

# **Scottish Government response to results of the Electoral Reform Consultation 2022/23**

**October 2023**

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## Introduction

The Scottish Government's Electoral Reform [Consultation](#) ran from 14 December 2022 to 15 March 2023, and asked respondents for their views on a range of proposals which would help modernise Scottish Parliament and local government elections. 517 responses to the consultation were received, representing a diverse range of opinions from individuals and organisations across Scotland. These responses have been independently analysed, with the [analysis report](#) having been published on 31 July 2023. Individual responses where permission has been granted are also available on the Government's [website](#).

The consultation consisted of 30 closed questions, and 16 open, text-based questions, and covered five distinct areas of electoral reform: candidates, voting, scheduling of elections, campaigning and finance, and administration and governance.

Public consultation of this kind means anyone can express their views; individuals and organisations interested in the topic are more likely to respond than those without a direct or known interest. This self-selection means the views of respondents do not necessarily represent the views of the entire population.

The Scottish Government is grateful to all who responded to the consultation, and the views expressed will contribute to decisions on how best to proceed with the programme of electoral reform. As announced in the [Programme for Government](#), legislation informed by the Electoral Reform Consultation and the subsequent analysis will be brought before the Scottish Parliament in time for the next Scottish Parliament election scheduled for 7 May 2026.

## Candidates

In the consultation views were sought on whether to extend candidacy rights for Scottish Parliament and local government elections to 16- and 17-year olds, and to foreign nationals with limited leave to remain. The Government is considering the range of views expressed on these topics with a view to identify the most appropriate ways that candidacy rights can be extended. 77% of respondents were opposed to extending candidacy rights to 16- and 17-year olds and foreign nationals with limited leave to remain, however 67% and 88% of organisations were in favour, respectively. As part of the consultation process, a round-table discussion with young people was held. Support for the proposal was voiced by some individuals, however some of the practical concerns raised in the consultation paper were also voiced, including the need to ensure appropriate safeguarding and support was in place for young people.

The UK Elections Act 2022 changed a range of aspects of holding UK Parliament elections, and the Scottish Government's consultation highlighted some areas where merit was seen in adopting similar measures. The Government is sympathetic to the introduction of sanctions which disqualify those found guilty of intimidation of elected representatives, candidates and campaigners from standing for election or holding office for five years, and is actively considering introduction of a similar sanction.

Views were sought on whether changes to the rules around freepost political mailings for Scottish Parliament and local government elections should be reformed. This included entitling candidates at local government elections to a freepost mailing similar to that enjoyed by Scottish Parliament candidates. Concerns around how this measure would be funded remain, given the ongoing financial climate. The Scottish Government is engaging further with stakeholders to discuss this issue. The consultation also asked for views on changing the freepost mailing rules so that leaflets are sent one per household, rather than to each individual voter. The Scottish Government is sympathetic to this change, and the proposal was popular among consultation respondents. We will engage further with political parties and key stakeholders to identify the most appropriate steps that can be taken on this issue.

The consultation asked for views on amending the way local government candidate addresses are displayed and published. For candidates acting as their own agent, concerns have been raised that they are required to publish their home address in some situations, and that this was a potential security risk. It was proposed that agents could therefore provide a correspondence address which would be publicly available in place of their home address. Local government candidates currently have the option of displaying either their full home address, or their local government area on ballot papers. It was suggested that offering the additional option of showing the ward a candidate resided in could allow candidates to convey their links to a local area, while not publishing their full address, if they so wished. These proposals were both popular with respondents to the Electoral Reform Consultation, and the Scottish Government is considering secondary legislation changes that could be put to the Parliament in 2024.

## **Voting**

Views were sought in the consultation on a range of measures which could improve the experience of voting for some people. A question was asked on how registration levels could be improved in Scotland, particularly for under-represented groups such as young people and foreign nationals. A wide range of responses to this question were received, and suggestions included increased public awareness campaigns and raising awareness in young people while in school. We are committed to improving registration, and will explore the legislative and non-legislative options fully. The Government is also considering the recent [report](#) by the Electoral Commission on the accuracy and completeness of the electoral registers.

A particular focus of the Government's ongoing programme for electoral reform is ensuring that voting is as accessible as possible for those who face barriers in voting, including those with sight-loss. The consultation asked what approach the Scottish Government should take with regard to the requirement to provide a Tactile Voting Device (TVD) in polling stations. A key theme in the responses to this point was to ensure there is sufficient flexibility for Returning Officers to provide appropriate support to voters with sight loss. Further consideration is being given to the legislative changes which could be made to support this group. The consultation also asked whether the number of times a companion can support voters in casting their votes should be changed and whether the provision of digital polling cards would promote improved accessibility. We will carefully consider the responses to these questions, noting that most people did not consider that a change on companions was necessary and that many respondents were keen to ensure there was no risk to the integrity of the voting process.

