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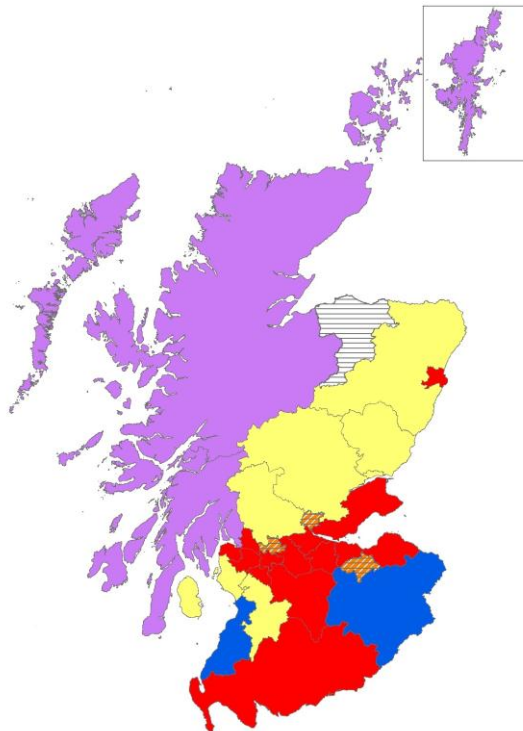
# SPICe Briefing

## Local government elections 2012

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12/38

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The Scottish Parliament  
Pàrlamaid na h-Alba

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## KEY POINTS

- This is the second Scottish local government election using the Single Transferrable Vote system.
- In the 2012 local government election 2,496 candidates stood for election. This is 111 fewer candidates than the total that stood in the 2007 election.
- Turnout at the local elections was 39.0% (excluding rejected papers) or 39.7 (including rejected papers). This was the first local election since 1995 to be held without another election on the same day and turnout was significantly lower across all local authority areas than 2007.
- There were 27,174 rejected ballots or 1.72% of total votes cast, compared to 38,351 in 2007 (1.83% of total votes cast).
- The SNP won the largest share of first preference votes.
- Both the SNP and Labour saw increases in their share of votes since the 2007 elections. The Conservatives and Liberal Democrats both saw reductions.
- The SNP won 34.8% of total seats with 32.4% of first preference votes. Labour won 32.2% of seats with 31.4% of votes.
- After the election 24.3% of Scottish councillors are women. This compares to 21.6% after the 2007 election.
- A Labour party councillor holds the leadership in 15 local authorities, an SNP councillor leads 9, a Conservative councillor leads 4 and an Independent councillor leads 4 local authorities.

# RESULTS

## Share of the Vote

The main trends in share of the vote, as expressed in terms of first preferences cast, by party at the 2012 local elections were as follows (see Tables 1 and 2):

### SNP

- The SNP obtained 32.4% of total first preference votes across Scotland. This compares with 27.9% in the 2007 local government election.
- SNP share of the vote was above 30% in twenty of the thirty-two local authority areas. Its share was less than 10% in only two areas, Orkney (3.0%) and Shetland (1.9%).
- Clackmannanshire saw the largest SNP share of vote (46.0%). This is a 7.9 percentage point increase in share of vote for the SNP in Clackmannanshire since 2007.
- The largest percentage point increase in SNP share was seen in Na h Eileanan an Iar (+12.8% points). South Lanarkshire (+8.2), Glasgow (+8.0) and Stirling (+8.0) also saw significant increases.

### Labour

- Labour obtained 31.4% of the vote, an increase of 3.3 percentage points since the 2007 election when the party received 28.1% of first preference votes.
- Labour's share of the vote was above 30% in sixteen local authorities. Its share was less than 10% in eight areas.
- North Lanarkshire saw the largest Labour share of votes (51.0%). This is a 1.7 percentage point increase for Labour in North Lanarkshire since 2007.
- The largest percentage point increase in Labour share was seen in Renfrewshire (+12.0% points). East Lothian (+10.5), Fife (+9.8) and West Dunbartonshire (+8.9) also saw significant increases.

