years?
- C. Other length (please specify)

Question 2: Do you have other comment or suggestions on term lengths?

Chapter Two: Who runs elections and how are they run?

1. The Electoral Landscape

There are a number of different organisations who make up the electoral landscape in Scotland:

- **The Scottish Parliament** has the power to pass laws that will affect the running of Scottish Parliament elections and Local Government elections.

- **The Scottish Government** can consult with the people of Scotland on major changes before bringing proposals to the Scottish Parliament for approval.
- **The Electoral Commission** is an independent body which oversees elections and referendums in the UK, ensuring they remain free and fair within a secure voting environment. Set up in 2000, it reports to the UK and Scottish Parliaments.
- **The Electoral Management Board (EMB)** assists local authorities in the efficient running of Local Government elections and ensures best practice through provision of information, advice and training. Some Board Members are **Returning Officers**, who have responsibility for organising and running elections in their own local authority area. There is a Returning Officer in each local authority in Scotland.
- There are also **Electoral Registration Officers** on the Electoral Management Board, who collate and maintain the Register of Electors in their own local authority area.

Proposal – Extending the role of the Electoral Management Board to Scottish Parliament elections

As things stand, the Electoral Management Board does not have a role in the running of Scottish Parliament elections. Now that Scotland has been given more powers by the Westminster Parliament, the Scottish Government is thinking about legally giving the EMB the authority to assist Returning Officer and Electoral Registration Officers in running Scottish Parliament elections, as well as Local Government elections.

Question 3: Do you agree that the Electoral Management Board and the Board's Convener should be given the same powers in relation to Scottish Parliament elections as they already have for Local Government elections?

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

2. Role of Returning Officers at Scottish Parliament Elections

Returning Officers (ROs) for Scottish Parliament elections are employees of the council that appointed them, however they work independently of the council, very much on a personal basis. This means that they are paid a fee for their work as ROs, that is over and above their regular council wages. How much they are paid really depends on how many electors there are in their own council area.

In January 2017, a Scottish Parliament Committee published a [report](#) that agreed how important the work of ROs is when it comes to running Scottish Parliament elections, but also said that the current system needed to end.

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?

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 would require renegotiation of terms and conditions).

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?

3. Local Government Election Ballot Papers: Candidates' Addresses

Every four years, Local Government elections are held across all 32 of Scotland's councils and it is a legal requirement that the names and home addresses of those standing for election **MUST** appear on the front of the ballot paper. Here is an example:

BALLOT PAPER		
Front of ballot paper		
(NAME OF COUNCIL) - (NAME OF WARD)		
(Number to be elected) of the candidates listed below will be elected. You can make as many or as few choices as you wish.		
Put the number 1 in the voting box next to your first choice. Put the number 2 in the voting box next to your second choice. Put the number 3 in the voting box next to your third choice. And so on.		
ANDERSON Hans 57 Easter Road, Anytown Rowan Party		<input type="checkbox"/>
CRANSTON Helen 912 Main Street, Anytown Beech Party		<input type="checkbox"/>
FLEMING Douglas Martin 112 South Street, Anytown Independent		<input type="checkbox"/>
HAMILTON Flora		<input type="checkbox"/>

Some people have questioned whether showing candidates' home addresses is a good idea on grounds of personal security, particularly as ballot papers for Scottish Parliament elections do not show this information for similar reasons. So it is being proposed that home addresses should not appear on ballot papers for future Local Government Elections.

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

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

4. Local Government election ballot papers: List Order of Candidates' Names

At the moment, candidates' names are listed alphabetically (by surname) on ballot papers for Scottish Local Government elections. Some people think this might be unfair on those whose names appear further down the ballot paper. This has possibly been shown to be true with the complex Single Transferrable Vote system used in council elections, where a candidate nearer the top is more likely to be listed '1' than a candidate who appears nearer the bottom. This is known as the 'list order effect.'

