SCOTTISH LOCAL GOVERNMENT (ELECTIONS) BILL

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The Scottish Government introduced the Scottish Local Government (Elections) Bill in the Parliament on 3 February 2009. The Local Government and Communities Committee has been designated as lead committee for parliamentary consideration of the Bill.

At present, under the provisions of the Scottish Local Government (Elections) Act 2002, Scottish Parliament and local government elections are held on the same day. The Bill seeks to decouple these elections. It also proposes to give Scottish Ministers a power to make regulations for the publication of electoral data to polling station level.

This paper considers the main provisions of the Bill. In doing so it has regard to the consultation undertaken by the Scottish Government on the proposals contained in the Bill and to previous debate on this issue.
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KEY POINTS

• The Scottish Local Government (Elections) Bill was introduced on 3 February 2009

• The Bill has two objectives. First, to amend the date of Scottish local government elections so that the next council elections are held in 2012 and 2017. Thereafter, local government elections will revert to a four year electoral cycle. Secondly, the Bill proposes providing Scottish Ministers with a power to make regulations to allow for the publication of electoral data to polling station level.

• The issue of decoupling local government and Scottish Parliament elections has been debated in a number of fora since 1999 including consideration by the Scottish Parliament during the passage of the Scottish Local Government (Elections) Act 2002. This Act synchronised Scottish Parliament and local government elections.

• The report of the Gould investigation into the 2007 Scottish Parliament and local government elections, commented that combined elections were a disservice to local councils, candidates and electorates and recommended that the elections should be decoupled.

• The Scottish Government has consulted upon the proposal to decouple elections. Thirty three of the 34 respondents to the consultation favoured decoupling. The vast majority (27) also supported the approach proposed in the Bill to achieve decoupling.

• Consultation respondents generally recognised that turnout at local government elections was likely to decline as a result of decoupling. Some respondents also suggested that holding council elections in the middle of a four year Scottish Parliamentary session could result in a mid-term ‘protest vote’ against the ruling administration.

• The Financial Memorandum which accompanies the Bill estimates that the financial cost of decoupling will be between £4.5m and £5m.

• The Local Government and Communities Committee is the lead committee on the Bill and will start taking oral evidence on 25 March 2009.
INTRODUCTION
The Scottish Local Government (Elections) Bill [the ‘Bill’] was introduced on behalf of the Scottish Government by Alex Salmond MSP, on 3 February 2009. The Bill and its accompanying documents can be accessed at: http://www.scottish.parliament.uk/s3/bills/21-SLGelections/index.htm

The Bill has two objectives. First, to amend the date of local government elections so that the next elections to Scottish local government are held in 2012 and 2017. Thereafter, local government elections will revert to a four year electoral cycle and take place half way through a session of the Scottish Parliament, assuming that elections to the Scottish Parliament continue to take place in line with their current four year cycle. Secondly, the Bill proposes giving a power to Scottish Ministers to make regulations for the publication of electoral data to polling station level.

This paper provides an overview of the debate on the timing of Scottish Local Government elections, including the recent Scottish Government consultation, describes the policy objectives of the Bill and the financial costs associated with it, and outlines the timetable for Parliamentary scrutiny of the Bill.

CONTEXT
Following local government reorganisation in 1996 it was intended that elections to the new unitary authorities would take place every 3 years. Elections were held in 1995 to the then ‘shadow authorities’, with the new authorities becoming fully operational the following year. In 1999, local government elections were held on 6 May in tandem with the first election to the Scottish Parliament.

McIntosh Report
The report of the Commission on Local Government and the Scottish Parliament ‘Moving Forward: Local Government and the Scottish Parliament’ (the McIntosh report) considered the issue of the timing of local government elections as part of a wider Inquiry into how relations between local government and the Scottish Parliament could develop. The Commission, which was appointed by the Secretary of State for Scotland, Donald Dewar MP, reported in June 1999. More information on the findings of the McIntosh Commission is available at: http://www.scottish.parliament.uk/business/research/pdf_res_notes/rn99-14.pdf

The findings of the Commission, and their recommendations in relation to the local government electoral cycle, are detailed in Box 1 below.

<table>
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<th>Box 1: McIntosh Commission: local government electoral cycle</th>
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<td>When the present structure of unitary authorities was set up, by the Local Government etc (Scotland) Act 1994, the term of office of all councils was set at three years. Under the previous local government system regional and district councils were elected for four years, with the regional and district elections being held two years apart. The general view within local government is in favour of a return to the four-year term. Our wider consultations revealed a wide variety of views with no obvious consensus emerging – except that there seems to be very little support for, and some strong hostility to any system involving annual elections.</td>
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As well as sounding out public opinion on this subject we have also considered where local government elections should fit in, in relation to the elections to the Scottish Parliament. Since
the Parliament is to be elected on a fixed four-year term, decisions are needed on whether local government should be left to continue on a three-year cycle and, if it moved to a four-year cycle, whether that should be made to coincide with or should be kept apart from the elections to the Parliament.

We do not believe that annual elections of a proportion of Council seats would benefit the democratic process, indeed we would be concerned about the potential which this would create for short-term decision making, constant electioneering, and election weariness. We found providing Councils with sufficient time to plan effectively, to take measured decisions, to have an effective role in community planning and to permit the public to reach a considered judgement upon their performance.

For these reasons and given the close constitutional relationship between the Parliament and local government we recommend that local government should be moved to a four-year term.

We do not however think that local government elections should be held at the same time as the parliamentary elections: although that might produce a higher turnout, it does also mean that the local elections would tend always to be held under the shadow, as it were, of the parliamentary election and that national issues would dominate local elections even more than they tend to do whenever those elections are held. The result is to weaken the democratic mandate of local government.

We recommend therefore that the local government elections should be timed to take place at the mid-point of the Parliament.

If this change is to take place, the timing of transition needs consideration. The swiftest transition would be effected by legislating to have new local government elections, for a four-year term, two years into this first Parliament, i.e. in 2001. That however would mean that the councils which have just been elected to serve for three years would have their term truncated to two years. We think that is undesirable, in the interests of continuity of administration in local government, and we do not recommend it.

The most convenient transition, it seems to us, would be achieved by leaving the present councils to serve their full three-year term, to 2002, and holding the elections in that year also on a three-year basis, so that the next elections would fall in 2005, midway through the second Parliament; and these elections should be for a four-year term.

McIntosh Commission, 1999, p.21-22

In response to these recommendations, the Scottish Executive announced the formation of a working party to consider the issue of electoral reform in local government. The Minister for Communities, Wendy Alexander MSP, made the following comments on the role of the working group:

“McIntosh also suggested that councils should be elected for a four-year term. I am sympathetic to that case, but the discussion must also address whether those elections should be held midway through the parliamentary session, as McIntosh suggests, or coincide with the Scottish Parliament elections, to reduce voter fatigue and increase turnout.

The challenge underlying all of McIntosh’s recommendations is how we renew local democracy in Scotland. That can only happen if we make public service more attractive.
to those who might be attracted to serve in it. That should be the backdrop to the question of electoral reform and the recommendations on proportional representation.

