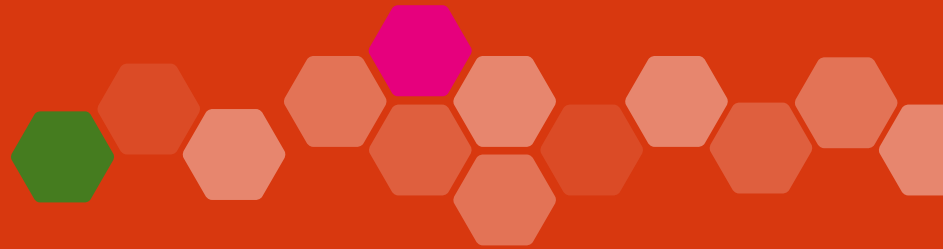


# Electoral Reform Consultation Analysis



**People, Communities & Places**

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# Executive Summary

This report presents an analysis of responses to a published Scottish Government consultation which gathered views about several possible electoral reforms in Scotland. The published consultation, consisting of 30 closed and 16 open questions, ran between 14 December 2022 and 15 March 2023. Of 517 responses received, 94% were from individuals, and 6% from organisations.

## **Candidates standing for election**

Over three quarters (77%) disagreed with the proposals to extend candidacy rights, with higher disagreement among individuals. Organisations were more supportive, with two thirds (67%) in favour of permitting 16- and 17- year-olds to stand in both Scottish Parliament and local government elections, and 88% in favour of candidacy rights for foreign nationals with limited rights to remain.

There was considerable support for the proposal to sanction those found guilty of an offence involving the harassment or intimidation of politicians, candidates or campaigners - 77% of individuals and 89% of organisations were in favour. However, concerns were raised that sanctions might suppress freedom of speech, and the definition of harassment was queried.

Organisations supported sending freepost communications to candidates at Scottish Local Government elections, although only a third of individuals agreed. There was more consensus on the proposal to limit mailings to one per household, with 78% of individuals and 70% of organisations in favour. Financial considerations were raised, with suggestions that the candidate or party should pay associated costs.

The proposal to allow candidates acting as their own agent to use a correspondence address and ask for the ward's name and the council area in which they live to appear on the ballot paper received widespread agreement. This was seen as a way of enhancing security for candidates.

## **Aspects of the Voting Process**

Just over two thirds of respondents shared views on ways to improve registration levels among under-represented groups. These included public awareness campaigns, information or voter registration stalls in schools or targeted outreach. Compulsory voting, improving the standing of politics, and removing barriers to voting, were also suggested. The second most common view was that existing arrangements were sufficient.

No change to the existing legislation for Tactile Voting Devices was felt necessary by over half of respondents, though only one of the 13 organisations who answered felt this way. Three in ten felt the existing rule should be replaced by a general requirement on Returning Officers to provide appropriate support; this equates to over two thirds of those who felt a change was required.

Across all elections in the UK a companion is allowed to attend a polling station to support up to two voters who need additional support to cast their vote. When asked if the number of individuals that can be supported by a companion should be changed, over three quarters (77%) of individuals felt there should be no change. Among organisations, however, views were more mixed, with one third (33%) supporting an increase to five people who can be supported, one quarter (25%) favouring the current guidelines and the remainder favouring a different number. Some of the free text comments also suggested reducing the limit to one voter per companion in order to minimise the risk of coercion.

While a majority of individuals were in favour of a digital poll card option – 55% in favour and 45% opposed – organisations were much more supportive. Almost all (89%) of the nine responses from organisations indicated this should be an option.

Themes emerged around the improving accessibility of polling stations, considering alternative voting options such as remote or digital methods, better promotion of accessibility features and the need for greater consultation. Others felt existing arrangements were sufficient.

There was widespread agreement (89% of respondents) that the offence of “undue influence” should be made easier to understand and enforce.

All organisations which responded to the question, and under two thirds of individuals, supported the proposal to extend the right to emergency proxies to the companions of anyone who has to attend an unexpected medical appointment or treatment that would prevent them from voting at their normal voting place.

One fifth of respondents commented on changes to proxy voting. Common themes included the potential for undue influence, disagreement with the use of proxy voting, agreement with limiting it, proxy voting as a way to encourage voter engagement and alignment with UK elections.

When asked about handing in postal ballots, comments covered many aspects of postal ballots rather than focusing specifically on handing them in. Themes included the need for more robust safeguards, concerns about corruption or fraud, and the handling of postal votes.

All organisations which responded to the question and many individuals agreed that voting rights in the Scottish Parliament and Local Government Elections should be extended to some or all persons detained on mental health grounds related to criminal justice. However, four fifths (81%) of individuals opposed extending voting rights to this group due to concerns of criminality or mental incapacity.

Mixed views about extending voting rights to people seeking asylum in Scotland were expressed. Three quarters of organisations (75%) were in favour, but four fifths of individuals (79%) were against it.

Half of the respondents highlighted issues they felt changes in the Elections Act 2022 to introduce voter ID and postal vote renewals would raise. These included arguments both for and against the use of voter ID and potential challenges with postal voting proposals.

## **Election scheduling**

All organisations agreed with the proposed presumption against a Scottish devolved election being held on the same day as a UK Parliament election. Individuals were evenly split in their views, with 49% in favour and 51% opposed.

While only one in five individuals (21%) agreed that the maximum period by which the Presiding Officer can propose the postponement of a Scottish Parliament election should be extended beyond one month, four of the six organisations that responded agreed.

All organisations agreed the date of dissolution should be changed to the day before the election. Views were broadly split between individuals, with 47% in favour and 52% against.

A small majority of both individuals and organisations were in favour of the Presiding Officer having the power to change the date of a Scottish Parliament by-election if it is no longer possible to hold the election on the originally selected date. Of those answering, 52% of individuals and 57% of organisations agreed.

In other comments on changing the date of a Scottish Parliament by-election, the most common theme was opposition due to fears of undue delays in by-elections. Some respondents felt existing arrangements were sufficient or felt dates could be changed on the condition that powers are only used legitimately and exceptionally.

Views were mixed on whether the Convenor of the Electoral Management Board (EMB) should be given the power to postpone national Local Government elections in consultation with the Electoral Commission and the Scottish Government. Over two thirds of individuals and just under half of organisations were against this idea.

Overall, respondents were most likely to indicate that the law should not allow a local government by-election to be postponed; 58% expressed this view. Those who supported the proposal were relatively evenly split between whether the decision should be made by the convenor of the EMB (22%) or the Returning Officer (17%). There was, however, more support among the eight organisations who answered. Most (87%) felt a postponement should be allowed, with a preference for the Returning Officer or someone else making the decision.

## **Campaigning and finance**

Three quarters of organisations and over four fifths of individuals supported using the same language clarifying the definition of notional spending adopted in the UK Elections Act 2022.

A majority agreed third party campaigners should register with the Electoral Commission if they spend more than £10,000 across the UK, with over four fifths of respondents (82%) holding this view. Two thirds of individuals and both organisations which responded to the question felt the spending limit should be reduced to £700 for overseas-based third parties ineligible to register with the Electoral Commission.

The proposal to allow an order-making power for Scottish Ministers to add, change or remove categories of third-party campaigners was opposed by a majority of both individuals (58%) and organisations (67%). However, there was widespread agreement that the Electoral Commission should be able to provide a code of practice on third-party expenditure in Scottish devolved elections, with 85% of individuals and all four organisations giving their backing.

Three quarters of individuals (75%) and two of the four organisations responding agreed with the proposal to increase the maximum fine to £500,000 for breaches of electoral law in Scottish elections. Some felt £500,000 was too high, while others thought it was insufficient. A range of different upper limits were suggested.

All organisations and two thirds (64%) of individuals agreed with the proposal to revoke their own regulations for digital imprints and rely on the provisions of the Elections Act. Arguments in favour included it would be simpler and consistent across the UK, resulting in less confusion and better compliance.

### **Administration and Governance**

Two fifths (39%) felt there should be no change to the process for approving boundary changes. Option 3, a form of automatic approval, was the most popular, backed by 34% overall and three quarters (75%) of organisations, including Boundaries Scotland. Of those who supported one of the three options presented in the paper, 58% supported Option 3 overall, as did 86% of organisations.

Respondents were broadly opposed to the proposal for the Scottish Parliament to have greater oversight of the Electoral Commission's devolved activities. Three fifths (60%) disagreed, including four of the five organisations who answered the question. Many stressed the need for the Commission to remain free from political influence.

Few respondents shared their views on the role and structure of the EMB. The most common theme was the recognition of the importance of impartiality and transparency in the EMB's operations. All organisations, including the EMB, agreed a Deputy Convenor post should be established, though individuals' views were split.

### **Summary**

A wide range of opinions was received relating to the Scottish Government's electoral reform questions, with a divergence between individuals and organisations in some areas. Organisations tended to adopt a rights-based focus or address procedural and practical arrangements, whereas individuals were more concerned about the need for safeguards in voting arrangements.

# 1. Introduction

## Background

Modernising Scotland's electoral law is a priority for the Scottish Government, reflecting its commitment to increase participation in elections and encourage people to stand for election.

Recent electoral reforms include the Scottish Elections (Reform) Act 2020, which increased the Scottish Parliamentary and Local Government terms from four to five years and introduced changes to the roles of the Electoral Commission, the Electoral Management Board for Scotland (EMB), and Boundaries Scotland. Other significant reforms in the last decade include extending voting rights to 16- and 17-year-olds for Scottish Parliament and Scottish Local Government elections from 2016<sup>1</sup> and foreign nationals from 2020.

The Scottish Government and the Scottish Green Party expressed their wish to build on these changes and continue improving electoral law in their [Shared Policy Programme](#) and the [2021-22 Programme for Government](#).

A public consultation ran between 14 December 2022 to 15 March 2023 which aimed to gather a broad range of public and stakeholder views on several possible electoral reforms. The analysis of consultation responses will inform how and in what form the proposals proceed.

Potential changes include: expanding candidacy rights, the rights of a small number of people in Scotland who do not have voting rights, steps to increase voter registration, improving the accessibility of voting, alternative ways of voting, the scheduling of elections and aspects of election management. The consultation included 30 closed and 16 open questions spanning five areas:

- Candidates standing for election
- Aspects of the voting process
- The scheduling of elections
- Campaigning
- The administration and governance of elections.

## Respondent profile

In total, 517 consultation responses were received<sup>2</sup>. Almost all were submitted via the online consultation platform, Citizen Space. Those received in an alternative format, for example, an email or PDF document, were reviewed separately by the research team.

Individuals provided 488 responses to the consultation; the remaining 29 were from organisations. To aid analysis, organisations were grouped on the nature of their work.

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<sup>1</sup> See previous consultations in [2017](#) and [2018](#).

<sup>2</sup> A further seven duplicate responses were identified and removed during data checks.

The following table shows the number of organisations by group. Despite being classified as an organisation, any mention of Returning Officers in the report avoids referencing the Council they are associated with to retain anonymity.

**Table 1: Sectoral classification**

Sector	n=	%
<b>Individuals</b>	<b>488</b>	<b>94</b>
<b>Organisations</b>	<b>29</b>	<b>6</b>
- Public bodies and bodies involved in electoral administration, including local authorities	12	2
- Equalities organisations	9	2
- Political party or candidate	4	1
- Other	4	1

The analysis also included notes from two consultation events which were held with young people and people with disabilities, alongside their representative organisations. Discussions covered a range of issues including candidacy and accessibility.

### **Analysis approach**

The Lines Between was commissioned to provide a robust, independent analysis of the responses to the public consultation. The main purpose of consultation analysis is not to quantify how many people held particular views, but to understand the full range of views expressed. This report provides a thematic analysis of responses based on the analysis approach outlined below.

### **Quantitative analysis**

There were 30 closed consultation questions, which asked respondents for their views on a range of proposals. Of these, 21 were straightforward with Yes and No answer options to establish levels of support for a proposal. Answer options for the remaining nine questions varied depending on the question.

As not all respondents answered each closed question, each table in this report shows the number and percentage of response **among those answering each question**, broken down by individual and organisation responses and by type of organisation. Please note that figures in the tables may not add to 100% due to rounding.

A full breakdown of the number and percentage of response to each question can be found in Appendix A.

### **Qualitative analysis**

Qualitative analysis identifies the key themes across responses to each question. The analyst team developed a draft coding framework based on a review of the consultation questions and a sample of responses. During the full coding process, new codes were created if additional themes emerged.



Notes from the consultation events were reviewed to identify any differences in opinion compared to the main sample, and any new themes. Comments at the events typically aligned with those found in the main sample, but any additional perspectives are noted.

In a small number of instances where alternative format responses contained information that did not align to specific questions, analysts exercised judgement about the most relevant place to include this material for analysis purposes.

Where appropriate, quotes from a range of participants are included to illustrate key points and provide useful examples, insights and contextual information.

Reflecting the large number of people who took part, it is not possible to detail every response in this report; a few organisations shared lengthy submissions which reflect their specific subject matter expertise. These responses are referenced where possible. Full responses to the consultation, where permission for publication was granted, can be found on the [Scottish Government's website](#). When reviewing the analysis in this report, we would ask that the reader consider:

- 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.**
- Respondents were signposted to different sections of the consultation depending on their interests. The varied and sometimes technical nature of the proposals also means that respondents did not answer every question. Throughout the report we indicate how many responses were included in the analysis of each question.
- It is possible that some respondents have not fully read or engaged with the consultation paper, leading to answers which do not directly address the questions. While all comments have been included in the analysis and all themes presented in this report, we focus on those directly answering each question.

## Weight of opinion

This report presents the themes identified in responses from most to least commonly identified. All themes, including views shared by small numbers of respondents, are covered. Qualitative analysis of open-ended questions does not permit the quantification of results; an insightful view expressed by a very small number of participants is not given less weight than more general comments shared by a majority. However, to assist the reader in interpreting the findings, a framework is used to convey the most to least commonly identified themes in responses to each question:

- The most common / second most common theme; the most frequently identified.
- Many respondents; more than 20, another prevalent theme.
- Several respondents; 10-19, a recurring theme.
- Some respondents; 5-9, another theme.
- A few / a small number of respondents; <5, a less commonly mentioned theme.
- Two/one respondents; a singular comment or a view identified in two responses.

## 2. Candidates

This chapter presents the analysis of responses to the first 11 consultation questions, which focus on issues directly affecting candidates. These include the expansion of candidacy rights to 16- and 17-year-olds and foreign nationals with a limited right to remain, disqualification, candidate communication and candidate addresses.

### Expansion of candidacy rights

Following previous reforms, there are two main groups of people who can vote but who are not able to stand as candidates in devolved Scottish elections. These are people aged 16 or 17 and foreign nationals with limited leave to remain. The consultation paper explored whether candidacy rights should be expanded to these two groups and outlined potential issues which would need to be considered.

Q1: Do you think that 16- and 17-year-olds should be able to stand for election in:

	n=	% Both Scottish Parliament and Local Government elections	% Scottish Parliament elections only	% Local Government elections only	Neither
<b>All answering</b>	<b>491</b>	<b>18</b>	<b>0</b>	<b>5</b>	<b>77</b>
- Individuals	485	18	0	5	77
- Organisations	6	67	0	0	33

Q2: Do you think that foreign nationals resident in Scotland with limited rights to remain in the UK should be able to stand for election in:

	n=	% Both Scottish Parliament and Local Government elections	% Scottish Parliament elections only	% Local Government elections only	Neither
<b>All answering</b>	<b>491</b>	<b>18</b>	<b>0</b>	<b>5</b>	<b>77</b>
- Individuals	483	16	0	5	78
- Organisations	8	88	0	0	13

While over three quarters (77%) of all respondents disagreed with each of the proposals to extend candidacy rights, this percentage was driven by the higher levels of disagreement among individuals who make up the majority of respondents. Organisations were more supportive, with two thirds (67%) of those answering in favour of permitting 16- and 17-year-olds to stand in both Scottish Parliament and local government elections, and 88% in favour of candidacy rights for foreign nationals with limited rights to remain.

Two anonymous organisations did not support extending candidacy rights to 16- and 17-year olds. Organisations which did however endorse this idea were the Association of Electoral Administrators (AEA), Engender, Settled and West Dunbartonshire Community Party. In addition, these organisations all supported extending rights to foreign nationals, as did the Maryhill Integration Network, JustRight Scotland and a joint response of five agencies working to support refugees and asylum seekers.

Q3: Do you have any additional comments on candidacy rights for 16- and 17-year-olds, or foreign nationals with limited rights to remain in the UK?

Half of the consultation respondents gave a further open comment in response to Q3. While many respondents commented on both groups, there were around twice as many comments about 16- and 17-year-olds compared to foreign nationals with limited rights to remain. Given the overall negative views expressed in Q1 and Q2, most comments focused on reasons why these groups should not have candidacy rights.

### **16- and 17-year-olds**

#### **Reasons for not extending candidacy rights**

Most prevalent in comments about 16- and 17-year-olds were reasons why this group should not be allowed to stand. By far the most common theme, mostly raised by individuals, was that 16- and 17-year-olds are too young to stand because they do not have sufficient life experience or maturity to take on the role and would be ill-prepared for some of the issues they would have to consider. A few specifically said this age group should be focussed on their education.

“I do not believe that 16 and 17 years old would have the competency, skills, knowledge or experience to take on the demands of a full time political role. It would place too heavy a burden on them at an age that they are still developing.” – Individual

“16 and 17 seems too low. Whilst a very select few may have studied what it means to be a candidate, almost every 16/17 year old will have had no exposure to life outside of very controlled environments, i.e. school. I feel that a candidate should have spent some time with the 'shackles off' where they begin to make their own life choices.” - Individual

Many considered the welfare of 16- and 17-year-olds, arguing that it would be too much pressure and that young people should be protected from abuse, manipulation or exploitation from their constituents or political parties.