### Conservative

- The Conservatives received 13.3% of first preference votes, a decrease of 2.3 percentage points since 2007.
- Their share of vote was above 20% in seven areas and less than 10% in fourteen areas.
- South Ayrshire saw the largest share of vote (31.5%)
- Moray and Aberdeenshire saw the largest increases in share of vote (+1.7 and +1.5 percentage point increases respectively)

### Liberal Democrats

- The Liberal Democrats obtained 6.4% of first preference votes, a decrease of 6.3 percentage points since 2007
- The largest reduction in share of votes was seen in Edinburgh, Inverclyde and Aberdeen City. There were slight increases in share of vote in East and South Ayrshire.

## Greens

- The Greens increased their share of first preference votes by 0.1 percentage points from the 2007 election
- Their share of vote was 11.4% in Edinburgh and 5.5% in Glasgow.

## Independents

- Across the whole of Scotland Independent candidates obtained 12.3% of all first preference votes. This is an increase of 1.4 percentage points since 2007.

**Table1: Share of total Scottish first preference votes (%) and changes since 2007**

	1999 (FPTP)	2003 (FPTP)	2007 (STV)	2012 (STV)	Percentage point change since 2007
SNP	28.9	24.3	27.9	32.4	+4.5
Labour	36.6	32.9	28.1	31.4	+3.3
Conservative	13.7	15.2	15.6	13.3	-2.3
Liberal Democrat	12.7	14.6	12.7	6.4	-6.3
Green	-	0	2.2	2.3	+0.1
Independent and Others	8.1	13	13.5	15.7 (12.5 Ind, 3.2 Others)	+2.2

Table 1 shows the share of first preference votes by party and the percentage change compared with the 2007 election. The increases in proportion of first preference votes for both the SNP and Labour have come at the same time as a halving in support for the Liberal Democrats (from 12.7% to 6.4%). Whilst both the SNP and Labour increased their vote shares (by 4.5% and 3.3% points respectively) their actual percentage gain in terms of number of council seats (as shown in Table 3, below) is greater.

Taking a longer term view of the vote share, Table 1 also shows the percentage vote shares at the 1999 and 2003 local government elections. The SNP increased its vote share in 2012, as it had done in 2007. For the first time the SNP won the largest number of votes in a local government election.

Having previously registered a declining vote share in the 2003 and then 2007 elections, the Labour Party increased its support at local government level in 2012 for the first time since devolution (up from 28.1% in 2007 to 31.4% in 2012).

In the 2003 and 2007 local government elections the Conservative Party's share of the vote had risen. The 2012 election saw that trend reversed with support falling from 15.6% on 2007 to 13.3%.

The Greens' support held steady at the 2012 election (2.3% of first preference votes) compared to the 2007 election (2.2% of first preference votes). This 0.1 percentage point increase in support did however result in the Greens nearly doubling the number of council seats they held (rising from 8 to 14).

The 'Independents and others' polled 8.1% of votes in 1999, this had risen to 13.5% by 2007 and at the 2012 election had risen again to 15.7%. This increasing support for independent (and 'others') candidates has resulted in them winning 204 council seats (16.7% of all seats available).