The partnership document committed us to progress on electoral reform. McIntosh has argued the case for it. His report asks us to look at the most appropriate voting system for Scottish local government. That we shall do. Today, I am announcing the formation of the working party that McIntosh recommends. It will be cross party, and the chair will be Richard Kerley.

The working party will have three crucial tasks. First, it will consider ways in which standing as a councillor can be made more attractive to more people.

Secondly, it will advise on the appropriate number of members for each council, taking account of the different characteristics of cities and rural authorities. On electoral reform, it will take into account the criteria that were suggested by McIntosh: proportionality; the councillor-ward link; fair provision for independents; allowance for geographical diversity; and a close fit between council wards and natural communities.

Thirdly, the working party will advise on an appropriate system of remuneration for councillors. Because we want to see real leadership properly rewarded, there will be an independent element in the setting of allowances that takes account of the available resources” (Scottish Executive, 1999, Appendix 2).

Renewing Local Democracy Working Group

The ‘Renewing Local Democracy Working Group’ (the Kerley report), considered the issue of the timing of elections and concluded that local government elections should be kept separate from Scottish Parliament elections. The report made the following comments:

“We write this report in a situation where the Executive has still to decide on the timing of local government elections – will they take place in the same year as the elections to the Scottish Parliament, or at the mid term of the Parliament? We recognise the attractions that coincident elections would bring to local government; a share in the increased turnout that a national election brings; and, from a wider perspective, a rationalisation of the voting demands on the electorate. However, the higher turnout could not be claimed as an increased democratic mandate for local government: it would not bring additional voters to the polls because of their involvement in local government issues. In fact, coincident elections would tend to reduce the electorate’s focus on local government issues. Conversely, separate elections would ensure that local government issues are at the heart of local government election: this seems to us an essential part of democracy and democratic renewal” (Renewing Local Democracy Working Group, 2000, p.65).

In November 2000 the Scottish Executive announced its intention to introduce legislation that combined Scottish Parliament and local government elections.

Scottish Local Government (Elections) Bill

The Scottish Executive introduced the ‘Scottish Local Government (Elections) Bill’ in October 2001. The Bill provided for the ‘term’ for local authorities to be extended from 3 years to 4 years by postponing the 2002 elections to 2003, and for local government elections to coincide with Scottish Parliament elections thereafter. The Policy Memorandum to the Bill (Scottish Local Government (Elections) Bill [as introduced] Policy Memorandum, 2001) provided a detailed rationale for holding Scottish Parliament and local government elections on the same day. This is reproduced in Box 2 below.
Box 2: Scottish Local Government (Elections) Bill 2001: Policy Memorandum

Two options were considered in respect of the timing of local government elections: to hold elections to coincide with Scottish Parliamentary elections or to hold local government elections mid-term. The Executive recognises that there are arguments for each of these options. The main consideration in the timing of local government elections is to provide councils with a strong democratic mandate. That would be achieved both by a high turnout and by the electorate voting on clearly understood local issues.

Dealing first with turnout, the 1999 election demonstrated the impact of a combined election on turnout - turnout in 1999 was 59%, against a backdrop of turnout between 41% and 48% from 1976 to 1995. The heightened publicity and media attention for combined elections clearly has an impact on voter turnout.

Anecdotal evidence suggests that, in a combined poll, national issues will dominate. But separate elections alone offer little guarantee that national issues will not influence voting at local government elections. Improving the focus on local issues will not be achieved simply by going to the polls on a separate day: other aspects of the Executive’s policy on renewing local democracy need to be successful to lead to a greater connection between local authorities and their voters.

The Executive has also considered the practical issues relating to the delivery of a combined election. It recognises the demands that dealing with different ballot papers and, possibly, different electoral systems, on a single occasion present for the electorate. The 1999 experience of combining elections involving a first past the post (FPTP) electoral system and an additional member system (AMS) suggests that the electorate did cope satisfactorily with the mechanics of voting and this has been underlined by a number of responses to the consultation on the Executive’s response to the McIntosh Report on Local Government and the Scottish Parliament. The other issue is the successful administration of joint elections. The 1999 elections were generally considered to demonstrate that the two elections could be combined successfully. The Executive recognises from the experience of returning officers for those elections that combined polls place significant pressure on returning officers and their staff, particularly in respect of the timing of the two counts. There will clearly need to be in place a well-functioning administrative process to allow for effective counting of votes for both elections and the Executive will be discussing the arrangements for this process with all those who have an interest in ensuring that this happens.

The Executive has concluded that the balance of the arguments was in favour of a combined election which would provide for higher turnout; reduce the demands on voters; and potentially provide savings. This is seen as part of the process of the Executive’s policy of renewing local democracy and complements other initiatives, such as the proposed power of community initiative and community planning, which should help revitalise interest in local issues.


The Local Government Committee, which was the lead committee on the Bill, was unable to reach a consensus on the issue of combining local government and Scottish Parliament elections. Two members of the seven member Committee dissented from the majority view which is reproduced in Box Three below.
Box 3: Local Government Committee Stage 1 Report

The Committee is in broad agreement with the view that synchronised elections are likely to lead to a higher turnout in local government elections, as was the case in 1999, than would be the case with mid term elections. However, the Committee is not entirely convinced that a higher turnout gained through this provision can itself be claimed to give local government a greater degree of legitimacy.

The concern that synchronised elections will mean that media coverage of issues pertaining to the council elections is likely to be overwhelmed by coverage of the Parliamentary elections is also recognised by the Committee. Clackmannanshire Council in its evidence argued that synchronised elections would:

"ensure that the issues that dominate both elections are national rather than local. That would diminish the level of interest in what our part of the elections ought to be about and in our view would contribute to the democratic deficit rather than help to alleviate it".

The Committee notes the comments of the Deputy Minister that a working group of Scottish Executive and Scotland Office officials has been set to examine all the matters that relate to administration of elections, including publicity. However, the Committee would wish to receive more detailed assurances from the Deputy Minister that specific action will be taken to ensure that the electorate receives sufficient information to make voters aware that local government elections are being held on the same day as the Scottish Parliamentary elections. In particular, the Committee wishes to be assured that voters will receive information which makes clear that they will have three votes to cast, rather than two as was indicated at the 1999 election.

The Committee considered these arguments carefully, and, on balance, decided that the disadvantages to local government of holding elections on the same day as the Parliament elections were outweighed by the advantages gained by securing a higher turnout. The Committee therefore decided to support this aspect of the Bill.

Extraordinary elections

The consultation prior to the introduction of the Bill proposed combining local government elections with extraordinary elections of the Scottish Parliament. The Committee notes the remarks in the Policy Memorandum that `Respondents were unanimously against this provision, arguing that it would be an infringement of local democracy to shorten the term of local elections because of national circumstances.'

Many councils, in the responses received to the Committee's own consultation also expressed concern at the draft Bill's proposals concerning extraordinary elections, and suggested that these should be combined with local government elections only in exceptional circumstances.

The Committee shared those concerns and therefore welcomed the change in the Bill as introduced, which amends the draft Bill's provisions so that the Scottish Ministers may only call such an election within a restricted time period.