Some respondents stated that 16- and 17-year-olds should not be allowed to stand but did not explain why. Small numbers each suggested that young people should not be politicised or highlighted that having 16- and 17-year-old representatives would mean they were not taken seriously and could make a mockery of Scottish politics.

Some suggested another age at which people should be allowed to stand, with 18 and 21 being the most common suggestions.

## **Contradicts other policy definitions**

The second most prevalent theme in responses to Q3 was that allowing 16- and 17-year-olds to stand would be contrary to other age-related policies. Most commonly, many respondents suggested that the Scottish Government position was, in relation to justice matters, that a person's brain does not reach maturity until aged 25. Those comments related to the [Scottish Sentencing Council guidelines](#) for judges in sentencing young people in criminal cases. They questioned how, if this is the case, young people were mature enough to stand for election. A smaller number highlighted other apparent inconsistencies e.g. a young representative making decisions on things they still could not do themselves, such as smoking and alcohol related legislation.

“This is madness, on one hand they are not fully responsible for their actions; however, you want to make them responsible for our society?” – Individual

“If a 16 or 17 year old is not considered mature enough to be incarcerated, how can they be deemed capable of making the rational decisions required to run a country.” - Individual

## **Working practices**

Some respondents, including the EMB, the Scottish Parliamentary Corporate Body and attendees at the young person's event, reflected on the practical challenges outlined in the consultation paper. These included considering: managing responsibilities alongside education; existing working hours protections for young workers and how this might impact meeting attendance; getting support with performing their duties and employing staff, which could be addressed by mentorship schemes; conflicts of interest between being a representative with responsibilities for education while still being at school; and safeguarding issues. Conversely, Engender noted that United Nations Convention on the Rights of the Child (UNCRC) Article 12 protects the right of all children to be heard and taken seriously, and argue that “a key part of realising Article 12 is to ensure that environments and working methods are adapted to children's capacities”.

## **Positive comments**

The most common theme among those who felt 16- and 17-year-olds should have candidacy rights was that if they were able to vote, then they should be able to stand for election. All raising this were individual respondents with the exception of the Association of Electoral Administrators (AEA). A few stated that if 16- and 17-year-olds are considered mature enough to get married or serve in the armed forces, then they should have the right to make decisions about any laws that would apply to them. A small number reflected that young people could find serving a positive experience. Attendees at the young person's event noted that young people could have different life experiences and bring those and an open mind to some of the complex issues debated by politicians.

“The rights of 16-17 years, and younger have been routinely trampled, with little to no input from their views, and absolutely detachment from the reality from which they live, and I urge both this extension, and every conceivable extension should be extended to teenagers.” - Individual

## Foreign nationals with limited rights to remain in the UK

### Reasons for not expanding candidacy rights

Two main reasons were given for why those with limited rights to remain should not have candidacy rights. The most common, raised by many, was that only full citizens should have a say in Scotland's laws, and that this right does not apply to 'temporary' citizens. Several considered this group to be foreigners with no right to determine Scotland's future.

"Foreign nationals who only have limited rights should not be allowed to stand. Only those who have completed the citizenship exams, have indefinite leave to remain should be allowed to stand as these individuals have gone to the trouble to contribute to society and the country as a whole." - Individual

While not always disagreeing with the proposal, several reiterated the issue outlined in the consultation paper that foreign nationals with limited rights to remain in the UK might need to leave Scotland during their term. They argued the implications of this should be noted.

"The most-common duration of limited leave to remain granted in the UK is 2.5 years, whereas Scottish Parliament and Local Government elections tend to be every 4/5 years. Accordingly, if an elected official was refused further leave to remain whilst holding office, could this lead to an increase in by-elections etc. We are concerned that the expense, administration requirements and uncertainty created for constituents could be overwhelming." – The Law Society of Scotland

Some argued that foreign nationals with limited rights to remain would lack a sufficient connection to or knowledge of Scotland to be able to contribute, while others stated that this group should not be able to stand but did not elaborate why. A few noted a concern that their status could leave these candidates open to undue influence or manipulation.

### Other themes

A recurring theme raised by several respondents, including a joint response from JustRight Scotland, Scottish Refugee Council, Maryhill Integration Network, The VOICES Network, and Refugees for Justice, was that foreign nationals with limited right to remain should be able to stand. These responses argued that this group live and work in Scotland, and are affected by political decisions in Scotland, so should have a right to stand in devolved elections. A few individuals suggested specific circumstances which should apply, such as living in the UK for at least five or ten years.

JustRight Scotland argued that using the indefinite leave to remain status as the criteria for eligibility for foreign nationals to stand as a candidate was too high, given that many individuals will have to renew their limited leave to remain for up to ten years. The new proposed legislation is an opportunity to redress this by creating an approach to candidacy rights that is consistent with the eligibility to vote. We reaffirm the principle that both candidacy and franchise rights should be based on an individual's relationship to a community and not dependent on the arbitrary and ever-changing requirements imposed by an increasingly hostile immigration system." (JustRight Scotland)

“Fundamentally there should not be a situation where someone is eligible to vote but not to stand solely based on citizenship or age; people are either able to participate in democracy or not.” – Individual

Several misunderstood the question and stated these two audiences should not be allowed to vote. Some commented that candidacy rights should not be extended but did not specify which of the two groups their comment applied to. The Electoral Management Board for Scotland, The Electoral Commission and Dumfries and Galloway Council noted extending candidacy rights was a policy decision for the government.

## Disqualification for intimidatory or abusive behaviour

The UK Elections Act 2022 introduced an additional new penalty for anyone found guilty of intimidating candidates, campaigners or elected representatives. A court will be able to disqualify persons convicted of intimidatory or abusive behaviour towards an elected representative or candidate from seeking elected office in reserved elections. The consultation proposes to introduce a similar order to prevent such individuals standing in Scottish Parliament and Local Government elections for a period of 5 years.

Q4: Do you think that anyone found guilty of an offence involving the harassment or intimidation of politicians, candidates or campaigners should be subject to an additional sanction of losing the right to stand for election for 5 years?

	n=	% Yes	% No
<b>All answering</b>	<b>488</b>	<b>77</b>	<b>23</b>
- Individuals	479	77	23
- Organisations	9	89	11

There was widespread support for the proposal among both individuals and organisations who answered the questions, with 77% and 89% respectively in favour.

Q5: If not, would you suggest another electoral sanction or approach?

A few of the 128 respondents who answered Q5 expressed their support for the proposal. However most of the responses to Q5 focused on reasons for disagreement or alternative approaches.

### Potential for abuse

The most common theme was concern that this power could be abused to either prevent freedom of speech or suppress opposition. Respondents questioned how intimidation and harassment can be defined, and expressed a concern that legitimate questioning of candidates could be labelled as harassment to silence criticism. Some explicitly called for a very clear definition to be in place before any additional sanction is implemented.

“To minimise the likelihood of this from the outset, robust definitions of “harassment and intimidation” and “politicians, candidates and campaigners” would need to be developed which are sensitive to the experiences of politically marginalised groups, including women, Black and minoritised people, disabled people and LGBTI people. These definitions should be developed through engagement with individuals with lived experience of these issues as well as with organisations with relevant expertise. This is crucial in ensuring the legislative change works as it is intended to – enabling rather than impeding high-quality democratic processes and diverse representation.” – Engender

### **Should not be subject to additional sanction**

The second most common theme, mentioned by several, was comments reiterating that those found guilty should not be subject to an additional sanction and that existing criminal sanctions should apply and be sufficient. Several others felt that courts, judges or juries should be responsible for determining what constitutes harassment and for deciding which sanctions should apply, rather than these being prescribed by politicians.

### **Other electoral sanctions or approaches**

A range of other sanctions were suggested. Several called for those found guilty to be sanctioned for longer than five years or to permanently lose the right to stand. Conversely, a few felt five years was too long or harsh; two suggested one year would be sufficient.

A few respondents each suggested those found guilty should be sanctioned by: a fine; serving a prison sentence or community service; that they should have any offences listed on their election material; and one suggested they should lose the right to vote. A small number suggested that the sanction applied should depend on the circumstances or severity of an individual case.

### **Less commonly mentioned themes**

Other points each raised by a very small number of respondents included that the sanction should apply more widely to those found guilty of harassment and intimidation of election officials or of people with a protected characteristic, and that the proposal is undemocratic.

“We firmly believe this proposal should be extended to include Returning Officers, Electoral Registration Officers and their staff.” - Association of Electoral Administrators

“If such a measure were to be introduced in Scotland, it should also include protection for those involved in the administration and delivery of elections: Returning Officers, Electoral Registration Officers and their staff. They are also at risk of intimidation and threat and engage closely with candidates at various stages of the electoral process.” - EMB

### **Freepost communications**

The consultation discusses the right of candidates in Scottish Parliament elections to send every voter an electoral communication by freepost, and whether a similar provision should be established for candidates in Local Government elections, funded by councils. One possible option to reduce costs is posed in the consultation paper - restricting the provision to one free mailing to each household rather than to every individual voter.

Q6: Do you think that the option of sending a freepost letter or leaflet should be extended to candidates at Scottish Local Government elections?

	n=	% Yes	% No
<b>All answering</b>	<b>485</b>	<b>38</b>	<b>62</b>
- Individuals	475	37	63
- Organisations	10	100	0

Q7: Do you think that the right for candidates to send a free mailing should be limited to one free mailing to each household, rather than to each voter?

	n=	% Yes	% No
<b>All answering</b>	<b>482</b>	<b>78</b>	<b>22</b>
- Individuals	472	78	22
- Organisations	10	70	30

All organisations who answered Q6 supported the option of extending freepost communications to local election candidates. However, only one third (37%) of individuals were in favour. There was more consensus on the proposal to limit mailings to one per household, with 78% of individuals and 70% of organisations in favour.

Q8: Do you have any other comments on the issue of candidate mailings to voters?

Q8 was answered by 176 respondents. Two broad themes were the focus of most comments; opposition to freepost mailings as a waste of time and money, and debate around who should bear the cost of freepost mailings.

### Opposition to mailings

By far the most prevalent theme in response to Q8 was opposition to freepost mailings. Within this, three strands of comments were evident. Many respondents argued that: there should be no mailings at all; that mailings are a waste of money; and that mailings are a waste of time and paper as nobody reads them and they all go in the waste or recycling bin. Some also suggested that the information in them is false or misleading.

“I don't think postal mailing should be available at all. It's a waste of paper and junk mail nobody wants.” – Individual

“Why are the hard-pressed taxpayers footing the bill for this rubbish anyway. 95% or more of it goes straight in the bin. Just stop it completely.” – Individual

A related theme, mentioned by several, was opposition due to environmental reasons. Respondents highlighted the amount of paper being used, or wasted, and stressed the sustainability and the environment should be prioritised.



“Stop mailings. They’re totally needless and not environmentally friendly.” - Individual

### **Covering the cost**

Mixed views were expressed on who should pay for candidate mailings. Most commonly, several argued that councils should not have to pay. Respondents noted councils already face significant financial pressure and should not be liable for this additional cost. A similar proportion argued that the taxpayer should not have to pay, and several argued that parties and candidates should pay. Some, including the Scottish Assessors Association and EMB, argued that the cost should be met by the Scottish Government.

“If the Scottish Parliament recognises the value of this proposal to the democratic process then the cost should be borne by central government, not by local authorities as part of their already onerous funding of local government elections.” – West Lothian Council

### **Other themes**

Several respondents each raised the following themes:

- Paper mailings are an outdated form of communication and alternative methods should be used, primarily online.
- Suggestions for alternative approaches, such as one mailing covering all candidates, restricting mailings to independent candidates, mailings for constituency candidates only and not those on regional lists, or that there should only be face-to-face canvassing.
- Support for the proposal to limit mailings to one per household.
- Implied support for continued mailing as it is important to reach and engage as many voters as possible in a democracy.

Less commonly mentioned themes included:

- Calls to be able to opt in or out of candidate mailings e.g. via the electoral register.
- Support for continuing to mail individual voters, as a household mailing may be problematic in houses with multiple occupancy or in homes where one person has strong political views and may screen mailing to others in the household.
- Calls for parity between Scottish Parliament and local council elections.

### **Administrative considerations**

A few, including the Association of Electoral Administrators, EMB, and the Electoral Commission raised specific issues such as:

- Because a deposit is not required for local government elections, care is needed to ensure a person does not stand just to get commercial gain from a free mailing.
- Increased workload for Returning Officers (ROs) and their staff to administer a complex mailing process and potential increased demand for copies of the electoral register.
- If councils opt-in to providing a free mailing, it could lead to inconsistent experiences for voters and candidates across Scotland.

- Dumfries and Galloway Council highlighted a potential conflict of interest if a council pays for the free mailing for candidates for that council.

“Extreme care would be needed to ensure that the correct mailing was sent to the appropriate address in each of the 355 electoral wards across Scotland. In May 2022 there were 1,226 seats for election with 2,548 candidates standing. The administration involved in organising the mailing of material to each of the 355 wards would be a significant exercise in each authority adding to the work programme of each Returning Officer and to the staff resources required.” - EMB

## Publication of home addresses

In 2020, due to security concerns around candidates and their families, the requirement for candidates in Local Government elections to have their home address on the ballot paper was removed. However, candidates’ agents are still required to provide a contact address. The Scottish Government is proposing that candidates who act as their own agent and would therefore have to provide their home address, will be given the option to provide the Returning Officer with another address for correspondence. This correspondence address will then be made public in the published notice of election agents’ names and addresses.

Q9: Should candidates who are acting as their own agents be able to use a correspondence address for communications?

	n=	% Yes	% No
<b>All answering</b>	<b>480</b>	<b>75</b>	<b>25</b>
- Individuals	470	75	25
- Organisations	10	90	10

Respondents expressed broad support for candidates who are acting as their own agents to be able to use a correspondence address. Three quarters (75%) of respondents agreed this should be an option, including 90% of the organisations who answered Q9.

## How a candidate’s location is shown on the ballot paper

Currently, if a candidate does not want their home address to be printed on the ballot paper, they have the option of replacing it with the name of the council area in which they live. It has been suggested that there should be a third option: that a candidate should be allowed to ask for both the name of the ward and the council area in which they live to appear on the ballot paper. Candidates will continue to have the option of either their home address or only the council area being printed on the ballot paper.

Q10: Currently ballot papers show either the candidate’s home address or council area. Do you think that the ballot paper should also show the ward in which the candidate lives, if they request it?

	n=	% Yes	% No
<b>All answering (%)</b>	<b>487</b>	<b>90</b>	<b>10</b>
- Individuals	475	90	10
- Organisations	12	100	0

There was widespread support for this proposal, with 90% of individuals and all organisations who answered the question in favour.

Q11: Do you have any further comments on the topic of candidate addresses?

### **Candidates should live in the area they represent**

By far the most prevalent theme in the 108 responses to Q11 was that candidates should live in the area they represent, with the implication that the electorate has the right to know which council area or ward the candidate lives in. Where respondents gave more detail, they felt candidates should know the area that they wish to represent and the issues affecting it, and that political parties should not be allowed to ‘parachute’ in candidates.

### **Option of showing ward improves security**

The next two most common themes were interrelated. Many argued that having the option to show ward and not home address helps reduce any security risk to candidates. Several went further, stating that a candidate’s home address should never be shown in the ballot paper and that noting the ward they live in should be sufficient.

“If the candidate requests it then the personal information of the candidate should be available. But it should always be balanced with the need to protect candidates from unacceptable behaviour by the electorate.” – Individual

“We agree to the additional option supplying ‘the ward and council area in which they live’ – this will provide the candidate choice. We can see the benefits to the electorate but also wish to provide protection to the candidate. Having the three options as outlined provides for both.” - Association of Electoral Administrators

### **Other views on providing address information**

A range of other views were expressed. Some respondents reiterated their agreement with the proposal that it is for the candidate to choose which information is shown on the ballot paper. Some others felt ward should always be shown on the ballot paper i.e. this should be a mandatory requirement rather than the candidate’s choice.

A few argued that a full address must always be available, primarily to ensure full transparency. However, a small number felt that showing an office or correspondence address should be sufficient. The EMB and a few individuals noted that election agents must have a publicly available address where they can be contacted for legal purposes.

“I would remove the address from ballot papers and list only the ward in which they live. I would also list this in all instances, not just if requested by the candidate.” – Individual

“Candidates should NOT be allowed to 'hide' behind a party address. If they truly want to represent voters then their full address should be used. There are safeguards against harassment!” - Individual

### **Administrative considerations**

Specific points were raised by a small number of respondents. These included the need for strict verification of addresses where these are shown, and that the changes would need to consider that election agent addresses are also featured on imprints.

### **Other points**

While not directly answering the questions above, two non-standard responses requested the Scottish Government consider two further points related to candidates.

- A political party requested a review of the use of joint descriptions on ballot papers for local government candidates to better reflect their political position.
- An individual called for reforms to include changes to prevent Members of the Scottish Parliament (MSPs) having second jobs.

## 3. Voting

This chapter presents the analysis of responses to Q12 to Q25. These cover a variety of issues related to the voting process, including registration, accessibility and the extension of voting rights to specific groups.

### Increasing voter registration

Levels of voter registration are significantly lower among some groups, such as young people and foreign nationals. The Electoral Commission, Returning Officers (ROs), and Electoral Registration Officers (EROs) work to increase voter registration, including through conducting an annual canvass of voters and initiatives like 'Welcome to your vote week'. The consultation sought views on what more can be done to increase registration and active participation in elections by under-represented groups.

Q12: What do you think could be done nationally or locally to improve registration levels, especially among under-represented groups such as younger people and foreign nationals?