**Table 2: Share of the first preference vote by party and local authority**

	SNP	Labour	Cons	Lib Dem	Ind	Green	Other
Aberdeen City	31.3	29.7	9.7	15.1	11.2	2.5	0.6
Aberdeenshire	38.9	6.8	21.2	15.4	14.7	2.4	0.7
Angus	44.4	7.3	17.7	5.8	24.8	0.0	0.0
Argyll and Bute	29.7	4.6	15.5	11.4	38.4	0.2	0.1
Clackmannanshire	46.0	38.1	9.9	0.9	5.1	0.0	0.0
Dumfries and Galloway	19.5	29.3	26.6	4.0	18.1	1.8	0.7
Dundee City	43.4	30.1	11.3	9.0	4.4	0.6	1.3
East Ayrshire	39.5	41.4	11.3	0.2	7.6	0.0	0.0
East Dunbartonshire	25.4	28.3	15.4	14.9	14.2	0.7	1.0
East Lothian	30.4	43.1	14.3	5.8	5.6	0.0	0.8
East Renfrewshire	19.8	31.1	29.7	3.4	14.9	0.8	0.2
Edinburgh City	26.9	28.1	21.2	9.3	1.8	11.4	1.2
Falkirk	40.5	37.7	11.2	0.0	10.5	0.0	0.0
Fife	31.1	38.5	7.8	13.1	5.9	1.0	2.6
Glasgow City	32.6	46.7	5.9	2.9	1.7	5.5	4.6
Highland	25.8	12.6	5.1	13.5	40.2	1.0	1.9
Inverclyde	25.4	44.2	10.1	7.9	11.4	0.0	0.9
Midlothian	39.4	39.5	8.5	3.7	3.7	4.5	0.7
Moray	39.4	9.2	17.5	0.7	28.8	2.8	1.6
Na h Eileanan an Iar	24.9	4.6	0.0	0.0	70.6	0.0	0.0
North Ayrshire	35.0	31.9	9.3	1.6	19.0	0.0	3.2
North Lanarkshire	34.4	51.0	5.5	0.4	8.2	0.0	0.6
Orkney Islands	3.0	0.0	0.0	0.0	96.9	0.0	0.1
Perth and Kinross	41.8	12.4	26.7	9.0	9.5	0.5	0.0
Renfrewshire	33.9	48.8	9.3	4.3	1.7	0.0	2.0
Scottish Borders	20.7	6.3	23.2	16.5	32.8	0.4	0.0
Shetland Islands	1.9	0.0	0.0	0.0	96.9	0.0	1.2
South Ayrshire	29.3	25.0	31.5	0.7	13.5	0.0	0.0
South Lanarkshire	37.1	42.5	10.8	2.8	3.7	1.4	1.7
Stirling	37.2	28.6	19.9	5.5	2.1	5.8	0.9
West Dunbartonshire	30.3	46.6	4.2	0.0	13.1	0.0	5.7
West Lothian	40.4	38.1	8.8	0.4	11.9	0.0	0.4

## Share of Seats

Table 3 details the number of seats won by political party and indicates the following:

- The SNP won 34.8% of the seats available from a vote share of 32.4%. Whilst the SNP had been the biggest party in terms of councillors following the last local government elections in 2007, the 2012 election was the first time the SNP won the most first preference votes.
- Labour won 32.2% of the seats available from 31.4% of the vote.
- The Conservatives won 9.4% of the seats available from 13.3% of the vote.
- The Liberal Democrats won 5.8% of seats with a vote share of 6.4%.