The Bill was debated in plenary session at Stage 3 on 20 December 2001 and was supported by the Executive coalition parties (Labour and Liberal Democrats). All the opposition parties (Conservative, Green, Scottish National Party and Scottish Socialist Party) voted against the Bill. The quotes below provide a sense of the positions of the parties during the Stage 3 debate.
Deputy Minister for Finance and Public Services (Peter Peacock, MSP, Labour)

“The second main provision in the bill is to make council elections coincide with ordinary Scottish Parliament elections. Although many reservations were expressed in advance of the coincident elections that were held in 1999, the exercise was judged a considerable success in retrospect. In 1999 a significant improvement in votes cast for councillors was achieved. The average turnout, which was in the 40 per cent range between 1975 and 1995, increased to almost 60 per cent in 1999. That increase in the vote for councillors is a considerable achievement, which is at the root of this second proposal.

The proposal helps to give mutual legitimacy to councils and to the Parliament on the question of turnout. In future, no one will be able to say that any tier of local democracy is less legitimate in terms of turnout than would have been the case, had the bill not introduced that change. In our view, holding coincident elections strengthens the legitimacy of the local democratic mandate” (Scottish Parliament Official Report, 2001).

Tricia Marwick, MSP (SNP)

“This Executive believes that the bill will increase the turnout at local elections. That is no doubt true, as parliamentary elections currently attract larger turnouts. However, such turnouts will not confer any additional democratic legitimacy on local government. Confronted with an additional ballot paper in the polling booth, most people will simply fill it in not out of an interest in the affairs or the remit of local government, but because that is the most obvious thing to do with another ballot paper in the polling booth.

The serious flaw in the Executive’s argument is its naive suggestion that an artificially inflated turnout provides an increased mandate for local government. It is quite clear that the reverse is true, and that will have a cost in the form of a democratic loss for the very local authorities for whom the bill is intended. The local agenda will be overshadowed and overtaken by the coverage of national elections. No member of this chamber could seriously argue that local authority issues will even surface, far less be given a decent hearing, in the press mêlée of the parliamentary election campaign. Councillors will not be able to make their case for election or re-election as they will be completely displaced from the agenda by MSPs seeking to make their case” (Scottish Parliament Official Report, 2001).

Bill Aitken, MSP (Conservative)

“If elections are held on the same day, electors will have great difficulty in separating out the performance of individual councillors, their local authority and the parties in the Scottish Parliament. Although we certainly take much comfort in the knowledge that the coalition will soon be exposed for the appalling failure that it is, councillors will suffer the effects of that when local government elections are eventually held” (Scottish Parliament Official Report, 2001).

Iain Smith MSP (Liberal Democrat)

“Tricia Marwick continues to make the same arguments against the bill. She seems to suggest that the electorate cannot distinguish between the performance of local councillors and local councils and the performance of the Scottish Parliament. There is no evidence to back that argument up. Indeed, there is significant evidence that people make different voting decisions in local and national elections that are held on the same day. In England and Wales, local government and general elections are almost always held on the same day; the evidence shows that people there vote differently in the local government elections. The evidence from the 1999 elections in Scotland also shows that
people voted differently in the different ballots. The differential between the Scottish Parliament election results and the local government election results was about 17 per cent. Indeed, the figure was higher in certain areas …. The Liberal Democrats support the bill. It will help to enhance the role of local government. When we fight the elections, people will be able to distinguish between what the Scottish Parliament is doing and what local authorities are doing” (Scottish Parliament Official Report, 2001).

The Scottish Local Government Elections Bill was passed by the Scottish Parliament on 20 December 2001 and received Royal Assent on 22 January 2002.

**Arbuthnott Commission**

In 2004, the Secretary of State for Scotland established the Arbuthnott Commission to consider a wide range of issues relating to elections being held in Scotland (European Parliament, House of Commons, Scottish Parliament and local government) with particular regard to boundary differences and the impact of different electoral systems used in Scotland. The Commission in its final report (Arbuthnott Commission, 2006), published in January 2006, considered the issue of combined Scottish Parliament and local government elections and recommended decoupling in order to strengthen local democracy and accountability and reduce voter confusion. The Arbuthnott Commission’s views on this issue are reproduced in Box 4.

**Box 4: Arbuthnott Commission View on Combined Elections**

At present, elections to the Scottish Parliament and local authorities are held every four years on the same day. The principal motivation for this is to increase the level of voter participation in the local government elections.

In 1999, and again in 2003, electors used two separate voting systems – first past the post for the local government elections and a mixed member proportional system for the Scottish Parliament. Both systems require the voter to put a "X" on their ballot papers. However, as a consequence of the introduction of the single transferable vote for local government elections in 2007, voters in Scotland will in future be faced with two quite different systems, one of which will require candidates to be placed in order using 1,2,3 etc.

We have consulted widely on this issue and considered the evidence on whether Scottish Parliament and local government elections should be decoupled. The majority of those who provided views to us were in favour of decoupling, mainly because of the likelihood of increased voter confusion. The Scottish National Party, the Conservatives, the Scottish Socialist Party and the Scottish Green Party supported this. While the Labour Party recognised the potential for confusion, they favoured holding the elections on the same day as in their view this improved turnout for the local elections.

The Local Government Elections Bill, sponsored by David Mundell, when MSP for South of Scotland, proposed decoupling the two elections. The Commission has seen copies of the consultation responses to this and note that the majority of these favoured decoupling, with a clear preference for delaying the council elections until May 2008.

We considered whether the potential for confusion would be greater as a result of the introduction of the single transferable vote for local government elections, along with our recommendations for reforming the mixed member system for Scottish Parliament elections.

We acknowledge that decoupling would mean more frequent voting, and recognize that it might result in lower participation in local government elections as a result of voter apathy and voter fatigue. The main argument given by the Scottish Executive during the passage of the Scottish
Local Government (Elections) Act in 2002 was that combining the elections would drive up the turnout for local government elections. However, while turnout did rise significantly when these elections were combined for the first time in 1999, it fell back in 2003. This decrease has been used to suggest that coupling elections does not necessarily increase turnout.

We cannot be certain what the level of turnout would have been if these elections had been decoupled and can only speculate on whether the additional complexity to be introduced to the electoral systems might increase the number of invalid votes.

During the Commission’s visit to Northern Ireland, where elections using the single transferable vote and first past the post are combined, we did not hear any compelling arguments in favour of decoupling. We also note that in recent Northern Ireland elections there was only a marginal increase in spoiled papers, and electoral administrators seemed to be relaxed about the additional complexity involved in running multiple elections using different voting methods on the same day.

We also considered the recent experience in London of using multiple voting systems on the same day. In 2000, the Greater London Authority election and the Mayoral election combined a mixed member system and the supplementary vote. Four years later, these two elections were combined with the European Parliament elections, which used a list system. Thus, in 2004, people in London were asked to vote in three different elections using three different voting systems. This simultaneous operation of different electoral systems had no discernible effect on turnout, which in fact increased from the 2000 to 2004 elections, but the level of invalid votes was higher which suggests some voter confusion.37 However, the design of the ballot paper seems to have been a significant factor in creating confusion, which emphasised to us the importance of clear ballot paper design.

As well as adding to the complexity of the act of voting, combining elections might also have a detrimental impact on voter understanding of the respective responsibilities of the different institutions. Moreover, the experience of combined elections in Scotland suggests that there has been a marginalization of the local government elections. As the Electoral Commission found in its study of the 2003 combined Scottish Parliament and local elections, the Scottish and regional media gave almost no coverage of the latter and there was little coverage of the campaign issues even in the local papers.