Just over two thirds of respondents gave an open-text comment in Q12. The most common theme was suggestions for how voter registration could be increased. In order of prevalence, these included:

- Increase public awareness, e.g. via media campaigns
- Information and awareness raising in schools
- Make voting compulsory
- Outreach with organisations working with target groups
- Work through schools to register young people
- Improve the standing of politics and politicians
- Remove barriers to registration
- Automatic registration
- Digital voting (see Q16)

### Promotion and increased public awareness

Many suggested more promotion to encourage voter registration, mainly calling for either campaigns or media promotion, with social media most frequently mentioned. Some called for targeted marketing, for instance, with foreign nationals or in specific areas. One organisation felt that the Electoral Commission should have a campaign to inform the public that their information will not be shared with the Home Office to increase confidence in voting amongst foreign nationals.

"I suspect foreign nationals might not be aware that they are now eligible, if they weren't already. Information campaigns, in multiple languages, might help."- Individual

There were frequent calls to promote or encourage registration in schools, e.g., during lessons or via stalls. Suggested lessons where voting could be covered included Modern Studies as well as lessons on citizenship rights, civic society, politics or how government works. The Electoral Commission highlighted their political literacy materials that can be used in various school subjects or youth settings. West Lothian Council also highlighted the Democracy Challenge Initiative which is aimed at secondary schools, and the SAA felt activities like ‘Welcome to your vote’ week should be rolled out to all senior pupils.

Many suggested that voter registration, or even voting, could take place in secondary or tertiary education establishments. Examples included: Returning Officers visiting schools to provide information and register pupils, pre-registering as part of Modern Studies classes, block registration and annual registration events at local community venues. The SAA queried the need for some students to register twice:

“The ability of students to register at both their term time address and their home address pre-dates the introduction of postal votes on demand and it may be worth considering if, given the low registration levels at term time addresses, this ability to register twice is still necessary. Registration at universities perhaps should be limited to those who have no other address in the UK e.g. foreign national students. It is important to note that whilst students can register twice, they can only vote once in any UK Parliamentary, Scottish Parliamentary and Scottish Local Government Elections.” - Scottish Assessors Association

However, attendees at the young persons event noted that increasing engagement is about more than just registering to vote:

“Make sure young people know about more than voting – getting involved in parliament, petitions. Not much of a focus on young people because parties are out to get votes and young people don’t turn out; this adds to disengagement of young people as they don’t see themselves or their interests represented. This is a chicken-and-egg cycle. Need to break this by doing more than voting every few years.” – notes from engagement event

### **Compulsory voting or automatic registration**

Among those arguing for compulsory voting, a few mentioned that this system is used in Australia. Others felt such a system could offer an opt-out option or ‘none of the above’ option on the ballot paper, or an exemption based on health grounds.

Several respondents advocated for automatic registration, for instance, registering all those who turn 16 years at school or when a national insurance number is issued.

### **Other suggestions**

Those recommending improved trust in politics argued that candidates and politicians need to be more trustworthy, accountable and helpful for people to feel there is value in registering and voting. Some felt politics is too confrontational and vitriolic and that more consensus politics would be beneficial. Some respondents also highlighted the need for greater visibility of politicians at a local level.

Many advocated for more outreach work, with suggestions including targeting third-sector agencies that support under-registered groups, community and faith groups and consulates and embassies. A few requested funding to be allocated for this. One individual noted Section 25 (2) of the Referendums (Scotland) Act permits public services to promote electoral registration and felt the Scottish Government should encourage them to do so.

Several respondents raised the need to address barriers to voter registration. Suggestions included improving accessibility for those with disabilities or communication issues such as accessible venues, digital accessibility, and translated and accessible materials. A small number of third-sector organisations called for increased funding to facilitate community outreach work, e.g., to fund support and transport to accompany people to polling stations.

“The Scottish Government should, with the aim of spreading democracy, fund these institutions to be able to enable access to information on voter rights, as well as support with registration. Groups that support marginalised communities are likely to have already established a relationship and built trust within these communities but are largely stretched in terms of capacity. Additional funds should be set aside to ensure that these groups can provide access to important information about electoral rights, candidacy options, political parties, and government infrastructure in Scotland.” – JustRight Scotland, Scottish Refugee Council, Maryhill Integration Network, The VOICES Network, Refugees for Justice

### **Nothing needs to change**

The second most commonly mentioned theme raised by many respondents was that nothing further is needed to encourage voting. Linked to this, many respondents argued that it is up to the individual to choose to register.

### **Limiting voting rights**

Many focused their response on the voting rights of specific groups. Respondents expressed a view that foreign nationals should not vote or stand as a candidate in devolved elections, though several qualified that if they had UK citizenship, they should be able to vote. Many also argued that those under 18 years of age should not vote.

### **Undertake more research or use existing data**

Several respondents felt more investigation was needed into specific aspects of registration and voting. Suggestions included assessing the relative strengths and weaknesses of different formats for voting and greater research into low registration levels of various groups, e.g. prisoners, students and foreign nationals.

Another theme was that several respondents highlighted data sources which could be used to support voter registration. This included taxation or welfare data, including council tax information or data with National Insurance. Some suggested introducing mandatory ID cards and linking registration that way. The SAA argued that greater access to other datasets would assist efforts to increase registration, calling for more opportunities to enable EROs to use government records such as Department for Work and Pensions (DWP) data to identify people who are not registered.

However, the Scottish Assessors Association also noted that considerable effort is already given to encouraging registrations. EROs can issue three communications to unregistered individuals, including an application form encouraging them to register, and can personally visit those over 16 years old. They also emphasised the voluntary nature of registration and noted limitations introduced with Individual Electoral Registration (IER) in 2014. These changes mean one household member can no longer register others in the household and that EROs can no longer add large groups together, e.g. registering all students at a university. About Dementia, Age Scotland also noted the negative impact of IER on care home residents who can no longer be 'block registered'.

The Electoral Commission called for a reform of electoral registration in the UK, with their research finding that the quality of the registers could be improved and streamlined for administrators if the UK government allowed greater access to data. They argued a modern, joined-up electoral register would involve:

- Using trusted public data to ensure the register remains accurate and complete, rather than relying solely on individuals providing information or registering.
- Making it easy for people to ensure their registration information is accurate and up to date through integrating registration applications into other public transactions.
- Improved digital functionality using existing public data to overcome certain issues e.g., using existing public data to swiftly identify those who have moved address.

“The UK’s governments should support EROs to improve the accuracy and completeness of electoral registers – and improve efficiency to alleviate resource burdens – by giving them access to high-quality data from other public service organisations. Depending on the quality coverage of these data sets, this change could support automatic registration, integration of registration applications alongside other public service transactions, or simply enable EROs to send targeted invitations to register to specific individuals not currently correctly registered.” - Electoral Commission

### **Other issues**

Some respondents felt there should be a consistent approach across the UK. However, there was a concern that data sharing with other departments could put people off registering. Some recommended streamlining the registration process, such as allowing registration at polling stations. Examining initiatives from elsewhere was also suggested. Attendees at the young person event highlighted the difficulties young people with care experience face registering to vote, as they could move frequently between addresses.

“We support increasing voter registration and participation in elections. There may be good practice from the Welsh government which could inform the consultation. We suggest looking at the work of the Greater London Authority’s Citizenship and Integration Initiative and other similar efforts to increase registration among hard-to-reach groups.” - Association of Electoral Administrators



## Improving the accessibility of voting

The UK Elections Act 2022 removed the legislative requirement for a Tactile Voting Device (TVD) - a device for use by blind and partially sighted people to support them to vote at the polling station - to be available at UK Parliament elections, replacing it with a broader requirement on Returning Officers to make it easier for voters with disabilities to vote independently and secretly. This consultation explores how best to approach this in relation to devolved elections.

Q13: The Scottish Government intends to amend the rule requiring only a specific form of Tactile Voting Device to be provided in polling stations, to allow more flexibility and ensure the accessibility support offered can be adapted to take account of future innovations. It also intends to place a duty on the Electoral Commission to provide guidance that includes minimum standards. Which of the following options would you prefer:

A majority of those answering Q13 (57%) indicated that no change to current legislation was required. Three in ten – 30% - felt the existing rule should be replaced by a general requirement on Returning Officers to provide appropriate support; this equates to over two thirds of those who felt a change was required. Among the 13 organisations who answered, only 8% felt no change was needed. Most suggested an alternative approach to the options in the consultation, as outlined below.

	n=	% Replaced by a general requirement on Returning Officers to provide appropriate support	% Replaced with a requirement to provide a non-specific form of tactile support	% No change to current legislation	% Other
<b>All answering</b>	<b>455</b>	<b>30</b>	<b>8</b>	<b>57</b>	<b>5</b>
- Individuals	442	30	9	58	3
- Organisations	13	23	0	8	69

Given the preference in the above table for either no change or for a general requirement on Returning Officers to provide support, only one in 20 respondents provided another option in response to Q13

### Adopt a flexible approach to ensuring accessibility

The most prevalent theme, raised by some, was to enable polling stations to have a range of devices and support available to benefit people with disabilities and address any barriers to voting. The Scottish Government's desire to ensure accessibility for voters was commended by these respondents. The Law Society of Scotland highlighted that support to facilitate the participation of disabled people was necessary to comply with the UN Convention on the Rights of Persons with Disabilities.

ENABLE Scotland suggested other aids could help, including magnifying glasses, printing voting cards in different colours and contrasts, using larger font sizes for all voting cards and offering an audio option. A few others also mentioned this last option, and it was also believed by ENABLE Scotland to be inclusive for those with learning disabilities.

“Everyone should be able to register and cast their vote without facing barriers. While there have been significant improvements, we know there is still more to be done to improve the voting experience for disabled people.” - Electoral Commission

### **Improvements over time**

Some commented that TVDs should be available at polling stations. One reason was that requiring a TVD and other accessible equipment, such as audio support, in polling stations in the short-term could allow longer-term options to be explored. The Electoral Management Board for Scotland noted it has formed a sub-group on voting accessibility to trial and implement practical improvements, and its findings will be shared with the Scottish Government.

### **Implications for guidance**

The need to introduce policy or clarify guidance was noted by some. Respondents felt the general principle of accessibility should be maintained rather than mandating specific accessibility requirements, not least due to technological advancements.

“The TVD may have been the best practical solution available at its introduction, but to require it now when other more sophisticated and more effective options may be available is inappropriate.” - EMB

A small number of organisations supported the approach taken in the Electoral Commission’s [Guidance for Returning Officers - Assistance with voting for disabled people](#) and welcomed the introduction of something similar in Scotland. This guidance states that polling stations should not remove any equipment previously used to support voting by disabled people and should provide a minimum level of accessibility aids, including TVD. Such an approach would allow local flexibility whilst ensuring a basic standard and assumption of accessibility. The Association of Electoral Administrators also highlighted that any guidance should set out minimum requirements that could prevent the RO from being subject to challenge.

The Electoral Commission offered to assist the Scottish Government in producing guidance for ROs, and noted ROs would require an additional budget if new accessibility measures were introduced:

“It is important that ROs are clear on how to meet their responsibilities in relation to supporting disabled voters. If the Scottish Government were to introduce such a requirement, we would provide guidance and examples of good practice to support them in discharging this duty... We have a specific duty to report on the steps taken by ROs to assist disabled voters at elections, and this will provide opportunities to learn from how the new duty has worked in practice. If the Scottish Government were to introduce such a duty on ROs, it would need to set out what funding would be available for additional support required as a result of any legislative change, as there is a risk that any new duty for ROs will not be effective if it is not funded appropriately.” - Electoral Commission

## Engage people with lived experience

Some respondents felt it was important to base decisions around the views of disabled people. For example, the EMB sub-group mentioned above will work with those with lived experience of barriers to civic participation and their representatives to shape the group's work and devise and trial solutions. Similarly, RNIB explained they have been working with the Scottish Government and various sight loss agencies to test potential accessible voting solutions for blind and partially sighted voters.

## Other comments

While not directly addressing TVDs, two respondents felt it should be possible to vote digitally, and another two felt a postal vote, possibly allowing for a Braille voting card, would suffice.

Q14: Should the limit to the number of times one companion can support voters in casting their votes remain at two people per election, rise to five people per election, or be changed to another number?

Companions can help voters needing additional support when voting in a polling station, for example, navigating the room or understanding a ballot paper. Across all elections in the UK, a companion is only allowed to support two voters per election. However, there may be circumstances where this impedes the needs of voters - for example, multiple members of one family might need support but have only one relative available. The consultation explores a possible increase in the number of voters a companion can support in devolved elections and what level strikes the best balance between practical support and concerns over unduly influencing multiple voters.

	n=	% Remain at two people per election	% Rise to five people per election	% Be changed to another number
<b>All answering</b>	<b>472</b>	<b>76</b>	<b>14</b>	<b>10</b>
- Individuals	460	77	14	9
- Organisations	12	25	33	42

Views on this proposal differed between individuals and organisations. Over three quarters (77%) of individuals felt there should be no change to the two people per election who can be assisted by a companion. Among organisations, however, views were more mixed, with one third (33%) supporting an increase to five people, two fifths (42%) another number, and one quarter (25%) favouring the current guidelines.

Just under one in ten suggested another option in response to Q14. Most suggested a change to the number of people a companion can support. However, some raised other issues, such as concerns about coercion, integrity or the need to involve others.

Many of those who left a response at Q14 called for a change to ensure companions only support someone to cast one vote. The main reason was to minimise the risk of coercion. The second most prevalent suggestion, raised by several, was to limit it to between two and five voters.

A few felt the current arrangement of two could be retained but with an option to request an increase. One felt the companion should have an existing relationship through family or work, whilst another thought it should be limited to two outside a family.

The third most common theme, raised by some, was that companions could support an unlimited number of voters, or as many as was needed to enhance choice and flexibility.

A few respondents each suggested a companion could support more than five voters, and that more consideration is needed around how care home residents could vote using a companion. The Electoral Commission argued choice and flexibility would be improved by removing the requirement for a companion who is not a close relative of the voter to be a qualified elector, noting this would align with changes introduced by the UK Elections Act 2022.

### Concerns about undue influence and integrity

Some respondents, primarily individuals, raised concerns about the potential for coercion or undue influence when companions could help more than one person to vote. Such fears led one to suggest no companions should be allowed. Some highlighted the importance of maintaining the integrity of voting arrangements and either recommended limiting the number of voters per companion or requiring further evidence about why a companion might need to support more than two people. A few called for safeguards to be in place, e.g. one individual felt requiring pre-registration of the companion using ID would assist investigations where abuse was suspected.

However, a few organisations were also concerned with safeguarding disabled people's right to vote, and recognised companions could help fulfil this right.

“Whilst we recognise concerns regarding undue influence, the focus should be on ensuring that individual voters are not prevented from exercising their voting rights. Consideration could be given to a requirement upon intending supporters/companions for more than (say) two voters to complete a simple and straightforward form disclosing this and explaining why it is considered appropriate that they should do so.” - The Law Society of Scotland

### Involving family members or paid carers

Some mentioned the need to continue to allow carers to be companions, mostly unpaid carers, to enable them to support a relative to vote. One individual felt a responsive system that makes exceptions for paid carers in specific roles should be adopted.

Q15: Should there be an option in the future to request a digital poll card instead of a paper poll card for Scottish elections?

	n=	%Yes	% No
<b>All answering</b>	<b>482</b>	<b>56</b>	<b>44</b>
- Individuals	473	55	45
- Organisations	9	89	11

While a small majority of individuals were in favour of the option of a digital poll card – 55% in favour and 45% opposed – organisations were much more supportive. Almost all (89%) of the nine organisations who answered Q15 indicated this should be an option.

**Q16: What more could be done to improve the voting experience for individuals with particular accessibility needs or requirements?**

Over a third of respondents answered Q16. Aside from those who felt current arrangements were satisfactory, themes emerged around the accessibility of polling stations, consideration of alternative voting options such as remote methods, better promotion of accessibility features and the need for greater consultation.

### **Continue existing arrangements**

The most prevalent theme, mentioned by many and almost all individuals, was that the existing arrangements were suitable and did not need to be changed. Comments on this theme were typically brief, but where a reason was provided, it was often suggested that people with disabilities could use postal votes instead of voting in-person. Other views included that the RO was there to assist, that polling stations offered sufficient support currently, and that the Equality Act requires reasonable adjustments to be made.

Making greater use of postal voting was suggested by many individuals. Dumfries and Galloway Council called on the Scottish Government to consider how postal voting could be made more accessible, potentially by using different formats for people with specific needs. Otherwise, individuals' comments included encouraging further postal voting and that it is a good voting format for older people or those with additional needs.

“I have dyslexia which is why I do postal voting as it gives the time etc. I need to read and decide on my choices.” - Individual

### **Improving accessibility at polling stations**

The second most frequently mentioned theme was for more accessible venues and facilities to be used as polling stations. Wheelchair access was commonly highlighted as an issue, with calls for lower and wider booths as well as ramps and accessible buildings to accommodate wheelchairs. Other improvements to polling stations included quiet and rest areas, good lighting, hearing loops, use of personal adapted technology, e.g. phones or equipment, push button or Braille voting, audio or Braille signage and reserved parking spaces. West Lothian Council highlighted the need for resources to enable disabled people to alert polling station staff, such as alerters or temporary doorbells.

“To ensure consistency in approach, the Electoral Commission should have a role in providing advice to Returning Officers to identify what kind of support to provide, with input from disability charities and organisations.” - West Lothian Council

Several respondents highlighted the need for in-person support at polling stations with calls for trained polling station staff to give information and support to disabled people. It was also noted some areas have volunteers who can accompany voters to polling stations. A few mentioned it should be possible for someone to take their carer or another

person of their choice, also benefitting those experiencing anxiety as well as disabled people. RNIB Scotland welcomed the Electoral Commission's guidance to polling station staff on allowing voters to use mobile phones or other assistive devices.