**Table 3: Share of council seats and first preference votes 2012**

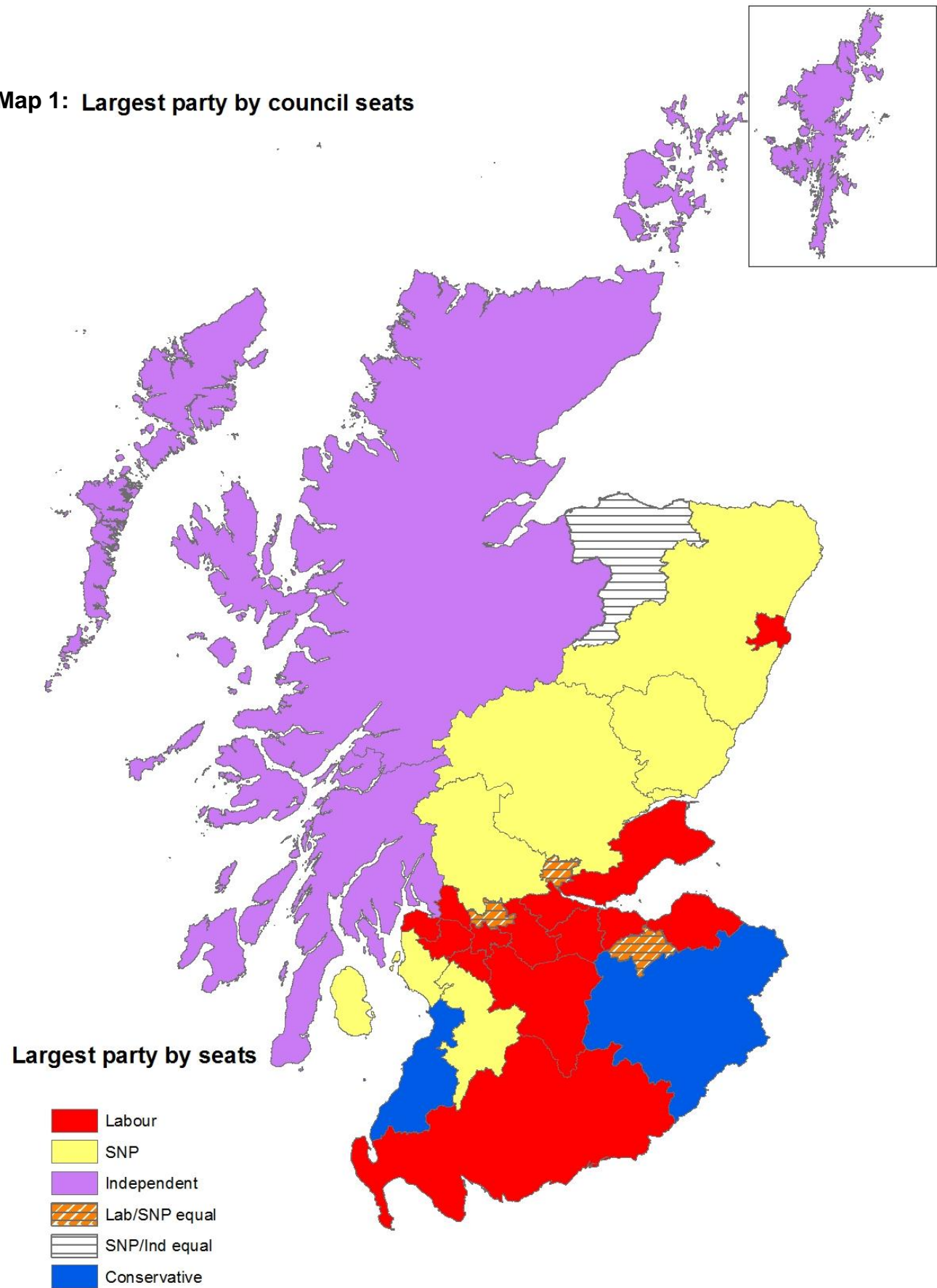
	Total councillors	% of total	Total First Preference votes	% of total
SNP	425	34.8%	503,650	32.4%
Labour	394	32.2%	487,969	31.4%
Conservative	115	9.4%	206,585	13.3%
Liberal Democrats	71	5.8%	100,097	6.4%
Greens	14	1.1%	35,933	2.3%
Independent	203	16.6%	195,280	12.5%

Table 4 displays the number of seats won by each political party in 2012 compared with 2007. A key factor in the election was the decline of Liberal Democrat representation in Scottish local government, with their seat share falling from 166 to 71. In addition, the Conservatives' share of seats fell from 143 to 115. Whilst both the Greens and Independents made small gains in terms of number of seats the largest increases were for the SNP and Labour. The SNP increased its seat share by 62 seats and Labour by 46 seats.