In our view, decoupling the elections would reduce the complexity of voting, potentially reduce voter confusion and help keep the numbers of invalid votes to a minimum. It would also reduce administrative complexity in the planning, management and counting of the elections, and enhance the transparency of the electoral process, especially allowing attention to be focused on local issues.

On balance, we believe that the importance of strengthening local democracy and accountability and reducing voter confusion are persuasive concerns. We therefore recommend decoupling the Scottish Parliament and local government elections.

This recommendation is particularly focused on the 2011 elections, when reforms are most likely to be introduced to revise the mixed member system. Introducing an open list, and the possible added complexity this would bring is a key factor in this decision. However, we also have concerns about the combined elections proposed for 2007, when a relatively new system for the Scottish Parliament election will be combined with a completely new system for local government elections. We therefore invite the Scottish Executive to consider the postponement of the 2007 local government elections. However, if the Scottish Parliament and local elections...
are held on the same day in 2007, the opportunity should be taken to conduct specific research on the impact of this combination.


Gould Report
Following well publicised problems in the administration of the 2007 Scottish Parliament and local government elections, in particular the high levels of rejected ballots and apparent voter confusion, the Electoral Commission asked Mr Ron Gould, an international expert in electoral administration, to conduct an independent review of the electoral processes and administration of the election. The remit for the review included considering the decision to combine the Scottish parliamentary and local government elections. The Gould report recommended that Scottish Parliament and local government elections should be decoupled and commented that combined elections were a disservice to local councils, candidates and electorates. The conclusions of the Gould report in relation to combined elections are reproduced in Box 5.

Box 5: Gould Report: Conclusions on Combined elections
One of the more controversial issues in the 3 May 2007 elections was whether the Scottish parliamentary and the local government elections should have been combined on the same day. We were not surprised by the concerns that were expressed to us about this issue because pursuing combined or separate elections involves a trade-off of different objectives.

If local issues and the visibility of local government candidates are viewed as a primary objective, then separating the Scottish parliamentary from the local government elections is necessary in order to avoid the dominance of campaigns conducted for the Scottish parliamentary contests. In addition, separating the two elections would result in minimising the potential for voter confusion. Yet combining the elections is not without benefits. Such an approach is less costly in terms of financial and human resources as electoral administrators, political parties and candidates and the voters are required to participate in one not two electoral processes. In addition, statistics suggest that a higher turnout can be achieved when local government elections are held at the same time as those for the Scottish Parliament.

All this considered, we are convinced that combined elections are not only a disservice to the local councils and candidates but also to the electorate as well. In essence, the local government elections are not simply about ensuring a reasonable number of voters show up at the polls on polling day. More important is that they engage with the campaign in a meaningful manner and make a knowledgeable decision on their ballot paper. Therefore, we recommend separating the Scottish parliamentary and local government elections, preferably by a period of about two years. This recommendation does not mean that concerns about voter turnout should be set aside. Institutions that are concerned about voter turnout, including the Electoral Commission, political parties and other organisations, should continue with their efforts to encourage voters to exercise their right to vote. We recommend that initiatives in other countries – where there have been significant increases in advance voting while turnout at polling stations has diminished – are explored.


The full consideration of combined elections in the Gould report, not including the conclusions reproduced in Box 5 above, is provided in Annex 1 of this paper.

The Electoral Commission, in its response to the Gould Report (Electoral Commission, 2007), welcomed the recommendation that Scottish Parliament and local government elections should
be decoupled and suggested that early consideration should be given to the issue. The Scottish Government, in its response to the Gould report, also indicated that it supported the recommendation to decouple Scottish Parliament and local government elections and commented as follows:

“The Scottish Government will now take steps to implement the decoupling of the Parliamentary and local elections and ensure that the necessary legislation is in place well in advance of the next scheduled election. …. The Scottish Government is committed to exploring methods to increase turnout for the local government elections, including the exploration of advanced forms of voting as recommended by the Gould Report” (Scottish Government, 2008a, p.16).

As part of the response, the Scottish Government stated that it would consult on how to decouple local government elections. In March 2008, the Scottish Government published a consultation paper (Scottish Government, 2008b) on decoupling the Scottish Parliament and local government elections. The consultation paper is available at: http://www.scotland.gov.uk/Publications/2008/03/18080302/0

Parliamentary Consideration

The Scottish Parliament debated the Gould report on 10 January 2008 and agreed the following Motion:

“That the Parliament welcomes the Gould report, including the recommendation calling for the further devolution of executive and legislative powers to the Scottish Government and the Parliament for the administration of its own elections and the decoupling of future elections to this Parliament and Scotland's councils; calls on Her Majesty's Government and the Scottish Government to discuss, agree and publish a timetable for appropriate implementation of the report's recommendations having regard to the conclusions from both the Scottish Parliament’s Local Government and Communities Committee and the House of Commons” (Scottish Parliament Official Report, 2008).

In addition, the Local Government and Communities Committee held a series of evidence sessions on the Gould report. These were as follows:

- 21 November 2007: Evidence from Ron Gould
  [http://www.scottish.parliament.uk/s3/committees/lgc/or-07/lg07-1001.htm](http://www.scottish.parliament.uk/s3/committees/lgc/or-07/lg07-1001.htm)  
  *(Scottish Parliament Local Government and Communities Committee Official Report, 2007a)*

- 5 December 2007: Evidence from the Electoral Commission
  *(Scottish Parliament Local Government and Communities Committee Official Report, 2007b)*

- 14 May 2008: Bruce Crawford MSP, Minister for Parliamentary Business
  [http://www.scottish.parliament.uk/s3/committees/lgc/or-08/lg08-1401.htm](http://www.scottish.parliament.uk/s3/committees/lgc/or-08/lg08-1401.htm)  
  *(Scottish Parliament Local Government and Communities Committee Official Report, 2008)*
Following the publication of the Gould report, the Convention of Scottish Local Authority (COSLA) also stated that they favoured the decoupling of elections

“COSLA’s long stated position that the two elections should be separated will help increase the proportion of valid votes cast, particularly with the new complexities of the different PR systems - and on the complexities of the new system it is vital that the education of the electorate continues”. (COSLA, 2007).

THE BILL

The Scottish Local Government (Elections) Bill consists of 3 sections. Section 1 is concerned with the timing of local government elections. Section 2 contains provisions relating to the publication of information about votes cast at local government elections. Section 3 deals with the short title and commencement date for the proposed legislation.

The remainder of this paper considers the Bill, and its accompanying documents, alongside the consultation which was conducted on decoupling Scottish Parliament and local government elections.

TIMING OF LOCAL GOVERNMENT ELECTIONS (SECTION 1)

Section 1 of the Bill will amend section 5 of the Local Government etc. (Scotland) Act 1994 (c.39) to the effect that the next two ordinary local government elections will be held in 2012 and 2017. After 2017, ordinary local government elections will revert to a 4 year cycle.