A question was asked on whether the offence of unduly influencing a voter should be clarified to make easier to understand and enforce for Scottish Parliament and local government elections. The responses to the consultation were strongly in favour of making this change, and we will fully explore bringing forward legislation to this effect before the next Scottish Parliament election.

In the consultation, questions were asked on changing some rules around absent voting. On allowing emergency proxy votes for those accompanying people attending unexpected medical treatment, responses were broadly in favour of making this change. We see merit in pursuing this change, and will discuss the issue further with stakeholders. A question was also asked in the consultation on whether the changes made in the UK Elections Act 2022 to the number of voters a person may act as a proxy for should be introduced for Scottish Parliament and Local Government elections. We do not intend to take this policy forward, as no problems with the current policy have been identified in relation to Scottish Parliament or local government elections.

Scotland has one of the most generous voting franchises in the world, and questions were posed on whether to extend the right to vote in Scottish Parliament and local government elections to asylum seekers, and to those detained on mental health grounds related to criminal justice. These proposals were not supported by many respondents to the consultation, with 78% against extending voting rights to asylum seekers, and 80% opposed to those detained on mental health grounds related to criminal justice. We will continue to consider these issues and work to identify suitable routes forward in future.

## **Scheduling of elections**

The Electoral Reform Consultation asked for views on a range of issues related to the scheduling of elections, primarily the circumstances under which Scottish Parliament and local government elections and by-elections could be rescheduled in emergencies. There were a range of views expressed on this topic, with a clear theme from many respondents stating that such powers should only be used in emergency situations. The Government agrees that any measures to allow rescheduling would only be intended to be used in exceptional circumstances. Consideration here is influenced by experience during the COVID-19 pandemic. The Government will carefully consider what actions would be appropriate to take to ensure that Scottish Parliament and Local Government elections have sufficient safeguards and resilience if exceptional circumstances take place.

## **Campaigning and finance**

A number of questions were posed in the consultation on campaign finance, largely focussed on changes made in the UK Elections Act 2022 that could also be extended to Scottish Parliament and Local Government elections. As noted in the consultation paper, the Scottish Government is sympathetic to a number of the changes that were made to notional expenditure and third-party campaigning, and many of the proposals were supported by a majority of consultation respondents. The Government is actively considering how changes to this complex area of election regulation can best serve campaigners and the wider public.

The rules around when digital imprints are required were also amended in the UK Elections Act, with implications for existing Scottish Parliament legislation in this area. The Scottish Government is continuing to consider this issue in order to ensure that campaigning in Scottish Parliament and Local Government elections is as transparent as possible.

## **Administration and governance**

The groups and bodies which contribute to the delivery and administration of elections are highly regarded in Scotland, and the consultation asked for views on a range of policies which would improve processes, scrutiny, or structures for some of these organisations.

The Electoral Reform Consultation asked respondents for their views on a range of potential changes to how Boundaries Scotland proposals are approved and scrutinised. Of those who responded, a majority were in favour of some kind of change to the process, with the most popular of the three proposals being automatic approval of boundary changes (39% of respondents). A number of consultation responses also highlighted the importance of preventing political manipulation

(sometimes referred to as “gerrymandering”) of constituency and ward boundaries. The Scottish Government is considering a range of options for future development of how Boundaries Scotland reviews are conducted and approved.

The consultation discussed reforms to the scrutiny of the Electoral Commission, and asked whether the Commission’s activities in relation to Scottish Parliament and Local Government elections should be overseen by the Scottish Parliament, rather than the current arrangement, which relies upon the Speaker’s Committee at Westminster. The Scottish Government is considering what the most appropriate form of scrutiny is, while ensuring that the Electoral Commission is not subject to political interference. 60% of respondents to this question in the Electoral Reform Consultation were opposed to an increased scrutiny role for the Scottish Parliament, with many commenting that the political independence of the Commission is key. This principle will be central to any proposals put forward by the Scottish Government.

The Electoral Management Board for Scotland (EMB) promotes best practice in electoral administration and supports the electoral community in Scotland. The consultation sought views on how the role of the EMB might be developed and expanded. Responses to the question on how the role and structure of the EMB could be amended were varied, however a number of responses highlighted the importance of transparency and impartiality in the EMB’s work. The Government is looking at a range of models which could support the EMB in their work, recognising the growth in the role they play in supporting and directing electoral administrators across Scotland. One such option is the possible creation of a Deputy Convener post, which would ensure the EMB remained able to issue directions should the Convener not be able to act.

## **Conclusion**

The consultation on electoral reform was a valuable opportunity for the Scottish Government to gather a range of views on a wide variety of aspects of our elections. We will be considering all the responses closely, with the view of bringing forward a Bill on electoral reform during 2024. It is important to highlight that not all of the topics discussed in the consultation will feature in the Bill, not least as a number of policies could be addressed through secondary legislation or changes in practice. We would again like to thank everyone who contributed to the consultation, and we are thankful for respondents’ ongoing interest in improving and modernising our elections.



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