These points were also raised in the event with disabled people's organisations, as were issues around the accessibility of the whole experience of voting. In particular, manifesto accessibility was raised by several participants and also by the young person's group. There were calls for easy read and Braille versions of manifestos, as well as manifestos in different formats such as YouTube videos. Another issue was that doorstep campaigning can be very difficult for neurodiverse individuals. It was noted that these aspects of voting were the responsibility of political parties and candidates, but that organisations administering elections can remind those involved of the need for accessibility.

"We ran a manifesto accessibility tracker and found that the majority of parties only delivered an easy read version well after the main manifesto was published, so straight away we see a democratic deficit that disabled people face and this has to change. Understand that it's up to political parties but where there's a will there's a way. Of course it's not just about easy read, there's plain English, Braille etc as well." – Disabled people's organisation

### **Digital or remote voting options**

Many respondents, primarily individuals, called for more remote or digital voting methods. Voting online from home was felt to be an easier option for people with access issues. However, other remote voting suggestions included mobile units visiting community places such as supermarkets or residential centres, telephone voting and home visiting officers. However, one local authority cautioned against introducing multiple systems:

"It would be important that there was a move to digital with paper by exception rather than the option of running two systems. The logistics of using two methods would require to be assessed, including the potential additional workload." - Dumfries and Galloway Council

RNIB Scotland noted that while the Scottish and UK Governments have ruled out digital voting due to security concerns, high demand for this approach exists. They recommended further exploring how digital voting operates in other countries, which might help determine a way forward. They also described telephone voting used to assist blind or partially sighted people in Australia and Northern Ireland. Democracy Club also evidenced an appetite for digital solutions, noting their online polling station finder processes millions of postcode searches per year, leading them to support the proposal of digital polling cards.

"Democracy Club supports the introduction of digital poll cards for the reasons outlined in the consultation document. We would add that this proposal has the potential to be much more versatile than a physical poll card. For example, a digital poll card could be easily updated in case of last-minute changes to polling place location. Such a system also opens up the possibility of providing other information to electors, such as information about the ballot paper or voting system, enabling them to attend the polling station with greater confidence." - Democracy Club

## **Promotion of information about accessibility**

Many respondents - a mix of organisations and individuals – highlighted the need to better promote the availability of accessible facilities, particularly at polling stations. Providing more information on other aspects of voting, such as explaining polling cards and how to register to vote, was also mentioned. A few suggested polling cards could contain accessibility information. Democracy Club noted that electronic polling cards could be used to provide information on voting and accessibility measures.

Around a third of those responding to this question called for wider promotion of the accessibility support available for voters. Some called for accessible information such as Braille and easy-read versions or for materials to be produced in minority languages. A few highlighted that as refugees tend to be housed in some known regions, information could be targeted in those areas. JustRight Scotland raised concerns about the remoteness of some of these areas and that a lack of a local support infrastructure for refugees can create barriers to civic participation.

Inclusion Scotland argued for more efforts to identify disabled people ahead of an election to inform adjustments that need to be made in different areas. Similarly, RNIB called on local authorities to update local registers of blind and partially sighted people, identify format preferences, and then send polling cards and other materials in that format ahead of the next elections.

Other suggestions included:

- Using more signage or having a person greeting voters at polling stations.
- Increasing awareness of apps available to assist voters in polling stations, supplemented by guidance on the use of mobile phones by voters.
- Using a resource such as online polling station finders to help disabled people to plan their visit and to prepare carers to act as companions.
- More specific guidance and training for polling station staff to ensure they can set up accessibility aids and equipment, as well as being able to provide information to disabled people and their companions.

## **Consult stakeholders**

Several called for stakeholders to be asked for their views on accessibility. Respondents suggested engaging those with lived experience and their representatives, though the need to consult other groups was noted, for example, service providers as of an ongoing review of premises and Local Access Panels.

“We recommend that the Scottish Government works with parties, the Commission and other relevant organisations to produce good practice guidelines and accessibility standards for accessible election materials.” - Electoral Commission

## **Other suggestions for improving accessibility**

A range of other suggestions were made by several respondents, with half reiterating the importance of ensuring accessible facilities are available to meet the needs of voters. A few called for more accessible opening hours, such as voting on a Sunday, or over a



longer time scale. Other suggestions included free transport, polling stations adapted for specific disabilities, linking to voters' electronic aids e.g. voice synthesiser and enabling greater access for those in temporary or long-term residential care.

Some respondents also felt party candidates should not be present at polling stations and some called for the use of voter ID.

## Undue influence of voters

Although it is an offence to unduly influence an elector, the proposal is to clarify what constitutes undue influence to make existing legislation easier to understand and enforce.

Question 17: Do you agree that the offence of “undue influence” should be made easier to understand and enforce?

	n=	% Yes	% No
<b>All answering</b>	<b>478</b>	<b>89</b>	<b>11</b>
- Individuals	466	89	11
- Organisations	12	92	8

Nine out of 10 respondents (89%) agreed with this proposal, with high levels of support among both individuals (89%) and organisations (92%).

## Absent voting

At present, someone who has to unexpectedly travel for medical treatment and is unable to vote in person on polling day is entitled to ask if someone else can cast their vote on their behalf. This is known as an emergency proxy. Some people may need to be accompanied to their appointment due to their age or medical condition. However, under current rules, the person accompanying them could not ask for an emergency proxy.

The Scottish Government is proposing that emergency proxies should be made available to individuals who have to accompany someone to a medical appointment or treatment at short notice, where that travel prevents them voting at their normal polling place.

Question 18: Do you think that we should extend the right to emergency proxies to the companions of anyone who has to attend an unexpected medical appointment or treatment which would prevent them from voting at their normal voting place?

	n=	% Yes	% No
<b>All answering</b>	<b>480</b>	<b>61</b>	<b>39</b>
- Individuals	469	61	39
- Organisations	11	100	0

All organisations who answered Q18 supported this proposal. Support was lower among individuals, but a majority of 61% were in favour.



## Acting as a proxy

At a devolved election in Scotland, an individual cannot vote as proxy on behalf of more than two voters unless they are the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the voter. The intention of this restriction is to avoid a single person being in the position of being able to vote as a proxy for a large number of people.

The UK Elections Act 2022 has limited the number of voters a person may act as a proxy to four people, no more than two of whom can be voters who are normally resident in the UK. This applies in UK Parliamentary elections in Scotland and all elections in England. They have also removed the exemption for acting as a proxy for close relatives. In practice, this means someone can be a proxy for up to two UK-based voters, or up to four overseas voters.

The Scottish Government does not propose changing the existing position in Scotland.

Question 19: Do you have any comments on changes to proxy voting in Scottish Parliament or Local Government elections?

One in five respondents answered Q19. Common themes included the potential for abuse, disagreement with the use of proxy voting, agreement with limiting proxy voting, proxy voting as a way to encourage voter engagement and alignment with UK elections.

### Potential for abuse

The most prevalent theme was a concern about the potential for abuse of proxy voting. Around a third of these respondents highlighted general concerns about the potential for abuse or undue influence, with two mentioning risks of exploiting political positions. Some called for sufficient identity checks on proxy voters, while others called for greater regulation or tighter controls. The Electoral Commission noted safeguards already exist to prevent undue influence to appoint a proxy and felt an updated offence of undue influence would strengthen safeguards by acting as a deterrent. A small number called for an assessment of any proposals prior to their introduction.

“Proxy voting, in general, should not be prohibited or restricted, if the person being proxied is able to verify their vote went to the correct candidate. Finding a technical solution to this should be relatively uncomplicated”. - Individual

Several respondents, all individuals, called for an end to proxy voting; this was the second most prevalent theme. Where a reason was given, respondents argued proxy voting should not be allowed due to perceptions it was open to abuse. Some other respondents suggested using postal voting instead of proxy voting.

### Agreement with limitations

Several agreed that proxy voting should be limited. A few specifically agreed with the proposal that an individual should only act as a proxy for two voters who are not close relatives. Some felt there should be a limit, including that proxy voting should only occur in exceptional cases. Two mentioned specific groups that should be allowed to use a proxy including the armed forces, disabled people, housebound, or terminally ill people.

## **Maintain existing proxy voting arrangements**

The existing proxy arrangements were considered sufficient by some respondents. Two specifically commented they disagreed with the proposal to extend proxy arrangements to cover medical emergencies. One felt a proxy could be used if a person had Power of Attorney or similar, whilst the other believed the person should focus on treatment rather than voting. Both felt the number of such cases would be minimal, e.g. due to the short period covered by polling station opening hours.

The Electoral Commission cautioned that limiting how many family members for whom a voter may act as a proxy could disadvantage some people, noting their 2014 review of electoral fraud did not identify public support for further restrictions on proxy voting.

## **Clarification and alignment of proxy rules**

Some respondents, mainly organisations, called for alignment with the UK parliamentary elections, and highlighted the likelihood of voter confusion should the Scottish proxy system differ from the UK. A few organisations highlighted the potential for voter confusion because the UK has removed the exemption for close relatives. They argued that this would create administrative challenges for the ERO and RO and may unintentionally disenfranchise voters at a UK Parliamentary poll. However, the Electoral Commission stated they would ensure clear information is available to voters so they can easily understand the different rules for reserved and devolved Scottish Elections.

“The proxy or the elector may be unclear which elections they are eligible for. Currently, the rules are aligned, and electors tend to appoint the same person to be their proxy in all elections. When the changes to the proxy rules for UK elections come into force, this won't be possible in all cases. The vast majority of electors are either British or Commonwealth citizens, and the diverging approaches will impact them rather than the minority of electors, such as Overseas Electors or Foreign Nationals who are only eligible to vote in the UK or Scottish Elections. It is in the interest of the electors that rules around absent vote applications are aligned to save the elector having to navigate differing application rules for differing elections.” - Scottish Assessors Association

Some proposed additional rules to include, or called for clarification of rules. A few individuals suggested that applying for proxy voting should be possible until the final hour of voting day. One noted the existing rules seemed appropriate but felt rare election fraud cases stemmed from confusion over proxy rules, whilst another felt the undue influence offence should be easier to understand and enforce and that:

“There is a need for modernisation of dated languages and rules, and a single set of electoral offences should be set out in primary legislation which should apply to all elections.” - Returning Officer

## Proxy voting can enhance civic participation

Some respondents welcomed actions taken to ease voter engagement and felt proxy voting could facilitate this. One Returning Officer felt emergency proxies should be extended to the companions of anyone who has to attend an unexpected medical appointment or treatment which would prevent them from voting at their regular voting place.

“These situations can be upsetting for those accompanying a person because of a medical emergency to discover that they are not able to appoint a proxy to vote on their behalf unlike the patient who is able to appoint a proxy”. - Scottish Assessors Association

## Postal ballot packs

Anyone who has a postal ballot can return the completed postal ballot pack to the Returning Officer by post or hand it into a polling station in person or by asking someone to hand it in on their behalf. There is currently no restriction in Scottish Parliament and local elections on the number of postal ballot packs which any individual can hand into a polling station. The UK Elections Act 2022 has made changes to restrict the number of postal ballot packs which can be handed into a polling station by an individual for UK Parliament elections. That Act has also made it an offence for political campaigners to handle postal voting documents for UK Parliament elections unless it forms part of their employment or they are doing so on behalf of a family member.

The Scottish Government is of the view that the personal identifier checks are sufficient to confirm that a postal ballot has been completed by the correct voter. There are no proposals to place any restrictions on the number of ballot papers which an individual may hand in at a polling station at devolved Scottish elections or introduce any restrictions on the handling of postal votes by political campaigners.

Question 20: Do you have any comments on the handing in postal ballots?

Around one quarter answered Q20. Comments covered many aspects of postal ballots rather than focusing specifically on handing in. Themes included the need for more robust safeguards, concerns about corruption or fraud, and on the handling of postal votes.

## Safeguarding postal votes

Many individuals and the Electoral Commission highlighted the issue of postal voting safeguards. Around half of the individuals commenting on this theme suggested what could usefully be in place, and some others commented on security issues or made a broad request for more robust controls. The Electoral Commission also cited public concerns with postal ballots, indicating that a 2022 Public Opinion tracker found that one in five believe it is unsafe from fraud and abuse. As a result, they argued:

“Strengthening some safeguards protecting postal voting could improve voter trust and confidence in the system and address perceptions that electoral fraud or inappropriate activity is taking place.” - Electoral Commission

Respondents highlighted specific aspects of the process where safeguards could be enhanced, believing these would address security concerns. They included: keeping postal votes in a sealed box until after voting ends; comparing block submissions, e.g. postal votes from the same household to see if suspicious activity can be identified; verifying postal ballots by at least two individuals; checking the ID of those requesting a postal vote; using independent electoral officers to vet those handling postal ballots; and only allowing the individual to hand in a postal vote. However, issues with signature verification were noted in the event with disabled people's organisations and by About Dementia, Age Scotland. They noted that the issue of signature mismatch could disproportionately affect older people or those with health conditions or disabilities whose signature could change since registering for a postal vote.

Other comments were that the Royal Mail should continue to be used and to introduce secure drop-off points on Council premises. A few mentioned difficulties knowing if postal votes were received, e.g., due to lost mail, leading to calls for email confirmation or a postal tracking code that could be used to check online if they had been received.

One respondent who noted the system was relatively secure still recommended a transparent method of demonstrating security levels, echoing the sentiment for more efforts to assure the public about safeguards highlighted above from the Electoral Commission. A few in this theme also highlighted governance issues, with calls for greater transparency and a legal framework, though these comments were not detailed.

### **Concerns about potential abuse**

The second most prevalent theme, evident in many comments from individuals, was the potential for abuse of the postal voting system. There was some overlap with the theme above, i.e. comments about safeguards were often made due to concerns about the potential for vote manipulation or corruption. Some in this theme felt postal voting had become too prevalent and should be limited (see later in this section). Others raised concerns about holiday homeowners or family members fraudulently voting on behalf of others. As a result, some recommended only allowing individuals to hand in votes.

### **Handling and counting postal votes**

Another theme raised by several respondents was postal vote counting at polling stations. Overall, respondents felt ballot boxes should only be opened once polls closed, that counting postal votes should be done within each constituency, and that counting be well monitored with a balance of political observers. Other suggestions included having extra officers to verify the count and using independent security to guard sealed ballot boxes.

“Having looked at the election procedure, the main "grey area" that I can observe for any electoral interference to occur is with regard to the pick-up, transportation and delivery of ballot boxes to counting halls for counting.” - Individual

## **Existing arrangements are suitable**

Several respondents felt the current arrangements were adequate or working well and did not need further amendment. One Returning Officer agreed with the proposal not to limit the number of ballot papers an individual could return. Similarly, the AEA and the Electoral Commission highlighted that restricting the number of postal ballots that could be returned to a polling station could create practical difficulties in enforcing limits or barriers for some who need assistance.

“For example, friends or neighbours of voters would not be allowed to provide support by handing in postal votes, and people may be prevented from returning postal votes for family members. In any case, postal votes that are handed in at polling stations must still go through the same security checks as those returned through the postal service before they can be included in the count.” - Electoral Commission

## **Limit or prevent the use of postal votes**

Several individuals felt postal ballots should only be used in limited or exceptional circumstances. Respondents provided little detail other than mentioning groups who could be eligible, including people who cannot visit a polling station, those with disabilities or a medical certificate, those experiencing bereavement and those in the armed forces.

A similar proportion of individuals called for an end to postal voting. Where a reason was given, this was due to perceptions of fraudulent use.

## **Limit the number of postal votes handed into polling stations**

A restriction on the number of postal ballots that can be handed into a polling station was raised by several respondents. The most common suggestions were to limit it to the person using the postal ballot or a general call to limit votes without specifying the number. One felt a restriction of two ballots handed in should be introduced. Again, where a reason was given, limits were recommended to minimise the potential for undue influence.

## **Other suggestions**

A small number recommended that political campaigners be unable to hand in postal votes, highlighting that this would align with UK arrangements under the UK Elections Act 2022. One individual felt an exception would be if the campaigner was returning a postal ballot for a family member. The Electoral Commission felt introducing this restriction would increase public trust and alleviate concerns about potential abuse.

“This change could improve voter trust and address concerns around the potential for inappropriate activity taking place when postal ballot packs are handled. This formalises a key part of the ‘best practice’ approach set out in our guidance and our voluntary Code of Conduct for campaigners for more than 15 years. The Code was developed and agreed with political parties, but not all campaigners are aware of or actively comply with it. We would welcome a discussion with the Scottish Government on how similar provisions could work for devolved elections in Scotland.” – Electoral Commission

A few also commented positively on the ability to use postal ballots.

## Voting rights

Views were sought on whether certain persons detained in hospitals on mental health grounds related to criminal justice should continue to be denied voting rights in Scottish devolved elections. Such people might be detained where they have been found to not be criminally responsible as a result of a mental disorder; other people may have been found unfit to stand trial.

Question 21: Should voting rights in Scottish Parliament and Local Government elections be extended to some or all persons detained on mental health grounds related to criminal justice?

	n=	% Yes	% No
<b>All answering</b>	<b>476</b>	<b>20</b>	<b>80</b>
- Individuals	470	19	81
- Organisations	6	100	0

There were marked differences in views on this proposal. All organisations who expressed a view were in favour. However, four fifths of individuals (81%) were against extending voting rights to this group.

Question 22. Do you have any additional comments on voting rights for persons detained on mental health grounds related to criminal justice?

### Do not extend voting rights

The most prevalent theme among the quarter of respondents who answered Q22 was that voting rights should not be extended to people detained on mental health grounds related to criminal justice. Many held this view, and reflecting Q21, all were individuals. Many felt the right to vote should be removed from prisoners or those who break the law. A few argued voting is a privilege that should not be extended to those who break a social contract or are not “productive” members of society. Others suggested voting should be forfeited by those who have committed a crime as part of their punishment.