Consultation responses on decoupling

The consultation on decoupling offered respondents four possible options via which decoupling could be achieved. These were:

1. Continue to hold local government elections in the same year as those for the Scottish Parliament but move them to another date, for example the first Thursday in November rather than the current date of the first Thursday in May
2. Hold local government elections half way through the term of the Scottish Parliament
3. Hold local government elections one year after the date of the Scottish Parliament elections
4. Hold local government elections one year prior to the date of the Scottish Parliament elections

In total 34 individuals or organisations responded to the consultation of which 33 out of the 34 supported decoupling. Annex 2 provides a list of all respondents to the consultation paper. The Scottish Liberal Democrats were the only respondents who did not support the decoupling of elections although stated that if decoupling was to go ahead then Option 2 was their preferred option. The Scottish Liberal Democrats commented (2008, p.1):

“In 2007 the membership of the Scottish Liberal Democrats, at our Autumn conference in Glasgow, voted against decoupling Local Authority and Scottish Parliament elections due to the combined factors of a lower turnout for both split elections and the possibility of interference with other elections such as Westminster and the European Parliament.
We agree that operating two different voting systems, STV and an Additional Member ballot on the same day was the major source of confusion on the 3rd May 2007 but will continue to campaign to resolve this by introducing STV as the method of electing the Scottish Parliament. A redesign of the ballot papers used in 2007 would assist in the interim.

Twenty seven respondents favoured Option 2 and four respondents favoured Option 3. The four respondents who favoured Option 3 were Dundee City Council, Unison and Councillors Coyle and Hogg of North Lanarkshire Council. Whilst the vast majority of respondents supported the proposed ‘Option 2’ a number of issues were raised in relation to moving local government elections to the mid term of the Scottish Parliament. The issues raised fell broadly into two categories. First, respondents that were concerned with turnout and a range of electoral administration issues and secondly, those concerned with the cost of decoupling elections.

Turnout
The consultation paper recognised that turnout was likely to be higher when Scottish Parliament and local government elections were combined. The comments of the consultation paper in relation to ‘turnout’ are reproduced in Box 6.

<table>
<thead>
<tr>
<th>Election</th>
<th>Turnout (% of total electors)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1974 (District)</td>
<td>51.4</td>
</tr>
<tr>
<td>1974 (Regional)</td>
<td>50.6</td>
</tr>
<tr>
<td>1977 (District)</td>
<td>47.8</td>
</tr>
<tr>
<td>1978 (Region)</td>
<td>44.7</td>
</tr>
<tr>
<td>1980 (District)</td>
<td>45.7</td>
</tr>
<tr>
<td>1982 (Region)</td>
<td>42.9</td>
</tr>
<tr>
<td>1984 (District)</td>
<td>44.4</td>
</tr>
<tr>
<td>1986 (Region)</td>
<td>45.6</td>
</tr>
<tr>
<td>1988 (District)</td>
<td>45.5</td>
</tr>
<tr>
<td>1990 (Region)</td>
<td>45.9</td>
</tr>
<tr>
<td>1992 (District)</td>
<td>41.4</td>
</tr>
<tr>
<td>1994 (Region)</td>
<td>45.6</td>
</tr>
<tr>
<td>1995 (Unitary)</td>
<td>44.9</td>
</tr>
</tbody>
</table>

Box 6: Consultation Paper: Turnout

It is argued that when national and local elections are held simultaneously the voters will vote on the same set of issues in both (i.e. national issues). The Electoral Commission, in its Official Report on the Scottish Parliament and Local Government Elections 1 May 2003 found that the Scottish national and local media gave almost no coverage of either local election issues or the actual election itself.
**Turnout at parliamentary elections is normally higher than for local elections. When the two coincide most voters in the Scottish Parliamentary elections use their local government vote as well.**

The table above suggests an average turnout figure of 45.9 in non-combined elections held between 1974 and 1995 and an average of 53.3 for the three combined elections held since 1999. This supports the theory that combined elections lead to a higher turnout figure for Local Government elections.

However, turnout is affected by a number of other variables - not just the combination or otherwise of elections. The Scottish Government recognises that moving the local government elections will mean more needs to be invested in improving turnout, and there are a range of options to explore which could have a positive affect, including for example increased voter awareness campaigns and examining alternative methods of voting.

<table>
<thead>
<tr>
<th>Year</th>
<th>Turnout</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999 (Unitary - combined)</td>
<td>58.0</td>
</tr>
<tr>
<td>2003 (Unitary - combined)</td>
<td>49.8</td>
</tr>
<tr>
<td>2007 (Unitary - combined)</td>
<td>52.1*</td>
</tr>
</tbody>
</table>

Source: Scottish Government (2008b) p.3

Respondents tended to recognise that a decrease in turnout would be a likely outcome of decoupling elections but that this would be compensated for through a greater focus upon local government issues at the local elections held midway through a Scottish Parliament term. Respondents tended to emphasise the need for measures to learn the lessons of the experience of the 2007 elections, address voter confusion and put in place voter information initiatives. For example, Fife Council (2008, p.1) commented:

“The Council are particularly concerned at the possible impact on turnout arising from a decoupling of the elections are keen to ensure along with the Scottish Government that there is an investment in improving turnout and a range of options be explored which would have a positive effect including increased voter awareness campaigns, the examination of alternative methods of voting and increased awareness of the work and profile of local authorities”.

In a similar vein, the Electoral Commission (2008, pp.6-8) commented:

“In addition to planning and pre-election activities, it is equally important that sufficient time is given to reviewing each election, learning the lessons and implementing changes for the future. In some instances, this would require legislative changes that may also be necessary for other elections. Separation of Scottish Parliamentary and local government elections by two years would give governments sufficient time to reflect on the lessons learnt, identify an appropriate solution and pass any necessary legislation before a six month cut-off point proposed by the Gould report ....

The midpoint option provides the most distance between the Scottish Parliamentary and local government elections. This separation would allow for the clear demarcation of election campaigns and enable candidates and political parties to concentrate on communicating their policies for each level of government to the electorate. Public information campaigns will also be able to focus on explaining a single voting system in respect of either Scottish Parliamentary or local government elections”.

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providing research and information services to the Scottish Parliament
A number of respondents also highlighted the importance of rebuilding confidence in the electronic counting process and that discussions on the contract for electronic counting would need to take place in the near future. For example a joint response by SOLACE (Scotland), SOLAR and AEA\(^1\) (Scotland and Northern Ireland) commented (2008, p.4):

> “The Associations welcome the commitment to electronic counting for local government elections. We recognise that it is vital to renew public confidence in the process and also ensure that the end processes are managed properly to ensure that candidates are given full information and time to digest provisional results prior to their confirmation.

We urge Scottish Government to commit, by no later than January 2009, to supporting arrangements for the next elections both financially and administratively and to renew the partnership approach to procuring the correct contractor(s).

It is suggested that rather than parallel counting at by-elections there should be much larger-scale controlled testing of any future system and that these tests are made accessible as possible to interested groups or individuals”.

A couple of respondents highlighted the possibility that locating local government elections in the mid-term of a Scottish Parliament term could result in a mid-term ‘protest vote’ against the ruling administration at the decoupled election. For example Unison (2008, p.1) commented:

> “By holding the elections one year on local government is less likely to be overshadowed by parliamentary issues. One year on has the added advantage that it is less likely to be affected by a mid term protest vote or any perceived ‘honeymoon’ period for a new Scottish Government”.