**Table 4: Share of council seats (numbers and percentages) for 2007 and 2012**

	2007		2012		Percentage point change since 2007
	seats	%	seats	%	
SNP	363	29.7	425	34.8	+5.1
Labour	348	28.5	394	32.2	+3.7
Conservative	143	11.7	115	9.4	-2.3
Liberal Democrat	166	13.6	71	5.8	-7.8
Green	8	0.7	14	1.1	+0.4
Independent and others	194	15.9	204	16.6	+0.7

**Map 1: Largest party by council seats**



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# POLITICAL COMPOSITION OF ADMINISTRATIONS

**Table 5: Political control of Local Authorities pre and post-2012 election**

LOCAL AUTHORITY	POLITICAL CONTROL PRE-2012 ELECTION	POLITICAL CONTROL POST-2012 ELECTION	LEADER'S PARTY POST-2012 ELECTION	LARGEST PARTY BY COUNCILLORS	LARGEST PARTY LEADING?
Aberdeen City	SNP/Lib Dem	Lab/Con	Lab	Lab	Yes
Aberdeenshire	Lib Dem/Con	Con/Lib Dem/Ind	Con	SNP	No
Angus	Angus Alliance (Ind/Con/ Dem/Lab) Lib	SNP	SNP	SNP	Yes
Argyll and Bute	Ind/Lib Dem/Con	SNP/Argyll First/Ind	SNP	Ind	No
Clackmannanshire	SNP	SNP minority	SNP	Lab & SNP (8 each)	Yes (joint)
Dumfries and Galloway	Con/Lib Dem	Con/SNP	Con	Con	Yes
Dundee City	SNP minority	SNP	SNP	SNP	Yes
East Ayrshire	SNP minority	SNP/Con	SNP	SNP	Yes
East Dunbartonshire	Lab/Con	Lab/Lib Dem/Con	Lab	Lab & SNP (8 each)	Yes (joint)
East Lothian	SNP/Lib Dem	Lab/Con	Lab	Lab	Yes
East Renfrewshire	Lab/SNP/Ind/Lib Dem	Lab/SNP/Ind	Lab	Lab	Yes
Edinburgh City	Lib Dem/SNP	Lab/SNP	Lab	Lab	Yes
Falkirk	Lab/Con/ Ind	Lab/Con/ Ind	Lab	Lab	Yes
Fife	SNP/Lib Dem	Lab minority	Lab	Lab	Yes
Glasgow City	Lab minority	Lab	Lab	Lab	Yes
Highland	Ind/Lib Dem/Lab	SNP/Lib Dem/Lab	SNP	Ind	No
Inverclyde	Lab/Con/ Ind	Lab minority	Lab	Lab	Yes
Midlothian	Lab	SNP/Ind	SNP	SNP/Lab (8 each)	Yes (joint)
Moray	Ind/Con	Con/Ind	Con	SNP/Lab (10 each)	No
Na h Eileanan an Iar	Ind	Ind	Ind	Ind	Yes
North Ayrshire	Lab minority	SNP minority	SNP	SNP	Yes
North Lanarkshire	Lab	Lab	Lab	Lab	Yes
Orkney Islands	Ind	Ind	Ind	Ind	Yes
Perth and Kinross	Lib Dem/SNP	SNP minority	SNP	SNP	Yes
Renfrewshire	SNP/Lib Dem	Lab	Lab	Lab	Yes
Scottish Borders	Ind/Con/ Lib Dem	SNP/Ind/Lib Dem	Ind	Con	No
Shetland Islands	Ind	Ind	Ind	Ind	Yes
South Ayrshire	Con minority	Con/Lab	Con	Con	Yes
South Lanarkshire	Lab/Con	Lab minority	Lab	Lab	Yes
Stirling	SNP minority	Lab/Con	Lab	SNP	No
West Dunbartonshire	SNP minority	Lab	Lab	Lab	Yes
West Lothian	SNP/Ind	Lab minority	Lab	Lab	Yes

Source: BBC: <http://www.bbc.co.uk/news/uk-scotland-scotland-politics-17989573>  
 COSLA: <http://www.cosla.gov.uk/councils>

Table 5 shows the political control of the 32 local authorities, including the council leader's political party or grouping. A Labour party councillor holds the leadership in 15 local authorities, an SNP councillor leads 9, a Conservative councillor leads 4 and an Independent councillor leads 4 local authorities.