Not having the mental capacity to take decisions was the second most prevalent theme, again raised by many individuals. It was apparent from answers that respondents were unclear those with mental incapacity already have voting rights as it was commonly felt that if someone is deemed incapable of making decisions, this should extend to voting, and they should not be able to vote.

“If you are detained on mental health grounds, then courts have decided you cannot be accountable for your actions, so no voting should be allowed.” - Individual

Singular comments included: that medication for mental illness could cause cognitive issues; others with mental incapacity, such as dementia, should also not be able to vote; and those with mental health issues retaining mental capacity should be able to vote.

## Support for extending voting rights

Other respondents felt that voting rights should be extended to people within the criminal justice system who are detained in hospitals on mental health grounds. The prevailing view was that every citizen should have the right to vote in a democratic society, with no exceptions. A small number highlighted that this group should have the right to vote to ensure their voice is heard. A few organisations qualified how voting rights could be extended to this group. Engender supported extension in line with the rights of prisoners serving sentences of 12 months or less. The Law Society of Scotland suggested entitlement should be on the same basis as persons detained on mental health grounds under civil orders and drew a helpful distinction between this group and people in prison:

“Whilst we recognise that this may lead to a difference in treatment between those detained in prison and those detained in hospital, a forensic order is not intended as a punishment but as a means of providing the effective medical treatment and support the individual requires. A prison sentence, and a restriction of liberty as a result of a forensic order, are not directly comparable.” - The Law Society of Scotland

## Other concerns

Several individuals expressed negative views about extending voting rights to this group. The main reasons were related to either concern about the potential for undue influence or beliefs that voting would not be a priority for the person or could cause them stress.

“Absolutely not. As a professional in this field, I can assure you, voting is the last thing on their mind.” - Individual

## It depends on the circumstances

Several respondents felt voting rights could be extended depending on the circumstances, such as the extent of mental capacity or criminal intent. A small number felt clinicians should determine the capacity to vote, while a few felt it should be done on a case-by-case basis. A few highlighted that a blanket ban should not exist, and one individual argued that the Scottish Government should take steps to apply the 2005 European Convention on Human Rights ruling that specified that a blanket ban on preventing prisoners from voting breached Article 3 of Protocol No 1 of the ECHR.

Some specific suggestions about which individuals in this group should be able to vote were received, for instance, a Returning Officer felt voting rights should not be extended to persons subject to [hospital directions](#). One individual felt people could vote if three independent psychiatrists had verified their mental capacity. COSLA acknowledged the complexity involved in extending voting rights and felt it required further detailed consideration, particularly on applying a 12-month threshold.

## Consultation and guidance

Clarification was sought on who the changes would apply to, e.g., whether they include persons subject to hospital directions. The Electoral Commission argued for consideration of how this audience would access election information, register and vote, noting processes should:

“... be prescribed in law and take into account the specific challenges that would be faced by these individuals in exercising their right to vote, building on the lessons learned around the enfranchisement of prisoners serving sentences of 12 months or less. This should include how EROs would identify and make contact with potentially eligible individuals to determine their eligibility and how such individuals should receive and return any absent votes.” - Electoral Commission

COSLA suggested further consultation with relevant partners and professional associations, such as Community Justice Scotland, the Scottish Human Rights Commission and the Electoral Reform Society. They also highlighted the need for coordination with the Scottish Government’s anticipated [response to the Scottish Mental Health Law Review Final Report](#).

Question 23: Should voting rights in Scottish Parliament and Local Government elections be extended to all people seeking asylum in Scotland?

Asylum seekers are now the main group of foreign nationals aged 16 or over living in Scotland without voting rights. The Scottish Government and Scottish Green Party - Shared Policy Programme (2021) expressed a shared ambition to extend voting to asylum seekers living in Scotland, but recognised “the difficulty in achieving that within the current asylum system which would require UK Government cooperation.”

	n=	% Yes	% No
<b>All answering (%)</b>	<b>482</b>	<b>22</b>	<b>78</b>
- Individuals	474	21	79
- Organisations	8	75	25

Mixed views were again expressed about extending voting rights to people seeking asylum in Scotland. Three quarters of organisations (75%) were in favour, but four fifths of individuals (79%) were against.

Six respondents gave further comments on Q23 in their response to Q24. One was a joint response from: Scottish Refugee Council The VOICES Network and Refugees for Justice, JustRight Scotland and Maryhill Integration Network.

These organisations argued that people seeking asylum should be given voting rights, and note the Scottish Government’s [New Scots: Refugee Integration Strategy 2018-2022](#) states integration starts from the first day of arriving in Scotland. They argue that people living in Scotland and subject to its policies should have a right to vote and representation. These respondents also suggested solutions to practical barriers such as use of:

- Tenancy agreements from relevant housing providers for those residing in the Home Office’s accommodation as proof of address.
- Bail 201 form and ARC ID from the Home Office to prove asylum seekers status.
- In cases involving loss of eligibility to vote at the point of a final refusal of an asylum claim that cannot be appealed, follow the same procedure that applies to those with limited leave to remain that has expired.



“As long as an individual has an asylum claim that has not been finally determined, they are residing here legally and should have access to their civic rights, especially in consideration of the asylum backlog and the fact that people are now currently forced to spend many years in the asylum system without an initial decision.” - Joint organisational response

Two individuals and a Returning Officer commented that voting rights should not be extended to those seeking asylum. The Returning Officer argued against doing so because it would be highly challenging for EROs to maintain the integrity of the voting register as ongoing individual asylum decisions were made.

## **UK Elections Act implications**

The UK Elections Act 2022 made a wide range of changes to elections to the UK Parliament. This includes a requirement for voters to prove their identity in voting, changes to postal voting and changes in relation to people living overseas.

While the Scottish Government has no intention to introduce ID requirements for devolved Scottish elections, it is concerned that the new voter ID requirements for UK Parliament elections will confuse voters and raise barriers to voting in Scottish devolved elections. Confusion could arise when a voter is required to have ID for a UK Parliament election but not for devolved Scottish elections, particularly at any by-elections held on the same day.

On postal voting, the UK Elections Act 2022 means that voters will no longer be able to make one application for a postal vote in all elections. They will have to apply every three years for a postal vote for UK Parliament elections but it will continue to be possible to refresh their signature every five years for devolved elections.

Question 24: What issues do you think that the changes in the Elections Act 2022 to introduce voter ID and change postal vote renewals raise for elections held in Scotland?

The half of respondents answering Q24 raised a range of views including those both for and against the use of voter ID, and potential challenges with postal voting proposals.

### **ID requirements leading to disenfranchisement**

Many respondents were concerned that compulsory voter ID could create a barrier to voting or affect voter turnout among the most marginalised in society. Respondents argued that ID was not required because incidences of voting fraud were very rare and that requiring ID was a disproportionate solution, or they wished to maximise voter take-up and avoid creating further barriers to participation.

“Creating obstacles so that it is harder for voters to acquire postal ballots will serve to further impede democratic participation and therefore should be avoided.” - Individual

Respondents frequently highlighted that some groups are less likely to have approved forms of ID, that ID should be provided free of charge and that the need to have ID will reduce voter participation. Groups likely to be disproportionately affected included young people, those with visual impairments, those affected by financial insecurity, foreign

nationals and older people. RNIB highlighted that 13% of blind and partially sighted people have no acceptable form of ID. It was noted that someone with ID may still have issues:

“People may turn out to a polling place, and even if they have ID, may not be carrying it at the time. Given the problem of low turnout mentioned earlier in this consultation, any additional barriers to voting are likely to reduce turnout further.” - Individual

Many respondents argued that the introduction of voter ID for reserved elections could be seen as voter suppression. In other words, requiring voter ID was seen as a way of reducing voting amongst the most marginalised in society, benefiting political parties that were less likely to receive their vote.

“The new Voter ID laws are incredibly confusing on purpose. It is clearly nothing more than a scheme by the UK Tory Government to purposefully confound and impede voters from poorer backgrounds, who do not necessarily have all the available ID.” - Individual

### **Support for voter ID**

Conversely, the second most prevalent view was that many individuals, supported the proposal to introduce voter ID requirements. It was commonly felt that many people already have ID and have to produce this for banking purposes, employment, collecting parcels from the Post Office and member voting at political party conferences. Respondents appeared unclear the use of existing photo ID's such as passports was allowed as other suggestions included using existing ID as proof, using photo ID and introducing digital or voluntary ID.

“No issue. ID is a great idea. Qualifies your identity and ability to vote.” - Individual

Many individuals argued that introducing voter ID could reduce abuse. There was a perception that it is currently too easy to vote and could result in voter fraud, so increased security was beneficial.

“Anyone can just give a name or hand over a card; therefore, anyone could steal that vote. I think having proper ID to vote makes lots of sense.” - Individual

### **Potential for confusion**

The consultation paper noted that different arrangements between Scotland and the rest of the UK could confuse voters, and this view was endorsed by many respondents. However, one noted extending voting rights to 16- and 17-year-olds in Scotland had been done successfully.

If different arrangements exist in the UK, some organisations called for the introduction of a presumption that an election under the different rules would never be held on the same day. Due to the potential for confusion and increased complexity, many favoured aligning arrangements across the UK (see Q25). Several respondents called for extensive promotion to ensure people are made aware of any rule changes. The Electoral Commission highlighted its public awareness campaign on voter ID requirements and how it plans to deploy this in Scotland ahead of a UK Parliament general election.

## Comments on postal voting changes

Many respondents also commented on postal vote renewals. Some felt it made sense to have postal vote renewals every three years. Reasons given included a need to align with the UK to avoid voter confusion which could result in voters losing their postal vote unexpectedly, and to ensure voter information remained up to date. Similarly, a few other respondents saw no issues with the UK arrangements being introduced in Scotland.

COSLA, while also calling for alignment with the UK, preferred a five-year renewal period across both devolved and reserved elections to minimise the administrative impact on voters. The AEA further highlighted such challenges:

“However, the Elections Act has introduced further complexities – namely the distinction between reapply and refresh; the requirement to provide a national insurance number when reapplying for reserved polls; and the decision to offer online postal vote applications for reserved polls.” - Association of Electoral Administrators

A few individuals advocated a once-only application, or as few applications as possible.

### Administrative challenges

Concerns about the impact of the proposals on administrative systems were raised by several individuals and organisations. Most frequently mentioned was the impact on staff working in more complex environments, including dealing with dissatisfied or confused voters at polling stations. A few highlighted that making changes, mainly introducing an ID card, would incur unnecessary costs. Specific administrative burdens might include:

- Updating ERO’s Electoral Management Software to accommodate any changes.
- Increased workloads for EROs and training for polling station staff.
- Local authorities potentially maintaining two separate registers of postal voters.

Some respondents also highlighted the potential impact on polling staff recruitment and retention arising from having to police the requirement to show ID.

“They move from peers administering an election to officials who must determine the validity of someone’s identification papers. This is a very different and more complex job and one that may be more difficult to staff. There is also concern around the potential risk to polling staff should they be required to prevent individuals from voting as a result of failed ID checks.”- EMB

The EMB and the Association of Electoral Administrators also noted that divergent rules between Scotland and the rest of the UK had been subject to much discussion among Returning Officer and Electoral Registration Teams who have sought answers to numerous challenges created due to recent changes to minimise any potential confusion.

Question 25: Should there be a presumption against a Scottish devolved election being held on the same day as a UK Parliament election (for example, a UK Parliament by-election on the same day as a national Scottish Parliament election)?

	n=	% Yes	% No
<b>All answering</b>	<b>481</b>	<b>51</b>	<b>49</b>
- Individuals	469	49	51
- Organisations	12	100	0

All organisations who answered Q12 agreed with the proposed presumption against a Scottish devolved election being held on the same day as a UK Parliament election. Individuals were evenly split in their views with 49% in favour and 51% opposed.

## 4. Scheduling of elections

This chapter presents the analysis of responses to the consultation questions which explore postponing scheduled Scottish Parliament and Local Government elections and arrangements around dissolution of the Scottish Parliament.

### Date of elections to the Scottish Parliament

The Presiding Officer of the Scottish Parliament has a limited power to propose a new date for a Scottish Parliament election which is not more than one month before or after the first Thursday in May. The Scottish Government concluded that this power might not adequately cover some possible scenarios requiring a new election date e.g. if a UK Parliament election is called at short notice on or close to the scheduled date.

Q26: Do you think that the maximum period by which the Presiding Officer can propose the postponement of a Scottish Parliament election should be extended beyond 1 month?

	n=	% Yes	% No
<b>All answering</b>	<b>466</b>	<b>22</b>	<b>78</b>
- Individuals	460	21	79
- Organisations	6	67	33

Views on this proposal were mixed. While only one in five individuals (21%) agreed, two thirds of the six organisations who answered the question were in favour.

The Scottish Parliament is dissolved in the run up to a Scottish Parliament election, usually around 6 weeks before the day of the poll. Following dissolution, members of the Scottish Parliament (MSPs) cease to hold office, and the Parliament cannot be re-convened to debate or pass legislation. In 2021 the law was changed so that dissolution did not occur until the day before the 6 May 2021 Scottish Parliament election, allowing Parliament the opportunity to debate and pass an emergency Bill to postpone or alter arrangements for the election if that had been required due to the pandemic.

If these arrangements were made permanent for future elections this would mean that MSPs would retain their position, including pay, for an additional 6 weeks but it would allow for the Parliament to be recalled to deal with any emergency, should one arise.

Q27: Do you think that the date of dissolution of the Scottish Parliament in the run up to a general election should be changed to the day before the election, allowing MSPs to continue to hold office in case of emergency?

	n=	% Yes	% No
<b>All answering</b>	<b>464</b>	<b>48</b>	<b>52</b>
- Individuals	458	47	53
- Organisations	6	100	0

All organisations who responded to Q27 agreed the date of dissolution should be changed to the day before the election. Individuals were evenly split, with just under half (47%) in favour and 52% opposed.

While there was no direct follow-up to Q27, some respondents used Q32 to discuss the proposal to change the date of dissolution of the Scottish Parliament in the run up to a general election to the day before the election. A few individuals expressed support for the proposal, noting it would allow Parliament to continue functioning and serving the public for longer, and mean that important decisions can be made in an emergency.

However, a few concerns were raised over this proposal. For example, a few felt that this would restrict campaigning and give the party in power an unfair advantage. The Scottish Parliamentary Corporate Body also highlighted several logistical challenges associated with changing the date of dissolution, including financial, technical and administrative implications.

“On the issue of practicalities, there would be a budgetary impact to changing the date of dissolution. Those Members who would have stood down will continue to receive an additional 6 weeks’ salary, pension contributions and National Insurance costs. There would also be an impact on the resettlement grant for those who stand down or are not successful at the election... There are challenges over the time available to deal with issues for Members standing down and with newly elected Members... This was exceptionally challenging at the last election and no amount of pre-planning can mitigate the impact of work that is normally undertaken in a 6-week period having to be completed over a matter of days. For example, this impacts the availability of IT equipment/accounts to new Members and the processing of pay and pensions for new and departing Members”  
- The Scottish Parliamentary Corporate Body

## Postponement of Scottish Parliament by-election

The consultation sought views on whether the Presiding Officer should be given the power to postpone the date of a Scottish Parliament by-election if it is no longer possible to hold the election on the originally selected date. This postponement could be due to a public health emergency such as a pandemic or security issues.

Q28: Do you think that the Presiding Officer should have the power to change the date of a Scottish Parliament by-election, if it is no longer possible to hold the election on the originally selected date?

	n=	% Yes	% No
<b>All answering</b>	<b>466</b>	<b>52</b>	<b>48</b>
- Individuals	459	52	48
- Organisations	7	57	43

A small majority of both individuals and organisations were in favour of this proposal. Of those answering, 52% of individuals and 57% of organisations agreed.

Q29: Do you have any other comments on changing the date of a Scottish Parliament by-election?

Q29 sought feedback on the proposal that the Presiding Officer should be given the power to postpone the date of a Scottish Parliament by-election by up to three months, should circumstances mean that the originally selected date is no longer tenable. 96 open-text comments were received. Some commented on the dissolution of parliament under this question; such comments have been included in the analysis of responses to Q32.

### **Reasons for opposition**

The most common theme in responses to Q29 was opposition due to fears the change may lead to undue delays in by-elections. Concerns were raised that the powers may be open to abuse or used inappropriately to influence or manipulate the results of a by-election. Examples included delaying a by-election due to unfavourable polling results or tactically selecting a new date which is advantageous to a particular candidate or party.

“For me, the worry here is the ability of an existing government to amend election dates for no other purpose than for political reasons.” – Individual

A few individuals questioned the impartiality of the Presiding Officer, and some felt it is undemocratic for one person alone to hold this power. Some suggested that the Presiding Officer should be required to consult with other stakeholders, such as the Electoral Commission, before being able to reschedule a by-election. One called for a detailed independent Risk Assessment to be undertaken prior to any decisions being made.

Some respondents were opposed to any formal changes being made to the current system, describing existing laws and powers as adequate. A few discussed potential financial and administrative consequences of changing by-election dates; one warned that scheduling changes may confuse voters and lead to a lower turnout.

“Changing dates risks incurring significant additional expense and creating voter confusion, particularly where poll cards and postal ballot packs (both containing non-negotiable dates) are concerned, including any reprints of ballot books as well as postal ballot papers to reflect the changed date... There is also the risk of not being able to use approved polling places due to other bookings.” – Individual

### **Reasons for support**

Some expressed support for the proposal under the condition that the powers are only used for legitimate and limited reasons or under extreme and unusual circumstances. Examples of circumstances for consideration included: a national emergency; another pandemic; a natural disaster; extreme weather conditions; the country being at war; if the date clashes with another election; the death of a candidate; and the death of a monarch.