Lastly, a couple of respondents noted that there was still a potential for local government elections to occur at the same time, or be close in timing, to House of Commons or European Parliament elections. For example the Scottish Liberal Democrats consultation response (2008, p.2) commented:

> “It may also be worth noting that in 2019 we expect to have to contest Holyrood elections in May and then European Parliament elections just 4 weeks later in June. Both Options Three and Four would create similar clashes in 2014 (Option Four Council elections in May and European elections in June) and 2024 (Option Three Council elections in May and European elections in June)”.

The SOLACE joint response (2008, p.6) highlighted administrative issues associated with a potential overlap with the London Mayoral / Greater London Assembly elections commenting:

> “Options 2 and 3 will, in 2012, mean that elections will be held at the same time as those for the London Mayor and the GLA. This might lead to difficulty in procuring a suitable single supplier who can manage the complexities of providing a service for 32 Returning Officers. The recent GLA/ Mayoral elections concentrated counting in a small number of count centres and Scottish Returning Officers may have to consider similar arrangements to ensure that technical support can be provided by any e-counting supplier”.

Highland Council (2008, p.2) also raised a similar set of issues commenting:

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\(^1\) SOLACE – Society of Local Authority Chief Executives; SOLAR – Society of Local Authority Lawyers and Administrators in Scotland; AEA – Association of Electoral Administrators.
“A further, very relevant consideration, is that other elections are scheduled to take place in May 2012. The London Elections and potentially another 152 Local Government Elections in England are also scheduled to take place in May 2012. The London Elections are in respect of the London Mayor and the London Assembly, involving 5.5 million electors and the ballot papers are counted electronically. Before any decision is taken to move the Local Government Elections to May 2012, the capacity and ability of the printing and electronic counting industries to deliver at a May 2012 Election in Scotland should be carefully examined”.

Cost of Decoupling

A number of local authority responses, and the SOLACE joint response, highlighted the additional costs associated with decoupling elections. Examples of the comments made by local authorities are given below:

“In support of these proposals, our prevailing concerns in delivery of a Local Government Election in 2012 are with regard to finance. Both in providing an electronic council in counting an election conducted by Single Transferable Vote, which is a significant burden based on 2007 costs, and in the loss of economy of scale and shared expenses in conducting Combined Elections” (Moray Council, 2008, p.1).

“A recognition that the decoupling of the elections will lead to increased costs. The costs of the elections in May 2007, was met jointly by the Scottish Office and local authorities. However, the funding for the cost of the electronic count was met by the Scotland Office. The Council seeks a commitment from the Scottish Government that it will meet the cost involved in the provision of electronic counting” (Fife Council, 2008, p.1).

The Financial Memorandum (within the Explanatory Notes) to the Bill considers, in some detail, the cost of decoupling elections. In broad terms the financial cost of decoupling is estimated to be between £4.5m and £5m. This is in addition to the £1.9m which the Scottish Government currently provides to local authorities within the general funding settlement for local authorities. An extract from the Financial Memorandum in relation to the cost of decoupling is provided in Box 7.

**Box 7: Extract from the Financial Memorandum**

To estimate a range for the additional cost of decoupling we have considered two options. The first option assumes that most, if not all, of the costs of the 2007 combined elections (summarised in paragraph 22 above) will be incurred by local authorities when they hold the next set of (separate) local government elections. Fees, staff training and travel, renting and adapting polling stations etc. and transport, stationery and security costs will all need to be met for stand alone local government elections. The cost of separate local government elections will not differ greatly from the cost of the 2007 combined elections. We have estimated that the cost to local authorities of running decoupled local government elections will be the same as the cost to them of running combined elections in 2007 (i.e. £6.6m) plus a sum of £300,000 to take account of the potential additional cost caused by the introduction of absent vote identifiers (AVIs). In order to increase the security of postal and other absent voting, AVIs will be introduced whereby a voter wishing to register for a postal vote will be required to provide a signature and date of birth. The “identifiers” will be checked when the vote is cast. The additional cost to local authorities will therefore be around £5m (because local authorities already have £1.9m in their allocation for elections).

The second option assumes that decoupling the elections will bring some reduced costs compared to the estimated costs of decoupled elections set out in the previous paragraph. In
2007, in the vast majority of cases, returning officers employed two polling clerks (i.e. one for each election). Only one polling clerk would be required for a single election. The fees paid to polling clerks in 2007 amounted to £660,000 - £260,000 of this came from local authorities' budgets. If half the number of polling clerks are employed this would suggest the need for £330,000 in fees. The additional cost to local authorities would therefore be £70,000 rather than £400,000 if they were required to employ the same number of polling clerks as in 2007 – a saving of £330,000. It is also possible that the decoupling could lead to a reduction in the number of polling stations required. This would reduce the cost of renting and adapting the buildings used. In 2007 the cost of renting and adapting polling stations was approximately £1,210,000. A 15% reduction in the number of polling stations used would lead to a saving of £180,000. Fewer polling clerks and polling stations could therefore reduce the additional cost of decoupled elections by approximately £500,000 to £4.5m.

We have discussed these estimates and our methodology with the Convention of Scottish Local Authorities (COSLA) and the Society of Local Authority Chief Executives and Senior Managers in Scotland (SOLACE) representatives. Combining the figures available for the cost to each local authority in Scotland of the 2007 elections and then interpreting the information in accordance with the assumptions above we estimate that the additional costs incurred by local authorities across Scotland will be in the region of between £4.5m and £5m at 2007 prices. Taking the higher figure, the average additional cost per local authority will therefore be £156,000. Within this average figure the cost for individual local authorities will obviously vary considerably from the larger authorities such as Glasgow and Edinburgh to the smaller authorities such as Orkney and Shetland Islands. The average figure is therefore for illustrative purposes only. Assuming that the next local government elections are held in May 2012 these costs will be incurred predominantly in financial year 2012/2013.

Source: Scottish Local Government (Elections) Bill: Explanatory Notes, p.6-7

In 2007 the cost of e-counting was borne jointly by the Scottish Executive and the Scotland Office. The cost to the Scottish Government in 2007 was approximately £4.8m (Explanatory Notes, p.7). The Scotland Office has indicated that it does not intend to use e-counting for the (currently scheduled) 2011 Scottish Parliamentary elections and therefore the cost of e-counting will have to be borne by the Scottish Government and local authorities. On this point, the Explanatory Notes (p.8) state:

“The Scottish Government will work in partnership with local authority returning officers to put in place an e-counting system for 2012. The costs for a new system for 2012 will depend on technological developments and the outcome of a competitive procurement process. Funding of the system will be a matter for discussion between the Scottish Government and COSLA in the context of the next spending review”.

VOTING INFORMATION FROM LOCAL GOVERNMENT ELECTIONS (SECTION 2)

Section 2 of the Bill proposes to insert a new section into the Local Governance (Scotland) Act 2004 on voting information relating to a local government election which can be published by a returning officer. At present a returning officer must publish a range of electoral information to ward level. Section 2 would permit Scottish Ministers, via a Scottish statutory instrument (affirmative procedure), to allow returning officers to publish information to polling station level. The SSI would set out the information which could be published to polling station level. Section 2 (3) seeks to ensure that an elector cannot be identified from the publication of local government electoral data. The Explanatory Notes (p.3) comment:

“In circumstances where the number of voters using a particular polling station was small enough to run the risk of an individual elector’s vote being identified, or at least assumed
with some degree of accuracy, the order could specify that the data from a number of polling stations could be amalgamated until the combined number of voters reached a minimum threshold. Such an amalgamation might be required, for example, in remote rural locations.