The 2007 local government elections were the first to be conducted under the Single Transferable Vote (STV). This electoral system resulted in fewer instances of single party councillor majorities and an increase in coalition and minority local government arrangements across the country. After the 2007 election, there were 26 local authorities controlled via either a coalition or minority administration, compared with 11 following the 2003 election. Coalition or minority political control of local authorities remains the norm after the 2012 election. There are now coalitions in 16 of the 32 local authorities and minority party rule in 7 local authorities. There is single party or Independent group majority control in the remaining 9 local authority areas.

There are 6 council areas where the leader of the council comes from a political party which does not have the highest (or joint highest) number of councillors.

## TURNOUT

Since the establishment of the current structure of a single tier of 32 all-purpose local authorities following the Local Government (Scotland) Act 1994, all local government elections bar the first in 1995 have been held on the same day as elections to the Scottish Parliament. This "coupling" of elections had a significant impact on turnout. The election in 2012 was therefore the first since 1995 to be held without another election on the same day and turnout was significantly lower across all local authority areas.

Overall turnout for Scotland was 39.7%<sup>1</sup>, calculated on the basis of the number of people casting a vote as a percentage of registered electors, i.e. including rejected ballot papers. The 'valid turnout' - not including rejected papers - was 39.0%. This compares to 52.8% in 2007.

The number of rejected ballot papers was 27,174 in 2012 (1.72% of total votes cast), compared to 38,351 in 2007 (1.83% of total votes cast). This shows a slight downward trend in terms of percentage on 2007 levels (the first election to use the Single Transferable Vote system), but is still well above levels in 2003 (0.77%) and 1999 (0.59%).

Local authorities with the highest turnout were Shetland Islands (54.7%), Na h Eileanan an Iar (53.2%), Orkney Islands (50.8%) and Argyll and Bute (50.6%). These were also the only four local authorities with turnout greater than 50%. All of these four local authorities also returned Independents as the largest grouping, with Orkney Islands and Shetland Islands returning only Independents.

Local authorities with the lowest turnout were Glasgow City (32.2%), Aberdeen City (33.7%), Dundee City (36.7%) and Aberdeenshire (37%).

Although all local authorities had lower turnouts in 2012 than 2007, those local authorities at the higher and lower end of the scale differed. In 2007, highest turnouts were in East Renfrewshire,

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<sup>1</sup> The Electoral Commission is due to publish a report on the elections in September 2012 which may include a different turnout figure from the one published in this briefing. This may be due to differences in methodology. The Electoral Commission's turnout figure, once it is published, should be considered the 'official' turnout figure.