There were calls for the Scottish Government to set out a clear definition of the criteria or circumstances under which the proposed powers could be enacted.

Supportive comments were made by some; the proposal was described as ‘logical’, ‘sensible’ and ‘pragmatic’, and one respondent expressed their belief that the changes will allow for better administration and greater flexibility in the scheduling of by-elections. A few affirmed their support for the proposed postponement period of three months. However, one suggested that this should be reduced to a maximum of 30 days, and another felt six weeks was more appropriate; neither provided reasoning for their suggested time limits.

## Postponement of scheduled Local Government elections

Experience during the coronavirus pandemic has demonstrated that there may be a need to postpone or cancel scheduled Local Government elections at shorter notice than currently allowed, for example, due to a public health emergency or security issues. The consultation also sought views on possible options to permit the postponement of a Local Government by-election.

Q30: Do you think that the Convener of the Electoral Management Board should be given the power to postpone national Local Government elections in consultation with the Electoral Commission and the Scottish Government?

	n=	% Yes	% No
<b>All answering</b>	<b>456</b>	<b>32</b>	<b>68</b>
- Individuals	447	32	68
- Organisations	9	56	44

Limited support was expressed by individuals, with one third (32%) in favour and two thirds (68%) against. While the nine organisations who answered were more supportive than individuals, opinion was still relatively evenly split with 56% in favour and 44% opposed.

Q31: Should the law allow a Local Government by-election to be postponed, and if yes, who should make the decision to postpone?

	n=	% No	% Yes, Returning Officer	% Yes, Convener of the Electoral Management Board	% Yes, other
<b>All answering</b>	<b>454</b>	<b>57</b>	<b>17</b>	<b>22</b>	<b>4</b>
- Individuals	446	58	16	22	3
- Organisations	8	13	38	13	38

Overall, respondents were most likely to indicate that the law should not allow a local government by-election to be postponed; 58% expressed this view. Those who supported the proposal were relatively evenly split between whether the decision should be made by the convener of the EMB (22%) or the Returning Officer (17%). This equates to 51% and 39% of those who supported a change, respectively.



There was, however, more support among the eight organisations who answered. Most (87%) felt a postponement should be allowed, with a preference for the Returning Officer or someone else making the decision.

Of the 18 respondents who selected 'Yes, other' in response to Q31, eight, including the Association of Electoral Administrators, recommended that the Returning Officer should be able to make the decision to postpone a Local Government by-election after consultation with the EMB and the Electoral Commission.

“In the administration of local elections it is properly the local Returning Officer who is responsible for and accountable to the courts for the conduct of the election. As such they are best placed to make decisions with respect to any postponement. However it would be expected that an RO would wish to consult appropriate professional opinion and advice before making such a decision. The approach adopted in the UK Coronavirus Act 2020 with respect to the postponement of council by-elections in Scotland would provide a good model, in which the decision was taken by the local RO but only following consultation with the Convener of the EMB and the Electoral Commission.” – EMB

There was little consensus about who should be able to postpone a Local Government by-election among the other responses to Q31, with the following parties suggested by at least one respondent: The Electoral Commission; Scottish Government, First Minister, Scottish Parliament, the Presiding Officer, UK Government, the local authority in which the by-election is being held, or a judge or magistrate.

A few argued that the decision should be made jointly by multiple different individuals or bodies, and one respondent said that the appointed decision-maker should be dependent on the reason for the postponement.

**Q32: Do you have any other comments on rescheduling of elections?**

Most of the points raised among the 75 responses to Q32 were similar to those covered under Q29, with many respondents choosing to repeat or affirm previously expressed views, such as:

- Disapproval of elections being rescheduled for any reason.
- Concern that such powers may be open to abuse.
- Advising that elections must only be rescheduled under the most serious and exceptional of circumstances.
- The belief that the current system is adequate, and no changes are required.

Some additional points were made. For example, respondents shared their views on the wider issue of the time of the week or year that elections should take place. A few called for elections to be held on weekends, and one recommended that elections should take place in September so that clashes with UK General Elections can be avoided and campaigning can take place over the summer months.

On the topic of scheduling multiple elections on the same day, some respondents expressed arguments against this, some of which had already been set out in the consultation paper.

“We believe appropriate powers should be available to the relevant authorities to postpone Scottish Parliament and Local Government elections to avoid the potential for a clash in election dates. Clashes of election dates for different levels of government confuses discussion of the relevant issues for the elections of different tiers of government. Ensuring relevant issues for each level of government can be considered over a reasonable period for that specific election brings greater clarity for all those participating in that election, including people with learning disabilities, as well as a focus on the relevant issues appropriate to the responsibilities of the tier of government those elections are for, and provides more time for the production and consideration of election communications for that specific election.” - Enable

However, two individuals supported the idea of having multiple elections scheduled on the same day, with one citing potential cost savings as the reason.

## 5. Campaigning and finance

An analysis of responses to questions about campaigning and finance is presented in this chapter. The UK Elections Act 2022 made a number of changes to campaign and finance laws. The Scottish Government is in favour of adopting some of the changes made to campaign finance rules to reserved elections, creating consistent and clear rules by bringing Scotland in-line with UK elections.

### Notional expenditure

Q33: Do you think that the language clarifying the definition of notional spending adopted in the UK Elections Act 2022 should also apply to Scottish devolved elections?

Notional spending is when candidates are given goods or services for free or at a discount, and the candidate must declare what would have been the full value of the goods or services in their financial returns.

The UK Elections Act 2022 updated the legal definition of notional spending so that candidates or their agents do not need to declare spending they had no knowledge about (e.g. political party posting flyers without the candidate's consent or knowledge), even when the spending may have been to their benefit. This does not represent a change in what is considered notional spending, but makes the language easier to understand.

	n=	% Yes	% No
<b>All answering</b>	<b>449</b>	<b>84</b>	<b>16</b>
- Individuals	445	84	16
- Organisations	4	75	25

There was widespread backing for this proposal, with three quarters (75%) of the organisations who answered and 84% of individuals indicating their support.

### Third party campaigning

Q34: Do you think that third party campaigners should have to register with the Electoral Commission if they spend more than £10,000 across the whole of the UK, even if they spend less than £10,000 in Scotland?

Third party campaigners, sometimes called non-party campaigners, are not candidates or political parties. Under the UK Elections Act 2022, third party campaigners now need to register with the Electoral Commission if they spend more than £10,000 across the whole of the UK, even if they are spending less than each individual country's registration threshold (e.g. spending £9,000 in Scotland and £5,000 in England).

This registration threshold is already £10,000 in Scotland, however adopting this change for Scottish devolved elections would mean campaigners could not exceed £10,000 of spending in devolved elections across all the UK without registering with the Electoral Commission.

	n=	% The £10,000 registration threshold should apply to devolved elections across the UK	% The £10,000 registration threshold should apply to Scottish devolved elections only	% I have another view on the registration threshold
<b>All answering (%)</b>	<b>458</b>	<b>82</b>	<b>13</b>	<b>5</b>
- Individuals	454	82	13	6
- Organisations	4	75	25	0

Over four fifths of respondents (82%) indicated that the £10,000 registration threshold should apply to devolved elections across the UK, with three quarters (75%) of organisations who answered holding this view.

Very few respondents expressed another view on the registration threshold at Q34; only 24 comments were received. Ten respondents called for all third party campaigners to be required to register with the Electoral Commission, regardless of the amount spent.

“Any spending should be declared.” – Individual

“Register everything no matter the cost.” – Individual

“I think all spending should be recorded.” – Individual

Others felt that the limit should be reduced; some suggested that £1,000 was a fairer threshold, and one thought £3,000 was suitable. Those who supported reducing or removing the £10,000 threshold did so as they felt it would increase transparency over electoral campaigning. Two called for the introduction of a campaign budget cap but did not suggest what this limit should be.

Q35: Do you think that the spending limit should be reduced to £700 for overseas based third parties that are ineligible to register with the Electoral Commission?

Overseas-based third party campaigning has been significantly reduced by the UK Elections Act 2022, and non-UK campaigners can only spend £700 during election campaigns. This means only third party campaigners eligible to register with the Electoral Commission are able to spend more than £700. Extending this rule to Scottish devolved elections would help ensure that our elections are free from foreign spending.

	n=	% The spending limit should be reduced to £700	% The spending limit should remain the same (£10,000)	% I have another view on the spending limit
<b>All answering</b>	<b>374<sup>3</sup></b>	<b>66</b>	<b>22</b>	<b>12</b>
- Individuals	372	66	22	12
- Organisations	2	100	0	0

<sup>3</sup> Due to an error, the first 81 respondents asked Q35 were presented with the answer options for Q34 instead of those for Q35. We are therefore showing the results among the 374 respondents who were shown the correct answer options and answered the question.

Both organisations that answered this question agreed that the spending limit should be reduced. There was also broad support among individuals with 66% in agreement.

The most common opinion among those who selected ‘I have another view on the spending limit’ was that overseas-based third parties that are ineligible to register with the Electoral Commission should not be able to spend any money on Scottish election campaigns, i.e. the limit should be reduced to zero. Some went further and proposed that all non-UK-based companies or individuals should be forbidden from spending on any UK election. Most of these respondents did not provide a reason for their position. Those who did cited a desire to limit foreign interference and influence in Scottish or UK political matters.

“No overseas third parties should be permitted to campaign or seek to influence any form of plebiscite in the UK or any devolved UK regions, including the use of social media or other forms of communication media.” – Individual

A few made other suggestions. One respondent thought that the proposed limit should be reduced to £500 instead of £700, and another suggested the limit should be increased to £20,000. Neither provided any explanation for their proposed spending limit.

Q36: Do you think that an order-making power for Scottish Ministers should be introduced which allows them to add, change, or remove categories of third-party campaigners? A recommendation by the Electoral Commission would be required before a category of third-party campaigners could be changed or removed.

The UK Government has the order-making power to add, remove or change categories of eligible third party campaigners. To change or remove a category, the Electoral Commission must first have recommended this in a report. Scottish Ministers would require a similar power to ensure that the categories of third parties eligible to campaign in Scottish devolved elections was the same as for the rest of the UK.

	n=	% Yes	% No
<b>All answering</b>	<b>434</b>	<b>42</b>	<b>58</b>
- Individuals	431	42	58
- Organisations	3	33	67

A majority of both individuals (58%) and organisations (67%) opposed the proposal.

Q37: Do you think that the Electoral Commission should be able to provide a code of practice on third party expenditure in Scottish devolved elections?

Currently, the Electoral Commission provides a code of practice on the rules and regulations of third party campaigning. This code relates to reserved UK elections, and the Scottish Government wishes for the Electoral Commission to provide a similar code explaining the rules around third party campaigning in Scottish devolved elections.

	n=	% Yes	% No
<b>All answering</b>	<b>452</b>	<b>86</b>	<b>14</b>
- Individuals	448	86	14
- Organisations	4	100	0

There was widespread support for this proposal, with 85% of individuals and all four organisations who answered Q37 giving their backing.

Q38: Do you think the maximum fine the Electoral Commission should be able to impose for breaches of electoral law in Scottish elections should rise to £500,000, so it is in line with the maximum fine for referendums, be set at another amount, or remain unchanged at £10,000

The Electoral Commission can fine people and organisations who break electoral law. The maximum fine they can currently give out is £10,000 for breaches related to elections, but £500,000 for breaches related to referendums. There are concerns that the £10,000 limit is too low to deter major parties and donors from breaking the law. One proposal is to make the maximum fine £500,000 in all cases.

	n=	% Rise to £500,000, so it is in line with the maximum fine for referendums	% Be set at another amount (please specify the amount below)	% Remain unchanged at £10,000
<b>All answering (%)</b>	<b>456</b>	<b>75</b>	<b>8</b>	<b>17</b>
- Individuals	452	75	8	17
- Organisations	4	50	0	50

Three quarters of individuals (75%) agreed with the proposal to increase the maximum fine to £500,000; this equates to 90% of individuals who felt there should be a change. The four organisations were evenly split between through who supported the maximum proposed fine and those who supported no change.

There was little consensus among respondents who felt the maximum fine should be set at another amount; some felt £500,000 was too high, while others felt it was insufficient. A range of different upper limits were suggested:

- three respondents - a maximum fine of £50,000
- 10 suggested £100,000
- six - an amount other than £500,000 between £200,000 and £600,000
- four - £1 million
- two - £5 million
- five - unlimited fines

A few respondents discussed different approaches to calculating fines, for example: making them equal or proportional to the amount spent on illicit campaigning; or making them proportional to the culprit’s assets and income. A small number suggested other consequences should be imposed for breaching electoral law, such as legal action, custodial sentences and bans on participation in future election campaigns.

## Digital imprints

Digital imprints contain information showing who has produced and paid for online election campaign material. The UK Elections Act 2022 introduces a new UK-wide law for regulating digital imprints. In doing so the Act has introduced a UK-wide change that seeks to supersede the existing Scottish regime for digital imprints.

Q39: Do you think that the Scottish Government should revoke its own regulations for digital imprints and rely on the provisions of the Elections Act 2022?

	n=	% Yes	% No
<b>All answering (%)</b>	<b>428</b>	<b>64</b>	<b>36</b>
- Individuals	424	64	36
- Organisations	4	100	0

All organisations and two thirds (64%) of individuals agreed with the proposal.

Q40: Do you have any further comments on digital imprints?

There were 40 open-text responses to Q40, with little consensus among them. Some comments were brief affirmations of the respondent’s position on Q39 without any further reasoning or justification. Others provided more detail; for example, a few who supported revoking Scottish Government digital imprint regulations and instead relying on the UK Elections Act 2022 described it as a simpler, more consistent approach that would lead to less confusion and better compliance.

“The Scottish Government should revoke its own regulations for digital imprints and rely on the provisions of the Elections Act 2022 as a means of providing clarity and consistency in electoral processes.” – Returning Officer

While Electoral Reform Society Scotland supported aligning with UK legislation, they highlighted a loophole in the UK Elections Act 2022 which allows for the imprint to not appear on the material itself ‘if not reasonably practicable’. They called for strict monitoring to ensure that this technicality is not unduly applied or exploited.

Some commented on the concept of digital imprints in general; a few individuals raised concerns, describing them as more difficult to understand and implement than those required for printed material. Others welcomed the transparency offered by digital imprints.

“Digital campaigning accounts for an increasingly large proportion of spending reported by campaigners after elections. Requiring campaigners to include imprints on digital campaign material delivers greater transparency for voters and helps improve public confidence in digital campaigning at elections and referendums.” – The Electoral Commission

One respondent called for more stringent restrictions on political campaigning to be applied. Another advised that a detailed risk assessment should be undertaken before any changes are made to the regulations.

A few respondents misinterpreted the question and used their responses to share concerns about digital voting, such as fears over privacy and security.



## 6. Administration and Governance

This chapter presents the analysis of questions about the roles and oversight of Boundaries Scotland, the Electoral Commission and the Electoral Management Board.

### Boundaries Scotland

Boundaries Scotland is an independent Commission which reviews and makes recommendations on the boundaries of constituencies and regions for the Scottish Parliament, and Local Government wards.

Legislation passed in 2020 removed the ability for Scottish Ministers to change or reject Boundaries Scotland proposals and gave these powers to the Scottish Parliament. Currently, proposals from Boundaries Scotland are considered by a Parliamentary Committee. The Committee can either recommend that Parliament approve the proposals, or it can ask Boundaries Scotland to conduct a further review of their proposals.

The Scottish Government is considering additional ways of preventing political influence on the boundary-setting process. Several options are proposed, with full details available in the consultation paper:

**Option 1** – Remove the requirement for Boundaries Scotland to review proposals if they are rejected by the Scottish Parliament. This would remove the potential for a back-and-forth between Boundaries Scotland and the Parliament if they could not agree, but risks boundaries becoming increasingly out of date if the Parliament rejects proposals.

**Option 2** – Change how Parliament scrutinises Boundaries Scotland proposals, so they could only reject or change the proposals if there were concerns that Boundaries Scotland had not followed their duties as set out in law. This limits the ways that Parliament can scrutinise the proposals but would help to ensure objections were linked directly to Boundaries Scotland’s methodology, limiting opportunities for political interference.

**Option 3** – Move to a process called ‘automaticity’, where legislation implementing the proposals made by Boundaries Scotland comes into effect automatically; without Parliament or Ministers having the final say over being able to reject or modify the reports. Versions of automaticity are used in the boundaries-setting process for the UK Parliament and in countries including Australia, Canada, and New Zealand. This approach would give Boundaries Scotland more independence from political issues, and there are options available to allow Parliament to retain some elements of scrutiny over the process.

Question 41: Do you think the process for approving boundary changes should be changed, and which of the options set out above would you prefer?

Two fifths (39%) of those who answered Q41 felt there should be no change to the process for approving boundary changes. The third option was the most popular of the three options presented in the paper, backed by 34% overall and three quarters (75%) of organisations, including Boundaries Scotland. Of those who supported one of the three options presented in the paper, 58% supported Option 3 overall, as did 86% of organisations.

	n=	% No change	% Option 1	% Option 2	% Option 3	% Other option
<b>All answering</b>	<b>452</b>	<b>39</b>	<b>6</b>	<b>18</b>	<b>34</b>	<b>4</b>
- Individuals	444	39	6	18	33	4
- Organisations	8	13	0	13	75	0

No alternative boundary-setting processes were suggested by those individuals who selected 'other option' in response to Q41. Instead, open comments reflected more general views about the boundary setting (which are considered under Q42), four said they were unsure, and one said they were unhappy with any of the options.

**Question 42: Do you have any further comments on this topic?**

Question 42 received 70 open-text responses. Few respondents provided additional commentary on each of the options, instead sharing more general views on boundary-setting. Several expressed concern that the process of changing constituency boundaries is open to political interference and can be used for political gain or gerrymandering. The importance of impartiality was emphasised by many, with a few suggesting that boundary-setting powers should be outwith the control of political bodies entirely.