Various solutions have been looked at, including:

- grouping candidates by party
- random ordering of candidates' names
- combining these first 2 options by random ordering of the party groupings
- candidate name rotation with multiple versions of ballot papers printed with the names of candidates in different order on each version

There are arguments to be made that multiple versions of ballot papers would cost the taxpayer more and would cause problems for voters with visual impairment.

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?

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

5. Electronic Voting

The Scottish Government is committed to improving online services in Scotland, through its Digital Strategy for Scotland. Whether it is through Internet shopping and banking or self-scan checkouts in supermarkets, digital technology is more and more becoming part of our everyday lives.

Electronic voting may help improve the elections process by increasing voter participation and reducing the costs of elections, among other benefits. It could also help those who find voting in the more complex STV elections challenging, whether it is because of visual or auditory impairment, or because English is not their first or chosen language.

Proposals

The Scottish Government plans to trial innovative electronic voting methods and would welcome views on what means of electronic voting might be used.

Electronic voting is widely used internationally and the Scottish Government is looking at the benefits of two different methods of voting that could be used, including:

Electronic Voting machines

- Voting machines are touchscreen devices, similar to ticket machines at railway stations or supermarket automated checkouts.
- Voice-activated voting machines could be beneficial to visually impaired people, as well as providing British Sign Language (BSL) options for the deaf or hearing impaired.
- Voting machines could be made available in different locations, meaning people would not always have to go to designated polling stations.
- Voting machines can provide a paper receipt as proof the vote has been received.

Internet and Mobile Phone Voting

- Internet or online voting would mean voters could cast their vote from a PC, laptop or mobile phone.
- Once registered to vote in this way (and once the polls open), voters should receive a special secure link inviting them to vote.
- This method of voting could be more convenient for some people and could mean that polls would be “open” for longer, in that voters could cast their votes during a period of a few days, rather than on one given day.

QUESTION 12: Voting Machines

- Would you be happy to use a 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?

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 1 day?
- Do you have any other comments?

6. Boundary reviews

Elections to the Scottish Parliament are run on the basis of constituencies and regions, while elections to Local Government are run on the basis of wards. Every now and again, the independent Local Government Boundary Commission for Scotland reviews the suitability of council boundaries, as well as reviewing the constituencies and regions of the Scottish Parliament.

Proposal - Rolling reviews of Local Government electoral arrangements

As it stands, reviews of council arrangements for elections take place every 8 to 12 years with all council wards being reviewed at the same time. It has been suggested that there could be advantages if, rather than reviewing all council areas at the same time, a number of council areas could be reviewed each year or period of years.

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

Independence of boundary reviews

Scottish Ministers have the right to reject or accept recommendations from the Local Government Boundary Commission in relation to council ward boundaries, but not for those relating to Scottish Parliament boundaries.

The Scottish Government believes that the same process should be used for Scottish Parliament constituencies and local council wards and is therefore seeking views on what procedures should be adopted.

QUESTION 15: Independence of boundary reviews

- Should Scottish Ministers be able to change the recommendations of the Boundary Commission on Scottish Parliament constituencies and council wards?
- Should the Scottish Parliament be able to change 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.

How many councillors should wards have?

As it stands, each council ward in Scotland must have 3 or 4 councillors. It has been suggested that all council wards should be able to have 2 or 5 members as well as 3 or 4 members. The argument is that this would give the Boundary Commission more flexibility when reviewing ward boundaries.

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?

Chapter Three: Who Can Register and Vote?

1. Extending the Franchise

We are seeking views on extending the franchise (i.e. those who are permitted to vote) for Scottish Parliament and local government elections. The franchise is largely based on being resident in Scotland. People who live in Scotland can vote in Scottish Parliament and in local government elections if they are over 16 years old and are:

- a British citizen; or
- a qualifying Commonwealth citizen or
- a citizen of the Irish Republic or European Union.

This means that people who are not EU or Commonwealth citizens are not permitted to register and vote.