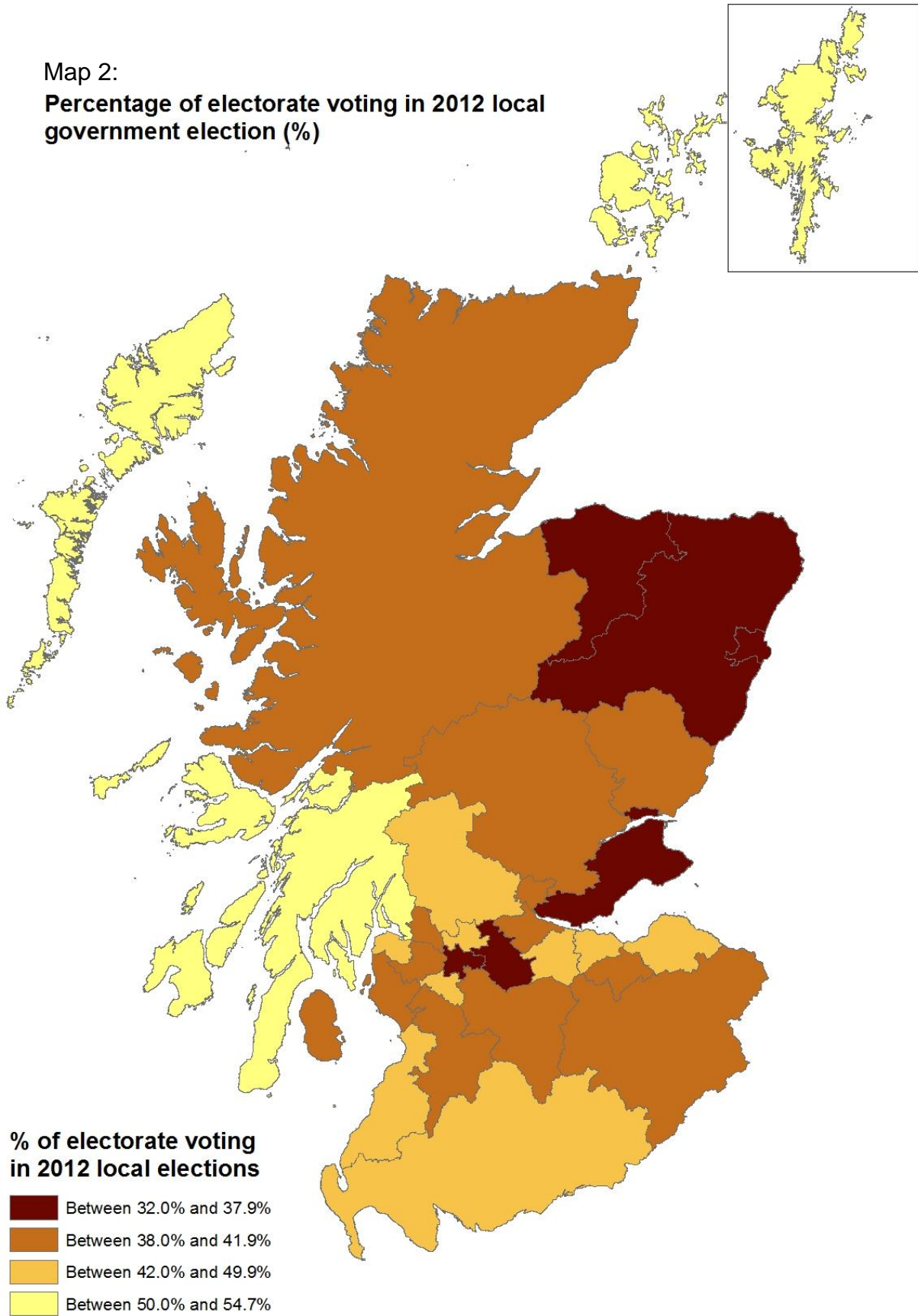
East Dunbartonshire, Na h Eileanan an Iar and Stirling and lowest turnouts were Glasgow City, North Lanarkshire, Dundee City and Fife.

Table 6 shows the turnout in different local authority areas in 2007 and 2012. Map 2 shows the variation in turnout rates across Scotland.

**Table 6: Turnout (% of electorate voting) 2007 and 2012**

	2007 (%)	2012 (%)
Aberdeen City	50.2	33.7
Aberdeenshire	52.6	37.0
Angus	52.5	39.3
Argyll and Bute	59.0	50.6
Clackmannanshire	54.6	41.0
Dumfries and Galloway	56.1	44.0
Dundee City	49.9	36.7
East Ayrshire	53.8	39.9
East Dunbartonshire	62.6	45.7
East Lothian	57.0	44.1
East Renfrewshire	63.9	48.4
Edinburgh City	57.6	42.6
Falkirk	52.6	38.4
Fife	50.1	37.9
Glasgow City	43.3	32.2
Highland	55.3	41.6
Inverclyde	53.9	43.8
Midlothian	55.6	40.8
Moray	50.7	37.5
Na h Eileanan an Iar	62.5	53.2
North Ayrshire	51.5	39.1
North Lanarkshire	49.4	37.7
Orkney Islands	50.6	50.8
Perth and Kinross	58.2	43.7
Renfrewshire	55.6	42.5
Scottish Borders	55.0	41.9
Shetland Islands	58.3	54.7
South Ayrshire	56.0	43.2
South Lanarkshire	51.2	38.3
Stirling	60.3	44.8
West Dunbartonshire	53.8	41.0
West Lothian	53.1	42.2
<b>Scotland</b>	<b>52.8</b>	<b>39.6</b>

Map 2:  
Percentage of electorate voting in 2012 local government election (%)



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# GENDER OF CANDIDATES AND COUNCILLORS

## Candidates

After the candidate lists for the local elections were released in April 2012 two academics, Meryl Kenny and Fiona Mackay of Edinburgh University, produced an initial analysis of the lists, looking at the gender of the candidates (Kenny and Mackay 2012a).