“Changes should not be made by anyone that stands to benefit from the changes. That should automatically exclude everyone involved in government or in the election itself. A third party should make the decisions based without bias or political advantage.” - Individual

A few respondents described boundary changes as confusing and unnecessary in most cases and argued they should only be implemented under limited circumstances, such as substantial changes in the population of an area.

Two felt there are currently too many constituency areas in Scotland and suggested some small constituencies should be merged. One described the requirement for population equivalence of wards as unfair to areas of lower population.

Some called for more consultation and engagement with local communities and representative groups regarding potential boundary changes. One disagreed with Scotland having its own devolved Boundary Commission and suggested that constituency boundaries should be managed by a UK-wide Boundary Commission.

A few expressed support for Option 3 - the move to 'automaticity' - under the condition that the process is open to scrutiny and measures are in place to ensure all legal obligations are met. Others shared more general comments about the importance of having sufficient oversight, regulation and risk assessments in place whichever option is pursued.

## Electoral Commission

The Scottish Elections (Reform) Act 2020 made the Electoral Commission more accountable to the Scottish Parliament for its work on devolved elections but retained the overall supervisory role of the UK Parliament Speaker’s Committee. The consultation sought views on whether any change needs to be made to the Scottish Parliament’s oversight role.

Question 43: Should the Scottish Parliament take a greater role in oversight of the Electoral Commission’s devolved activities? For example, the Electoral Commission’s devolved activities, including their spending plans, being scrutinised by a Scottish Parliamentary Committee.

	n=	% Yes	% No
<b>All answering</b>	<b>452</b>	<b>40</b>	<b>60</b>
- Individuals	447	40	60
- Organisations	5	20	80

Respondents were broadly opposed to the proposal for the Scottish Parliament to have greater oversight of the Electoral Commission’s devolved activities. Three fifths (60%) disagreed with the proposal, with four of the five organisations who answered the question disagreeing. The Electoral Commission did not express a view.

Question 44: Do you have any additional comments on the oversight of the Electoral Commission’s activities in relation to Scottish Parliament and Local Government elections?

The majority of the 74 responses to Q43 focussed on the importance of the Electoral Commission’s impartiality; many stressed the need for the Electoral Commission to remain free from political influence. As such, some expressed disapproval of the proposal to give the Scottish Parliament a greater role in the oversight of Electoral Commission activity.

“We are not comfortable with the changes outlined. It is essential the Electoral Commission is able to take a non-partisan approach to the democratic process, particularly in the guidance and support it provides to our members, electors, candidates and political parties. The Commission’s independence is fundamental to maintaining confidence and legitimacy in our electoral system.” - Association of Electoral Administrators

“Further oversight could be interpreted as further interference and reduced independence.”  
– Individual

Some felt that oversight of the Electoral Commission should be entirely independent of both the Scottish Government and Scottish Parliament.

“I would like the Electoral Commission to be able to operate completely separated from politics/politicians. Any obvious or outrageous overreach in terms of spending could be dealt with by an independent committee.” – Individual

One individual explained that while they generally disapproved of additional parliamentary oversight of the Electoral Commission, they supported the proposal as a counter to the UK Government extending its control over the Electoral Commission. Another agreed that Scottish Parliament should have an oversight role equivalent to that of Westminster.

A few respondents welcomed the Scottish Parliament having a greater role in oversight of the Electoral Commission, including COSLA, who recommended further engagement with relevant organisations and key stakeholders prior to changes being implemented. One individual suggested that further scrutiny should come from a UK-wide ombudsman rather than the Scottish Parliament.

## **Electoral Management Board for Scotland (EMB)**

The EMB was set up on an interim basis in 2008 and became a statutory body with the Local Government Elections Act 2011. It 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.

**Question 45: Do you have any views on the role and structure of the EMB?**

Few respondents shared their views on the role and structure of the EMB; less than 50 comments were submitted under Q45. The most common theme was recognition of the importance of impartiality and transparency in the EMB's operations.

Some respondents recognised the role of the EMB in successfully upholding election standards and ensuring good practice and called for an increase in funding so that it can be adequately resourced in the future. A few suggested that the EMB should be granted new responsibilities, including enforcement powers and a duty to collate and publish reports setting out election results across Scotland.

“As part of its role the EMB should ensure that the results from all 32 local authority elections are collated in one place, ideally unaltered from the format produced by the computerised counting system and available in spreadsheet format too to assist those who wish access these files for research purposes.” - Electoral Reform Society Scotland

However, some felt that the EMB is sufficient in its current capacity and argued against further expansion or development. Others were more critical, describing the EMB as ‘unnecessary’ or a ‘superfluous expense’ and calling for its disbandment; most of these comments were very brief and did not offer any reasoning for the criticism.

A few advised that a more detailed review of the EMB should be undertaken prior to any developments or expansions.

“Future decisions around the role and structure of the EMB, and its resourcing, must be informed by a wider review of its role to date and a more detailed appraisal of relevant options for its potential future development.” – West Lothian Council

The EMB responded to this question, declaring their interest in the proposal and noting:

“...while what is expected of the EMB has developed, the legal structure, resourcing and formal remit remain as they were at its establishment a decade ago. These structures limit the ability of the EMB to fulfil the role increasingly expected of it and put at risk the Board’s ability effectively to support elections in future.

That these questions are being considered is a signal of the success of the EMB, not its failure. It is due to the high esteem with which the EMB is viewed that its limits are becoming apparent. The electoral community expects much from the EMB.

The EMB has initiated work to consider what may be appropriate changes to its remit, resourcing and legal personality to allow it to respond to these expectations. These have been discussed with stakeholders including the Electoral Commission and with the Scottish Government and the Board would wish to continue these discussions as a result of this consultation.”

Question 46: Should a Deputy Convener post be established, with power to exercise the functions of the Convener of the EMB if they are unable to act?

	<b>n=</b>	<b>% Yes</b>	<b>% No</b>
<b>All answering</b>	<b>431</b>	<b>52</b>	<b>48</b>
- Individuals	422	51	49
- Organisations	9	100	0

All organisations who answered Q46, including the EMB, agreed that a Deputy Convenor post should be established. Individuals were evenly split on the proposal with 51% in favour and 49% opposed.

## 7. Conclusions

Many individuals and stakeholders with expert knowledge took part in the consultation, sharing their views on potential changes to Scotland's electoral law. Reflecting their experience and perspectives, this report provides a high-level summary of the consultation responses. For more detail, readers are encouraged to look to individual responses (where permission was given) in the [published responses for Electoral reform consultation - Scottish Government - Citizen Space](#).

Marked differences were evident between the views of organisations and individuals. Organisations supported most of the suggested changes, and individuals and organisations both agreed on the need to tighten rules around campaign financing, the option to show ward of residence on ballot papers, disqualification for abusive behaviour, and providing greater clarity about the offence of undue influence.

However, on many proposals, individuals favoured no changes being made to existing processes or legislation. This included opposition to extending candidacy rights to 16- and 17-year-olds and foreign nationals with limited rights to remain, extending voting rights to people seeking asylum in Scotland and persons detained on mental health grounds related to criminal justice, and extending freepost mailings to local government candidates.

Respondents suggested a variety of ways to increase registration and improve the accessibility of the voting experience. These included public awareness campaigns targeting under-represented audiences and enabling polling stations to have a range of devices and support available for people with disabilities, though a majority favoured continuing to require a specific form of TVD. There were comments both for and against the use of voter ID, with many respondents acknowledging the potential for confusion if different arrangements exist between Scotland and the rest of the UK.

While individuals supported moves to extend the right to emergency proxies, a range of broader concerns about undue influence and perceptions of potential abuse were expressed about companions, proxy voting and postal voting. There was a clear desire to ensure existing and appropriate safeguards remain in place for those voting methods.

There was widespread opposition from individuals to the proposals to allow the postponement of Scottish Parliament elections and Local Government elections. Respondents expressed disapproval of elections being rescheduled other than in the most exceptional circumstances and noted concerns that such powers could be open to abuse.

Overall, the key message was that while some reforms to electoral law were welcomed, especially by those organisations involved in administering elections, they should be made with careful consideration. The insight from this analysis of responses will help to inform the development and implementation of any proposals that proceed.

## 8. Appendix A: Quantitative Analysis

The Electoral Reform consultation included 30 closed questions which asked respondents for their views on a range of proposals. Of these, 21 were straightforward with Yes and No answer options to establish levels of support for a proposal. Answer options for the remaining nine questions varied depending on the question.

This appendix summarises the responses to these questions and is in two parts. Firstly we provide a brief overview of the results of the closed questions, followed by a series of tables which detail the results of each question.

### Overview

#### Total sample

The consultation received 517 valid responses – 488 (94%) from individuals and 29 (6%) from organisations. However, not all respondents answered each question. To allow a fair comparison, the overview below presents results based on **those answering each question**.

Of the 21 Yes/No questions, the five proposals with the highest support **among those answering** were:

- 90% - Q10: Currently ballot papers show either the candidate's home address or council area. Do you think that the ballot paper should also show the ward in which the candidate lives, if they request it?
- 89% - Q17: Do you agree that the offence of "undue influence" should be made easier to understand and enforce?
- 86% - Q37: Do you think that the Electoral Commission should be able to provide a code of practice on third party expenditure in Scottish devolved elections?
- 84% - Q33: Do you think that the language clarifying the definition of notional spending adopted in the UK Elections Act 2022 should also apply to Scottish devolved elections?

78% - Q7: Do you think that the right for candidates to send a free mailing should be limited to one free mailing to each household, rather than to each voter?

The five proposals with the lowest support **among those answering** was:

- 38% - Q6: Do you think that the option of sending a freepost letter or leaflet should be extended to candidates at Scottish Local Government elections?
- 32% - Q30: Do you think that the Convener of the Electoral Management Board should be given the power to postpone national Local Government elections in consultation with the Electoral Commission and the Scottish Government?
- 22% - Q23: Should voting rights in Scottish Parliament and Local Government elections be extended to all people seeking asylum in Scotland?
- 22% - Q26: Do you think that the maximum period by which the Presiding Officer can propose the postponement of a Scottish Parliament election should be extended beyond 1 month?

- 20% - Q21: Should voting rights in Scottish Parliament and Local Government elections be extended to some or all persons detained on mental health grounds related to criminal justice?

For the remaining nine questions, respondents were typically in favour of no change to the current process or legislation:

- Over three quarters (77%) of those answering Q1 and Q2 felt that 16- and 17- year olds and foreign nationals with limited right to remain should not be able to stand in either Scottish Parliament or Local Government elections.
- In Q13, 57% felt there should be no change to the current legal requirement for a specific Tactile Voting Device, and in Q14, 76% felt there should be no change to the number of times one companion can support voters in casting their votes.
- Regarding scheduling, 57% stated that the law should not allow a Local Government by-election to be postponed (Q31).
- 39% at Q41 felt the process for approving boundary changes should remain the same. Of those who selected one of the three options presented in the paper, 58% supported Option 3, to move to 'automaticity'.

One area where respondents were likely to agree on a need for change was to tighten restrictions on campaigning:

- At Q34, 82% of those answering agreed that the £10,000 registration threshold should apply to devolved elections across the UK.
- Two thirds (66%) indicated at Q35 that the spending limit for overseas-based third parties that are ineligible to register with the Electoral Commission should be reduced to £700.
- Three quarters (75%) felt the maximum fine the Electoral Commission should be able to impose for breaches of electoral law in Scottish elections should rise to £500,000 at Q38.

## Organisations

Below we summarise the results of the closed questions among the 29 organisations who responded to the consultation, again based on the organisations answering each question.

We have not provided a separate summary for individuals. Because they make up the vast majority of the total sample, their results would be similar to the above overview. However, the results for individuals as a stand-alone group are provided later in the data tables.

The number of organisations answering each of the 21 Yes/No questions ranged from three to 12, depending on their areas of interest. Organisations were typically more positive about the proposals. Among those answering each question:

- Nine proposals were supported by all organisations who expressed a view – Q6, Q10, Q18, Q21, Q25, Q27, Q37, Q39 and Q46.



- A further six were supported by at least three quarters – Q4, Q9, Q15, Q17, Q23, Q33.
- All but two proposals were supported by at least half the organisations who answered. The two exceptions were:
- Q36 (Do you think that an order-making power for Scottish Ministers should be introduced which allows them to add, change, or remove categories of third-party campaigners?) – only one of three organisations who answered said Yes.
- Q43 (Should the Scottish Parliament take a greater role in oversight of the Electoral Commission’s devolved activities? For example, the Electoral Commission’s devolved activities, including their spending plans, being scrutinised by a Scottish Parliamentary Committee) – only one of five organisations who answered said Yes.

Organisations were also broadly in favour of the other nine proposals (Q1, Q2, Q13, Q14, Q31, Q41, Q34, Q35, Q38), each of which were answered by between two and 13 organisations:

- 67% of the organisations who answered Q1 felt that 16- and 17-year-olds **should** be able to stand in **both** Scottish Parliament and Local Government elections, as did 88% of those answering Q2 about foreign nationals with limited right to remain.
- 69% in Q13 and 42% in Q14 provided their own other suggestions for, respectively, replacing the requirement for a specific Tactile Voting Device and changing the number of times one companion can support voters in casting their votes.
- Regarding allowing a Local Government by-election to be postponed (Q31), 38% favoured this decision being made by the Returning Officer, 38% suggested another official and 13% felt it should be the Convener of the EMB.
- 13% of the organisations who answered Q41 felt there should be no change to the process for approving boundary changes, while 75% supported Option 3 and 13% Option 2.
- There was also support for tightening campaigning regulations. 75% agreed at Q34 that the £10,000 registration threshold should apply to devolved elections across the UK; both the organisations who answered Q35 agreed that the spending limit for overseas-based third parties that are ineligible to register with the Electoral Commission should be reduced to £700; and half (50%) felt the maximum fine the Electoral Commission should be able to impose for breaches of electoral law in Scottish elections should rise to £500,000 at Q38.

## Quantitative Summary

The following tables outline the results for each of the 30 closed questions in the consultation.

Please note that the row percentages may not add to 100% due to rounding.

For each question the tables show:

- The number of respondents from the total sample of 517 respondents who selected each response, and the corresponding percentage.
- The number and percentage response among those **who answered each question**, broken down by:
  - Individual and organisation responses.
  - By type of organisation.

## Candidates

**Question 1:** Do you think that 16- and 17-year-olds should be able to stand for election in:

	n=	Both Scottish Parliament and Local Government elections	Scottish Parliament elections only	Local Government elections only	Neither	No answer
All respondents (n=)	517	89	1	25	376	26
All respondents (%)	517	17	0	5	73	5
<b>All answering (%)</b>	<b>491</b>	<b>18</b>	<b>0</b>	<b>5</b>	<b>77</b>	<b>-</b>
- Individuals	485	18	0	5	77	-
- Organisations	6	67	0	0	33	-
- Public bodies and electoral admin.	2	50	0	0	50	-
- Equalities organisations	2	100	0	0	0	-
- Political party / candidate	2	50	0	0	50	-
- Other	0	-	-	-	-	-

**Question 2:** Do you think that foreign nationals resident in Scotland with limited rights to remain in the UK should be able to stand for election in:

	n=	Both Scottish Parliament and Local Government elections	Scottish Parliament elections only	Local Government elections only	Neither	No answer
All respondents (n=)	517	86	0	25	380	26
All respondents (%)	517	17	0	5	74	5
<b>All answering (%)</b>	<b>491</b>	<b>18</b>	<b>0</b>	<b>5</b>	<b>77</b>	<b>-</b>
- Individuals	483	16	0	5	78	-
- Organisations	8	88	0	0	13	-
- Public bodies and electoral admin.	2	50	0	0	50	-
- Equalities organisations	5	100	0	0	0	-
- Political party / candidate	1	100	0	0	0	-
- Other	0	-	-	-	-	-

**Question 4:** Do you think that anyone found guilty of an offence involving the harassment or intimidation of politicians, candidates or campaigners should be subject to an additional sanction of losing the right to stand for election for 5 years?

	n=	Yes	No	No answer
<i>All respondents (n=)</i>	517	375	113	29
All respondents (%)	517	73	22	6
<b>All answering (%)</b>	<b>488</b>	<b>77</b>	<b>23</b>	<b>-</b>
- Individuals	479	77	23	-
- Organisations	9	89	11	-
- Public bodies and electoral admin.	4	100	0	-
- Equalities organisations	2	100	0	-
- Political party / candidate	2	50	50	-
- Other	1	100	0	-

**Q6:** Do you think that the option of sending a freepost letter or leaflet should be extended to candidates at Scottish Local Government elections?

	n=	Yes	No	No answer
<i>All respondents (n=)</i>	517	186	299	32
All respondents (%)	517	36	58	6
<b>All answering (%)</b>	<b>485</b>	<b>38</b>	<b>62</b>	<b>-</b>
- Individuals	475	37	63	-
- Organisations	10	100	0	-
- Public bodies and electoral admin.	4	100	0	-
- Equalities organisations	3	100	0	-
- Political party / candidate	2	100	0	-
- Other	1	100	0	-

**Q7:** Do you think that the right for candidates to send a free mailing should be limited to one free mailing to each household, rather than to each voter?