Now that the Scottish Government has the power over the administration of Scottish Parliament and local government elections, some people feel that the franchise arrangements should be amended.

Proposal

Equality of treatment among the people of Scotland should be the underlying principle in all that we do. Therefore the Scottish Government sees merit in extending the franchise in Scottish Parliament and local government elections.

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

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

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

2. Anonymous registration

There are 2 versions of the electoral register – the ‘open register’ and the full one. Anyone can access the open register, but access to the full register is limited to use in elections; for preventing and detecting crime; and checking applications for loans or credit. Individuals can opt out of the open register, but will still appear on the full register.

People have been able to register to vote anonymously for the past 10 years and the intention is to protect those whose safety might be at risk if their name and address appeared in the electoral register, such as victims of harassment, stalking or domestic abuse.

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?

If this is an area in which you are particularly interested, we would welcome your views on our more detailed proposal. These proposals can be found in the supporting document on anonymous registration.

3. Should electors be able to Vote More Than Once at Local Government Elections?

Concerns were raised during the 2016 consultation exercise on a draft Referendum Bill about the possibility of owners of second homes being able to register and vote at those addresses as well as at their home address. The legislation allows for an individual to register and vote at a local government election in more than one local council area but it is against the law to do so at any other election or referendum. However there is always the risk that people will vote twice in other types of elections if they are registered in two places.

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

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

Chapter Four. Accessibility of Voting and Elected Office

1. Increasing the Representation of Under-Represented Groups and Making Voting More Accessible

It is a known fact that politics and elected office does not represent the population of Scotland, either locally or nationally. The Scottish Government believes that fair,

proportionate representation at both local and national levels is essential to achieve equality and has undertaken a number of measures to help remove barriers.

For example, the Access to Elected Office Fund provides grants to disabled people who are standing for selection and election in Scottish Parliament and Local Government Elections. The Scottish Government's British Sign Language National Plan 2017-2023 sets out goals in terms of Democracy. There is also the 2016 Race Equality Framework that set out a key goal of increasing representation of minority ethnic individuals in decision-making at local and national level. This will be further progressed by the Race Equality Action Plan in December 2017.

How else could the Scottish Government help widen access and remove barriers to voting and elected office? Perhaps by allowing proxy and postal votes and by ensuring improvements such as appropriate signage, low level polling booths and ballot boxes, as well as ensuring the provision of a tactile voting device at every polling station.

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

Accessibility

The options of proxy and postal voting help ensure that those who are entitled to vote are able to do so, especially if their situation inhibits them from attending a polling station in person. Polling stations should also be set up in such a way as to ensure that the voting process is accessible to all, including appropriate signage, parking provision, low polling booths and a tactile voting device for people who are visually impaired.

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

2. Improving Gender Balance in Elected Office

Women make up 51% of Scotland's population, but only 35% of MSPs are women. Although political parties are not subject to the Equality Act 2010, they are encouraged to play a voluntary role in promoting equality.

Some political parties have introduced and used gender quotas with the use of All Women Shortlists (AWS) in certain constituency areas (where an existing member was retiring, for example). This led to an increase in female candidates standing for election in the 2016 Scottish Parliament election. If all political parties were to take up this approach significant change would be achieved.

50/50 by 2020

The Partnership for Change *50/50 by 2020* campaign was launched by the First Minister Nicola Sturgeon in June 2015. The aim of the campaign is to encourage public, private and voluntary sector organisations to sign up to a voluntary

commitment to work towards 50/50 gender balance on their boards by 2020. Currently there are just fewer than 200 signatories.

The Gender Representation on Public Boards (Scotland) Bill, which was recently introduced to Parliament, sets an objective for listed public authorities that their boards should have 50% of non-executive members who are women. The bill covers certain public bodies, colleges and Higher Education Institutions. The *Women 50/50* campaign advocated for at least 50% representation of women in Parliament, councils and on public boards and is supported by the First Minister and other party leaders, as well as other political figures.

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