Nothing may be done under an order made under new section 3A which would identify whether a particular person has voted. Given that nothing may be done to identify if a person has voted it follows that an order under new section 3A cannot authorise anything which would disclose how a particular person voted (see subsection (3) of the new section 3A). This prohibition on disclosure of whether a person has voted does not prejudice other enactments where certain specific and confidential information can be accessed in certain circumstances and subject to certain safeguards”.

Consultation responses on release of voting information

The Scottish Government provided the following overview of the consultation process:

“The consultation ran from 30 March to 15 June 2007. .... Political parties, academics and others interested in electoral reform sought the release of as much information as possible. Those Returning Officers who responded were generally content with the status quo or the recommended option of a release of a sample of information at polling district level. The Electoral Commission did not agree with the disclosure of further information although the Commission’s stance has now changed and they no longer oppose the proposals to make more information available.

Given the divergence of opinion expressed in the consultation, the Cabinet Secretary for Finance and Sustainable Growth held a meeting with interested parties to consider the matter further. The meeting was attended by the Labour Party, the Conservative Party, SNP, the Green Party, SOLAR, AEA and SOLACE. It was clear from the meeting that the majority of stakeholders favoured a move to release more information than was available at present, while recognising the need to maintain the secrecy of the ballot. The Government therefore decided to opt for a solution based on release of voting information at polling station level subject to some level of numeric threshold to ensure voter confidentiality” (Source: Personal Correspondence with the Scottish Government, 12 March 2009).

The Policy Memorandum to the Bill states that the Scottish Government sought public views on the proposal to release more detailed electoral information during 2007 and summarises the views obtained as follows (p.4):

“responses to the consultation expressed views ranging from support for the status quo (i.e. specific information at ward level about the first and subsequent preferences of voters and how they were transferred during the STV process) to the full anonymised disclosure of every ballot paper. The majority of respondents favoured a move to release more information than was available at present, while recognising the need to maintain the secrecy of the ballot. The Government concluded that it should opt for a solution based on release of voting information at polling station level subject to some level of numeric or other threshold to maintain the secrecy of the ballot”.

In April 2008 the Scotland Office published polling station level electoral data for the 2007 Scottish Parliament elections. This data can be accessed at: http://www.scotlandoffice.gov.uk/scotlandoffice/10801.134.html
The Financial Memorandum to the Bill states that the contract for the electronic counting system will specify the need for information to be available to polling station level and comments (p.8) that:

“Any additional cost of providing information at polling station level (rather than at ward level as in 2007) is likely to be marginal to the overall cost of the contract, not least because polling station level information was already in the system used in 2007 and had to be amalgamated to provide ward level data. The initial specification will be different (to reflect the level of information required in the legislation) but the data being collected will be the same. The difference will be in how the data is presented and it is unlikely that this will result in significant additional cost”.

PARLIAMENTARY CONSIDERATION

The Local Government and Communities Committee is the lead committee on the Bill and is due to start taking oral evidence on 25 March 2009. The Finance Committee took evidence on the Financial Memorandum to the Bill from Scottish Government officials on 10 March 2009. The Official Report of the meeting is available at:
http://www.scottish.parliament.uk/s3/committees/finance/or-09/fi09-0702.htm#Col997
ANNEX 1: GOULD REPORT: COMBINED ELECTIONS

Background

The road to combined elections

The combination of elections is not unique to Scotland, it is found across the United Kingdom. In electoral law and practice, ‘combination’ has a specific meaning. When elections are organised on the same day, ‘simultaneous’ means that the separate elections are conducted simultaneously but not necessarily combined. ‘Combined’ means that two or more elections are conducted simultaneously, with certain procedures being integrated to allow for greater efficiency in running those elections.

The first Scottish parliamentary election, on 6 May 1999, was held on the same day as the Scottish local government elections. Although not yet officially combined via legislation, the 1999 elections saw some tasks delivered together.

The Scotland Act sets out that the Scottish Parliament will have a fixed four year term, with elections on the first Thursday in May every four years from 1999. Provision is made for an exceptional procedure to move these elections a month either way with the permission of the monarch.

The Scottish Local Government (Elections) Act 2002 provided that local elections are to be held in the same year as those for the Scottish Parliament, and the Representation of the People Act 1983 requires these to be on the first Thursday in May as well. The 2002 Act gave Scottish Ministers the power to move the date of the local government elections should the Scottish parliamentary elections be moved.

So these provisions together provide for the elections to be held with the same polling day as the norm, with a limited power to change the dates of both elections as necessary. Furthermore, the Scottish Parliamentary Rules require combination where the polls are on the same date. So combination is required by law unless the date of either election is altered.

The Scottish Parliament could at any time have passed legislation to amend the 2002 Act to decouple the elections, and could do so in the future.

Perspectives on combined elections

It was the prerogative of Scottish Ministers to continue to combine the Scottish parliamentary and local government elections in 2007. Our meetings with political parties suggest that there was some support for this decision. Other electoral stakeholders were clearly not in agreement in advance of the 3 May 2007 elections, as evidenced the findings the Arbuthnott Commission on Boundary Differences and Voting Systems and from submissions to this Review. Arbuthnott recommended that the elections should not be decoupled from 2011, and that either the local government elections be postponed in 2007 or that further research on the ‘impact of this combination’ be carried out in advance of 2007.

The professional associations also made clear their concerns in advance of the elections and, subsequently, during this Review. The Society of Local Authority Chief Executives (SOLACE), the Society of Lawyers and Administrators in Scotland (SOLAR) and the Association of Electoral Administrators (AEA) all submitted evidence to the Local Government and Transportation Committee of the Scottish Parliament expressing strong concerns about combined elections which
involved an electoral system (STV) that was different from any of the list-based electoral systems which had been introduced in the last decade.

Concerns have been expressed about the combination of these elections since the inception of the Scottish Parliament. In 1999, the Commission on Local Government and the Scottish Parliament recommended that the local government elections be timed to take place at the mid-point of the Parliament, primarily because of concerns that combined elections weaken the democratic mandate of local government. Concerns about combination continued after legislation had been introduced. In February 2005, David Mundell (then MSP) proposed a Local Government Elections (Scotland) Bill to provide for local government elections to be held on different dates from Scottish parliamentary elections and to delay the next local government election until 2008. The proposal had cross-party support and was signed by 26 MSPs but fell when Mr. Mundell resigned. In July 2006, David Davidson MSP made a final proposal on the Bill following a consultation, again with cross-party support. It fell when Parliament dissolved for the summer, without having been debated.

**Problems**

In our discussions with electoral stakeholders, a variety of problems were considered in the context of two specific scenarios. One involves the Scottish parliamentary and local government elections being decoupled; a second involves continuing with the combination of these two elections.