	<b>n=</b>	<b>Yes</b>	<b>No</b>	<b>No answer</b>
<i>All respondents (n=)</i>	517	377	105	35
All respondents (%)	517	73	20	7
<b>All answering (%)</b>	<b>482</b>	<b>78</b>	<b>22</b>	<b>-</b>
- Individuals	472	78	22	-
- Organisations	10	70	30	-
- Public bodies and electoral admin.	4	75	25	-
- Equalities organisations	3	67	33	-
- Political party / candidate	2	50	50	-
- Other	1	100	0	-

**Q9:** Should candidates who are acting as their own agents be able to use a correspondence address for communications?

	<b>n=</b>	<b>Yes</b>	<b>No</b>	<b>No answer</b>
<i>All respondents (n=)</i>	517	360	120	37
All respondents (%)	517	70	23	7
<b>All answering (%)</b>	<b>480</b>	<b>75</b>	<b>25</b>	<b>-</b>
- Individuals	470	75	25	-
- Organisations	10	90	10	-
- Public bodies and electoral admin.	7	100	0	-
- Equalities organisations	1	100	0	-
- Political party / candidate	1	0	100	-
- Other	1	100	0	-

**Q10:** Currently ballot papers show either the candidate's home address or council area. Do you think that the ballot paper should also show the ward in which the candidate lives, if they request it?

	n=	Yes	No	No answer
All respondents (n=)	517	439	48	30
All respondents (%)	517	85	9	6
<b>- All answering (%)</b>	<b>487</b>	<b>90</b>	<b>10</b>	-
- Individuals	475	90	10	-
- Organisations	12	100	0	-
- Public bodies and electoral admin.	7	100	0	-
- Equalities organisations	2	100	0	-
- Political party / candidate	1	100	0	-
- Other	2	100	0	-

## Voting

**Q13:** The Scottish Government intends to amend the rule requiring only a specific form of Tactile Voting Device to be provided in polling stations, to allow more flexibility and ensure the accessibility support offered can be adapted to take account of future innovations. It also intends to place a duty on the Electoral Commission to provide guidance that includes minimum standards. Which of the following options would you prefer:

	n=	Replaced by a general requirement on Returning Officers to provide appropriate support	Replaced with a requirement to provide a non-specific form of tactile support	No change to current legislation	Other	No answer
All respondents (n=)	517	135	38	258	24	62
All respondents (%)	517	26	7	50	5	12
<b>All answering (%)</b>	<b>455</b>	<b>30</b>	<b>8</b>	<b>57</b>	<b>5</b>	-
- Individuals	442	30	9	58	3	-
- Organisations	13	23	0	8	69	-
- Public bodies and electoral admin.	8	38	0	0	63	-
- Equalities organisations	3	0	0	0	100	-
- Political party / candidate	1	0	0	100	0	-
- Other	1	0	0	0	100	-

**Q14:** Should the limit to the number of times one companion can support voters in casting their votes:

	n=	Remain at two people per election	Rise to five people per election	Be changed to another number	No answer
<i>All respondents (n=)</i>	517	357	68	47	45
All respondents (%)	517	69	13	9	9
<b>All answering (%)</b>	<b>472</b>	<b>76</b>	<b>14</b>	<b>10</b>	<b>-</b>
- Individuals	460	77	14	9	-
- Organisations	12	25	33	42	-
- Public bodies and electoral admin.	6	33	17	50	-
- Equalities organisations	3	0	67	33	-
- Political party / candidate	1	100	0	0	-
- Other	2	0	50	50	-

**Q15:** Should there be an option in the future to request a digital poll card instead of a paper poll card for Scottish elections?

	n=	Yes	No	No answer
<i>All respondents (n=)</i>	517	269	213	35
All respondents (%)	517	52	41	7
<b>All answering (%)</b>	<b>482</b>	<b>56</b>	<b>44</b>	<b>-</b>
- Individuals	473	55	45	-
- Organisations	9	89	11	-
- Public bodies and electoral admin.	3	100	0	-
- Equalities organisations	4	100	0	-
- Political party / candidate	1	0	100	-
- Other	1	100	0	-

**Q17:** Do you agree that the offence of “undue influence” should be made easier to understand and enforce?

	<b>n=</b>	<b>Yes</b>	<b>No</b>	<b>No answer</b>
<i>All respondents (n=)</i>	517	427	51	39
All respondents (%)	517	83	10	8
<b>All answering (%)</b>	<b>478</b>	<b>89</b>	<b>11</b>	<b>-</b>
- Individuals	466	89	11	-
- Organisations	12	92	8	-
- Public bodies and electoral admin.	6	100	0	-
- Equalities organisations	3	100	0	-
- Political party / candidate	2	50	50	-
- Other	1	100	0	-

**Q18:** Do you think that we should extend the right to emergency proxies to the companions of anyone who has to attend an unexpected medical appointment or treatment which would prevent them from voting at their normal voting place?

	<b>n=</b>	<b>Yes</b>	<b>No</b>	<b>No answer</b>
<i>All respondents (n=)</i>	517	295	185	37
All respondents (%)	517	57	36	7
<b>All answering (%)</b>	<b>480</b>	<b>61</b>	<b>39</b>	<b>-</b>
- Individuals	469	61	39	-
- Organisations	11	100	0	-
- Public bodies and electoral admin.	7	100	0	-
- Equalities organisations	1	100	0	-
- Political party / candidate	2	100	0	-
- Other	1	100	0	-



**Q21:** Should voting rights in Scottish Parliament and Local Government elections be extended to some or all persons detained on mental health grounds related to criminal justice?

	<b>n=</b>	<b>Yes</b>	<b>No</b>	<b>No answer</b>
<i>All respondents (n=)</i>	517	93	383	41
All respondents (%)	517	18	74	8
<b>All answering (%)</b>	<b>476</b>	<b>20</b>	<b>80</b>	<b>-</b>
- Individuals	470	19	81	-
- Organisations	6	100	0	-
- Public bodies and electoral admin.	2	100	0	-
- Equalities organisations	2	100	0	-
- Political party / candidate	1	100	0	-
- Other	1	100	0	-

**Q23:** Should voting rights in Scottish Parliament and Local Government elections be extended to all people seeking asylum in Scotland?

	<b>n=</b>	<b>Yes</b>	<b>No</b>	<b>No answer</b>
<i>All respondents (n=)</i>	517	106	376	35
All respondents (%)	517	21	73	7
<b>All answering (%)</b>	<b>482</b>	<b>22</b>	<b>78</b>	<b>-</b>
- Individuals	474	21	79	-
- Organisations	8	75	25	-
- Public bodies and electoral admin.	2	0	100	-
- Equalities organisations	5	100	0	-
- Political party / candidate	1	100	0	-
- Other	0	-	-	-

**Q25:** Should there be a presumption against a Scottish devolved election being held on the same day as a UK Parliament election (for example, a UK Parliament by-election on the same day as a national Scottish Parliament election)?

	n=	Yes	No	No answer
<i>All respondents (n=)</i>	517	244	237	36
All respondents (%)	517	47	46	7
<b>All answering (%)</b>	<b>481</b>	<b>51</b>	<b>49</b>	<b>-</b>
- Individuals	469	49	51	-
- Organisations	12	100	0	-
- Public bodies and electoral admin.	6	100	0	-
- Equalities organisations	3	100	0	-
- Political party / candidate	2	100	0	-
- Other	1	100	0	-

## Scheduling of elections

**Q26:** Do you think that the maximum period by which the Presiding Officer can propose the postponement of a Scottish Parliament election should be extended beyond 1 month?

	n=	Yes	No	No answer
<i>All respondents (n=)</i>	517	102	364	51
All respondents (%)	517	20	70	10
<b>All answering (%)</b>	<b>466</b>	<b>22</b>	<b>78</b>	<b>-</b>
- Individuals	460	21	79	-
- Organisations	6	67	33	-
- Public bodies and electoral admin.	3	100	0	-
- Equalities organisations	0	-	-	-
- Political party / candidate	2	0	100	-
- Other	1	100	0	-

**Q27:** Do you think that the date of dissolution of the Scottish Parliament in the run up to a general election should be changed to the day before the election, allowing MSPs to continue to hold office in case of emergency?

	n=	Yes	No	No answer
<i>All respondents (n=)</i>	517	222	242	53
All respondents (%)	517	43	47	10
<b>All answering (%)</b>	<b>464</b>	<b>48</b>	<b>52</b>	<b>-</b>
- Individuals	458	47	53	-
- Organisations	6	100	0	-
- Public bodies and electoral admin.	3	100	0	-
- Equalities organisations	0	-	-	-
- Political party / candidate	2	100	0	-
- Other	1	100	0	-

**Q28:** Do you think that the Presiding Officer should have the power to change the date of a Scottish Parliament by-election, if it is no longer possible to hold the election on the originally selected date?

	n=	Yes	No	No answer
<i>All respondents (n=)</i>	517	243	223	51
All respondents (%)	517	47	43	10
<b>All answering (%)</b>	<b>466</b>	<b>52</b>	<b>48</b>	<b>-</b>
- Individuals	459	52	48	-
- Organisations	7	57	43	-
- Public bodies and electoral admin.	5	60	40	-
- Equalities organisations	0	-	-	-
- Political party / candidate	1	0	100	-
- Other	1	100	0	-

**Q30:** Do you think that the Convener of the Electoral Management Board should be given the power to postpone national Local Government elections in consultation with the Electoral Commission and the Scottish Government?

	n=	Yes	No	No answer
<i>All respondents (n=)</i>	517	148	308	61
All respondents (%)	517	29	60	12
<b>All answering (%)</b>	<b>456</b>	<b>32</b>	<b>68</b>	<b>-</b>
- Individuals	447	32	68	-
- Organisations	9	56	44	-
- Public bodies and electoral admin.	6	50	50	-
- Equalities organisations	0	-	-	-
- Political party / candidate	2	50	50	-
- Other	1	100	0	-

**Q31:** Should the law allow a Local Government by-election to be postponed, and if yes, who should make the decision to postpone?

	n=	No	Yes, Returning Officer	Yes, Convener of the Electoral Management Board	Yes, other	No answer
<i>All respondents (n=)</i>	517	261	76	99	18	63
All respondents (%)	517	50	15	19	3	12
<b>All answering (%)</b>	<b>454</b>	<b>57</b>	<b>17</b>	<b>22</b>	<b>4</b>	<b>-</b>
- Individuals	446	58	16	22	3	-
- Organisations	8	13	38	13	38	-
- Public bodies and electoral admin.	6	0	50	0	50	-
- Equalities organisations	0	-	-	-	-	-
- Political party / candidate	2	50	0	50	0	-
- Other	0	-	-	-	-	-

## Campaigning

**Q33:** Do you think that the language clarifying the definition of notional spending adopted in the UK Elections Act 2022 should also apply to Scottish devolved elections?

	n=	Yes	No	No answer
<i>All respondents (n=)</i>	517	375	74	68
All respondents (%)	517	73	14	13
<b>All answering (%)</b>	<b>449</b>	<b>84</b>	<b>16</b>	<b>-</b>
- Individuals	445	84	16	-
- Organisations	4	75	25	-
- Public bodies and electoral admin.	1	100	0	-
- Equalities organisations	0	-	-	-
- Political party / candidate	2	50	50	-
- Other	1	100	0	-

**Q34:** Do you think that third party campaigners should have to register with the Electoral Commission if they spend more than £10,000 across the whole of the UK, even if they spend less than £10,000 in Scotland?

	n=	The £10,000 registration threshold should apply to devolved elections across the UK	The £10,000 registration threshold should apply to Scottish devolved elections only	I have another view on the registration threshold	No answer
<i>All respondents (n=)</i>	517	375	58	25	59
All respondents (%)	517	73	11	5	11
<b>All answering (%)</b>	<b>458</b>	<b>82</b>	<b>13</b>	<b>5</b>	<b>-</b>
- Individuals	454	82	13	6	-
- Organisations	4	75	25	0	-
- Public bodies and electoral admin.	1	100	0	0	-
- Equalities organisations	0	-	-	-	-
- Political party / candidate	2	50	50	0	-
- Other	1	100	0	0	-

**Q35:** Do you think that the spending limit should be reduced to £700 for overseas third parties that are ineligible to register with the Electoral Commission?

	n=	The spending limit should be reduced to £700	The spending limit should remain the same (£10,000)	I have another view on the spending limit	No answer
All respondents (n=)	436 <sup>4</sup>	248	82	44	62
All respondents (%)	436	57	19	10	14
<b>All answering (%)</b>	<b>374</b>	<b>66</b>	<b>22</b>	<b>12</b>	<b>-</b>
- Individuals	372	66	22	12	-
- Organisations	2	100	0	0	-
- Public bodies and electoral admin.	1	100	0	0	-
- Equalities organisations	0	-	-	-	-
- Political party / candidate	0	-	-	-	-
- Other	1	100	0	0	-

**Q36:** Do you think that an order-making power for Scottish Ministers should be introduced which allows them to add, change, or remove categories of third-party campaigners? A recommendation by the Electoral Commission would be required before a category of third-party campaigners could be changed or removed.

	n=	Yes	No	No answer
All respondents (n=)	517	183	251	83
All respondents (%)	517	35	49	16
<b>All answering (%)</b>	<b>434</b>	<b>42</b>	<b>58</b>	<b>-</b>
- Individuals	431	42	58	-
- Organisations	3	33	67	-
- Public bodies and electoral admin.	1	100	0	-
- Equalities organisations	0	-	-	-
- Political party / candidate	2	0	100	-
- Other	0	-	-	-

<sup>4</sup> Due to an error, the first 81 respondents were presented with the answer options for Q34 instead of those for Q35. We are therefore showing the results among the 436 respondents who were shown the correct answer options.

**Q37:** Do you think that the Electoral Commission should be able to provide a code of practice on third party expenditure in Scottish devolved elections?

	n=	Yes	No	No answer
All respondents (n=)	517	390	62	65
All respondents (%)	517	75	12	13
<b>All answering (%)</b>	<b>452</b>	<b>86</b>	<b>14</b>	<b>-</b>
- Individuals	448	86	14	-
- Organisations	4	100	0	-
- Public bodies and electoral admin.	1	100	0	-
- Equalities organisations	0	-	-	-
- Political party / candidate	2	100	0	-
- Other	1	100	0	-

**Q38:** Do you think the maximum fine the Electoral Commission should be able to impose for breaches of electoral law in Scottish elections should:

	n=	Rise to £500,000, so it is in line with the maximum fine for referendums	Be set at another amount (please specify the amount below)	Remain unchanged at £10,000	No answer
All respondents (n=)	517	343	35	78	61
All respondents (%)	517	66	7	15	12
<b>All answering (%)</b>	<b>456</b>	<b>75</b>	<b>8</b>	<b>17</b>	<b>-</b>
- Individuals	452	75	8	17	-
- Organisations	4	50	0	50	-
- Public bodies and electoral admin.	1	100	0	0	-
- Equalities organisations	0	-	-	-	-
- Political party / candidate	2	0	0	100	-
- Other	1	100	0	0	-

**Q39:** Do you think that the Scottish Government should revoke its own regulations for digital imprints and rely on the provisions of the Elections Act 2022?

	n=	Yes	No	No answer
<i>All respondents (n=)</i>	517	276	152	89
All respondents (%)	517	53	29	17
<b>All answering (%)</b>	<b>428</b>	<b>64</b>	<b>36</b>	<b>-</b>
- Individuals	424	64	36	-
- Organisations	4	100	0	-
- Public bodies and electoral admin.	1	100	0	-
- Equalities organisations	0	-	-	-
- Political party / candidate	2	100	0	-
- Other	1	100	0	-

## Administration and Governance

**Q41:** Do you think the process for approving boundary changes should be changed, and which of the options set out above would you prefer?

	n=	No change	Option 1	Option 2	Option 3	Other option	No answer
<i>All respondents (n=)</i>	517	175	25	83	152	17	65
All respondents (%)	517	34	5	16	29	3	13
<b>All answering (%)</b>	<b>452</b>	<b>39</b>	<b>6</b>	<b>18</b>	<b>34</b>	<b>4</b>	<b>-</b>
- Individuals	444	39	6	18	33	4	-
- Organisations	8	13	0	13	75	0	-
- Public bodies and electoral admin.	5	0	0	0	100	0	-
- Equalities organisations	0	-	-	-	-	-	-
- Political party / candidate	2	50	0	50	0	0	-
- Other	1	0	0	0	100	0	-



**Q43:** Should the Scottish Parliament take a greater role in oversight of the Electoral Commission's devolved activities? For example, the Electoral Commission's devolved activities, including their spending plans, being scrutinised by a Scottish Parliamentary Committee.

	n=	Yes	No	No answer
<i>All respondents (n=)</i>	517	182	270	65
All respondents (%)	517	35	52	13
<b>All answering (%)</b>	<b>452</b>	<b>40</b>	<b>60</b>	<b>-</b>
- Individuals	447	40	60	-
- Organisations	5	20	80	-
- Public bodies and electoral admin.	2	0	100	-
- Equalities organisations	0	-	-	-
- Political party / candidate	2	50	50	-
- Other	1	0	100	-

**Q46:** Should a Deputy Convener post be established, with power to exercise the functions of the Convener of the EMB if they are unable to act?

	n=	Yes	No	No answer
<i>All respondents (n=)</i>	517	225	206	86
All respondents (%)	517	44	40	17
<b>All answering (%)</b>	<b>431</b>	<b>52</b>	<b>48</b>	<b>-</b>
- Individuals	422	51	49	-
- Organisations	9	100	0	-
- Public bodies and electoral admin.	7	100	0	-
- Equalities organisations	0	-	-	-
- Political party / candidate	1	100	0	-
- Other	1	100	0	-



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This document is also available from our website at [www.gov.scot](http://www.gov.scot).  
ISBN: 978-1-83521-145-8

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

Produced for  
the Scottish Government  
by APS Group Scotland  
PPDAS1329622 (07/23)  
Published by  
the Scottish Government,  
July 2023



Social Research series  
ISSN 2045-6964  
ISBN 978-1-83521-145-8

Web Publication  
[www.gov.scot/socialresearch](http://www.gov.scot/socialresearch)

PPDAS1329622 (07/23)