

EQUALITY IMPACT ASSESSMENT (EQIA) - RESULTS

Title of Policy	Scottish Elections (Reform) Bill
Summary of aims and desired outcomes of Policy	The Scottish Elections (Reform) Bill (“the Bill”) sets out a number of changes to electoral law covering Scottish Parliament and local government elections in Scotland. It implements proposals included in the Scottish Government’s 2017-18 Electoral Reform consultation ¹ to extend the powers of the Electoral Management Board, make changes in relation to local government boundary reviews and a number of technical matters such as transferring oversight aspects of the Electoral Commission’s activities in relation to devolved elections to the Scottish Parliament. It also extends the interval between each Scottish Parliament and each local government election from 4 years to 5 years and will allow all 14 year olds to register as attainers ahead of becoming able to vote at the age of 16.
Directorate: Division: team	Directorate for Constitution and Cabinet: Elections and FOI Division: Elections Team

Executive summary

The Scottish Government is committed to increasing participation in elections both in terms of voter turnout and encouraging citizens to stand for election. Democratic participation challenges the inequalities of power and influence that exist in society. The Bill seeks to ensure an

¹ <https://www.gov.scot/publications/consultation-electoral-reform/>

electoral system that supports and empowers the engagement in elections of all those who have chosen to make Scotland their home. By improving the management and oversight of elections, the Bill will contribute to the achievement of the Scottish Government's National Performance Framework Outcomes of inclusive, empowered, resilient and safe communities and support respect, protection and fulfilment of human rights and lives free from discrimination.

The Bill is not considered to have a negative impact on any of the protected equality groups. Its provisions do not impact on voters by virtue of their gender, race, disability, marital status, religion or sexual orientation. They are intended to ensure equality of opportunity for all people in having their say in Scottish elections and that any eligible person who wishes to vote is able to do so.

Impact

This EQIA has considered the potential effects of the Bill and how it will impact on people with one or more protected characteristics. Our findings are based on desk based research; analysis of consultation responses; stakeholder engagement and feedback.

The Bill has the potential to impact positively on individuals based on the protected characteristic of **Age**. Although most of the Bill's provisions concern the administration of elections and electoral matters and do not affect children and young people directly, the Bill's provision to enable all 14 year olds to register ahead of attaining voting age (as "attainers") will help support young people in engaging in the voting process. Allowing anyone to apply to be added to the register from the age of 14 will simplify the process and the descriptions provided in registration documentation. It will make the process easier to understand, removing some confusion that can occur at present (as some, but not all, 14 year olds are currently eligible to register as attainers). The reform will assist young people in understanding their rights and allow the annual canvass forms used to compile information on voters to be simplified. It will also assist Electoral Register Officers (EROs) in identifying if an individual is eligible to be registered and should be sent an invitation to register. EROs will be able to send out invitations to register to anyone who is listed on a returned Household Enquiry Form as being at least 14, without having to calculate their age on the 1st of December (as occurs at present).

The Bill's provisions will apply to 14 year olds who will otherwise be eligible to vote in Scottish devolved elections at the age of 16. The Scottish Elections (Franchise and Representation) Bill², introduced on 20 June 2019, proposes an extension of the franchise for devolved elections to all foreign nationals with an unrestricted right of residence and to prisoners serving sentences of 12 months or less.

More generally, the change in relation to flexibility over **councillor numbers** in local government wards (allowing two and five member wards) is designed to allow Boundaries Scotland to take local factors into account in setting ward boundaries and the geographic spread of elected representation.

The Bill's provisions on **electronic voting** do not by themselves require any pilots to occur. But the provisions will amend references in primary legislation which could prevent the implementation of electronic voting following pilots of electronic voting or other digital processing which may be undertaken at a future date. Electronic voting pilots are likely to be focused on assisting equality of opportunity in voting and increasing voter participation by assisting groups of people who might find voting in elections challenging. This could for example include pilots of electronic poll cards or electronic voting processes designed to assist people with sight loss in voting.

The Bill removes the right for persons to **vote in more than one local authority area** (if they are resident in more than one area). This was strongly supported by responses to the Electoral Reform consultation, with 93% of respondents indicating that a voter should only be allowed to vote once at local government elections in Scotland. The consultation analysis noted:

“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.”

² <https://www.parliament.scot/parliamentarybusiness/Bills/112098.aspx>

Background

The Scotland Act 2016³ amended the Scotland Act 1998⁴ to devolve further powers to the Scottish Parliament. These additional powers gave the Scottish Parliament and the Scottish Ministers increased autonomy in relation to the operation of Scottish Parliament and local government elections in Scotland.

Consultation

Following the enactment of the Scotland Act 2016, the Scottish Government held two separate public consultation exercises on (a) electoral reform and (b) prisoner voting in relation to Scottish Parliament and local government elections.

The consultation on Electoral Reform was undertaken between 19 December 2017 and 29 March 2018 and sought views on a number of issues, including:

- term lengths for Scottish Parliament and Scottish local government elections;
- extending the role of the Electoral Management Board for Scotland;
- access to voting and elected office;
- electronic voting; and
- boundary reviews of Scottish Parliament constituencies and local government areas and wards.

The Bill includes provisions covering these issues, as well as some more specialised or technical changes to electoral law, which are detailed below and in full in the Bill's Policy Memorandum.

Over 900 responses to the electoral reform consultation were received from organisations and individuals. These were independently analysed and the analysis report⁵ as well as individual responses were published in line with Scottish Government guidance.

³ <http://www.legislation.gov.uk/ukpga/2016/11/contents/enacted>

⁴ <http://www.legislation.gov.uk/ukpga/1998/46/contents>

⁵ <https://www.gov.scot/publications/electoral-reform-consultation-analysis/pages/1/>

As well as the online consultation, roundtable discussions were held with a range of accessibility and equality organisations, including race, disability and women's representation organisations.

Ongoing discussions have taken place with electoral organisations, including the Electoral Commission, the Electoral Management Board for Scotland and the Electoral Registration Committee of the Scottish Assessors Association during the consultation period and the development of the draft legislation.

The Bill's provisions are mainly drawn from the consultation exercise. The following topics of the Bill were not included in the consultation exercise because they are technical in nature and, as such, likely to be of limited interest to the wider public (but the provisions in the Bill on these topics have been developed in discussion with electoral organisations):

- entitlement to register as an elector before attaining voting age;
- change of date of general election for Scottish Parliament;
- Electoral Commission: funding and accountability;
- Electoral Commission: codes of practice; and
- Electoral Commission: electoral expenses.

Awareness

The Scottish Government understands the importance of ensuring that voters are aware of how to register to vote. Forms will be produced and tested by EROs and are expected to include the following wording:

“Registering to vote

You can register to vote in Scotland if you are:

- *Resident (usually live) in Scotland, and Aged 14 or over (but you will not be able to vote in Scottish Parliamentary or local council elections until you are 16. You will not be able to vote in UK Parliamentary or European Parliamentary elections until you are 18).”*

Recommendations and Conclusion

Following the EQIA, which was largely based on the analysis of responses to the Government's public consultation exercise, no significant changes to the policy were deemed necessary due to the fact that the proposed changes are not considered to have a negative impact on any of the protected equality groups. However, the consultation process contributed to the development of the policy.

When the Bill is enacted, the policy will be implemented by the Electoral Management Board for Scotland, the Electoral Commission, Boundaries Scotland and Scottish Government officials. The Electoral Commission oversees and monitors the conduct and administration of elections.