1. **Decoupling the elections would lead to increased operational costs and could reduce voter turnout**

   From an operational standpoint, the cost of running two separate elections is more than that of running just one. It stands to reason that decoupling elections would lead to higher operational costs. The same would hold true with regard to mounting two separate political campaigns. During this Review, some political parties expressed concern about having to assemble party faithful on two occasions instead of one in order to encourage voters to support their party and candidates. Not only is conducting a campaign a costly affair, it requires significant time commitment among party campaigners.

   Decoupling the elections could also lead to a reduction in voter turnout. Such concerns, particularly for local government elections, were raised by a number of stakeholders. Voter turnout has been mentioned consistently as an advantage of combining the elections, with the assertion being made that coupling them maintains or even increases the number of voters who show up at the polls. While there has been no specific research on whether combination increases overall turnout, we can say that in Scotland there is evidence that the local government election benefits from increased voter turnout when coupled with the parliamentary election. Before combination, the average turnout for local government elections was 46%. In the three combined elections from 1999 – 2007, the average turnout rose to 54%.

2. **Combined elections diminish the place of local government elections and may confuse voters**

   One of the principal concerns raised with respect to running the Scottish parliamentary and local government elections in tandem has to do with the amount of attention that is given to local government elections. We frequently heard arguments that the public’s focus is mainly on Scottish national issues rather than local candidates and local concerns. Given the limited amount of television time and newspaper space available, this is a logical conclusion. This leads to concerns that important local issues are not given adequate consideration and that local candidate campaigns are left in the shadow of parliamentary candidates and parties.
Another problem with combining these elections has to do with the confusion it creates among the electorate. Greater responsibility is placed on voters when they must make decisions for two elections instead of one. They have the responsibility of understanding the messages from parties and candidates conducting campaigns for the Scottish Parliament – while also absorbing messages from candidates running for local councils. In situations such as the 3 May 2007 elections, they also had to understand the electoral systems used for each election. While the electoral system and the ballot marking requirements are discussed in more detail in another chapter, it is clear that some voters were confused by the combined elections using two electoral systems and two ballot paper marking requirements.

Options

The combination of elections in Scotland added complexity to the voting process. In light of this, two options might be considered for future elections. It is essential in each case that careful attention is paid to the extent by which the option minimises the problems described above. Regardless of the option pursued, the voters’ interests must be the primary consideration in decisions related to every aspect of the voting process.

(1) Decouple electoral processes

A first option is to decouple the Scottish parliamentary elections from the local government elections, holding them at different times. The degree of chronological separation would be a matter for further debate, but our findings during this Review suggest that holding separate elections in the same year would not be popular, as voters may become ‘fatigued’ by two election campaigns held too close together. Our findings were certainly consistent with those of Arbuthnott, in that a majority of those interviewed were in favour of decoupling. Prior to the introduction of unitary authorities, the two tiers of local government operated on a four year cycle with two years between each set of elections. A two year gap between Scottish parliamentary and local government elections may be worth considering. The additional benefits of focus on local issues and candidates may offset the additional costs. Furthermore, if the elections were held two years apart, parties and candidates would have sufficient time to plan and raise the necessary funds related to each election campaign.

If de-coupling is pursued, a number of initiatives should be implemented in order to raise the profile of local government issues and candidates and to encourage voter participation. At the same time, the objective should be to enhance voter interest, understanding and involvement with turnout numbers as a secondary consideration.

(2) Maintain combined elections, but cast ballot papers separately

A second option does not go as far as decoupling, but would change the form of combination. At present, the combination rules for these two elections require the poll to be taken together. Instead, the rules could either require the two polls to be taken separately, or they could allow the proposed Chief Returning Officer to decide whether the polls should be taken together or separately. This could mean that an elector would cast their vote for one election, then receive the ballot paper for the other election, mark it and place it in the ballot box. This option could see voter turnout maintained but voter confusion diminished.

If elections continue to be combined, decision-makers might carefully consider other measures that would make voting easier for the electorate in Scotland. Three obvious issues, which will be discussed in the next chapter of this Review, would include considering changes to the electoral systems used, to the ballot paper marking requirements, and to the combination of the two parliamentary ballot papers. The paramount objective must be to ensure that every aspect of the combined elections is voter-friendly, through extensive testing of designs and instructions and decisions made on an operational, not political, basis.
ANNEX 2: LIST OF RESPONDENTS TO THE SCOTTISH GOVERNMENT CONSULTATION ON DECOUPLING THE SCOTTISH PARLIAMENTARY AND LOCAL GOVERNMENT ELECTION

<table>
<thead>
<tr>
<th>Consultation Respondents by Category</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Stakeholder Organisations</strong></td>
<td></td>
</tr>
<tr>
<td>AEA, SOLACE and SOLAR</td>
<td>Fairshare</td>
</tr>
<tr>
<td>COSLA</td>
<td>Unison</td>
</tr>
<tr>
<td>Electoral Commission</td>
<td></td>
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<tr>
<td><strong>Political Parties</strong></td>
<td></td>
</tr>
<tr>
<td>Scottish Green Party</td>
<td>Scottish Liberal Democrats</td>
</tr>
<tr>
<td>Scottish Labour Party</td>
<td>Scottish National Party</td>
</tr>
<tr>
<td><strong>Local Authorities</strong></td>
<td></td>
</tr>
<tr>
<td>Aberdeen City Council</td>
<td>Highland Council</td>
</tr>
<tr>
<td>Dumfries and Galloway Council</td>
<td>Moray Council</td>
</tr>
<tr>
<td>Dundee City Council</td>
<td>West Dunbartonshire Council</td>
</tr>
<tr>
<td>Edinburgh City Council</td>
<td>West Lothian Council</td>
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<tr>
<td>Fife Council</td>
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<tr>
<td><strong>Local Authority Political Groupings</strong></td>
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<tr>
<td>Perth and Kinross SNP Group</td>
<td>Renfrewshire SNP Group</td>
</tr>
<tr>
<td><strong>Individual Councillors</strong></td>
<td></td>
</tr>
<tr>
<td>Fife Council: Cllr Alistair Bain</td>
<td>North Lanarkshire Council: Cllr Cefferty</td>
</tr>
<tr>
<td>Fife Council: Cllr Ann Bain</td>
<td>North Lanarkshire Council: Cllr Coyle</td>
</tr>
<tr>
<td>Fife Council: Cllr Caird</td>
<td>North Lanarkshire Council: Cllr Hogg</td>
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<tr>
<td>Fife Council: Cllr Chisholm</td>
<td>North Lanarkshire Council: Cllr Lyle</td>
</tr>
<tr>
<td>Fife Council: Cllr Moff</td>
<td>North Lanarkshire Council: Cllr Johnston</td>
</tr>
<tr>
<td>East Renfrewshire Council: Cllr Yates</td>
<td>Perth and Kinross Council: Cllr Caird</td>
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<tr>
<td><strong>Others</strong></td>
<td></td>
</tr>
<tr>
<td>Fairmilehead Community Council</td>
<td>Mr Bruce Pattullo</td>
</tr>
<tr>
<td><strong>Source:</strong> Personal Correspondence with the Scottish Government, 28 January 2009</td>
<td></td>
</tr>
</tbody>
</table>
SOURCES