Table 7, below, reproduces their data, comparing 2007 candidate figures and showing that 'little has changed'. The authors argued that of all the Scottish political parties only the Scottish Greens had implemented any effective equality measures. The Greens have gender balance mechanisms in place which are triggered if the percentage of female or male candidates drops below 40% or where the distribution of winnable seats looks unequal.

**Table 7: Male and female candidates by party**

Party	Female Candidates	Male Candidates	Total Candidates	Percentage Women( <i>Percentage Women 2007</i> )
Labour	138	359	497	27.7%(19.3%)
SNP	149	465	614	24.3%(21.5%)
Liberal Democrats	69	178	247	27.9%(30.9%)
Conservatives	95	267	362	26.2%(24.6%)
Green	35	51	86	40.7%(N/A)*
Independent/Other	105	586	691	15.2%(20.8%)
Total	591	1906	2497	23.6%(22.5%)

\*2007 candidate selection figures are taken from the Electoral Reform Society (Baston 2007) which included the Greens in the Independent/Other category.

(Kenny and Mackay 2012a)

The paper also identified 56 wards only being contested by male candidates.

Political parties in Scotland have announced a number of measures regarding the under representation of women in local councils (Dinwoodie 2012 and Kenny and Mackay 2012b). For example the SNP have appointed Julie Hepburn to head a task force, with a view to increase the number of women who come into politics and stand for office. The Scottish Liberal Democrats are using their Future Leaders Programme to actively promote female participation

at all levels of politics. And the Scottish Labour Party has promised a 50/50 target for council candidates within eight years.

## Councillors

Immediately after the election results were announced (therefore the figures do not include the result of the postponed election in the ward of Dunoon in Argyll and Bute) Kenny and Mackay (2012c) carried out another gender review (Table 8 below). The authors noted that although there was an overall increase of 34 women councillors elected in 2012 compared to 2007, fewer than 1 in 4 Scottish councillors are female. The proportions in Scotland are lower than those in the English metropolitan councils. In 36 of those councils 40% of the councillors elected were women and several councils even achieved gender parity or better, for example, Bury (64% women), South Tyneside (57%) and Gateshead (55%).

**Table 8: Male and Female Councillors by Party 2012**

<b>Party</b>	<b>Women Councillors</b>	<b>Men Councillors</b>	<b>Total Councillors</b>	<b>Percentage Women(% 2007)</b>
Labour	103	291	394	26.1%(17.5%)
SNP	105	319	424	24.8%(21.2%)
Liberal Democrats	26	45	71	36.6%(31.3%)
Conservatives	28	87	115	24.3%(23.8%)
Green	4	10	14	28.6%(50%)
Independent/Other	31	171	202	15.3%(20.8%)*
<b>Total</b>	<b>297</b>	<b>923</b>	<b>1220**</b>	<b>24.3%</b>

\*2007 candidate selection figures are taken from the Electoral Reform Society (Baston 2007) which included the Greens in the Independent/Other category.

\*\*Excluding the ward of Dunoon in Argyll & Bute, where vote was conducted the week after the election.

(Kenny and Mackay 2012c)

The authors conclude their post-election review by stating

“These dismal figures should surely serve as a wake-up call to parties and councils that something has to change in order to make local politics more inclusive, and to ensure that local councils look like the communities they represent”.

The authors intend to publish more detailed analysis of the candidate and councillor breakdowns in the near future.

## **ELECTORATE**

### **Franchise and registration**

The franchise for local elections is a matter reserved to the UK Parliament. The present franchise for Scottish local elections is

- British citizens resident in Scotland
- Commonwealth citizens resident in Scotland
- Citizens of the Republic of Ireland and other EU countries resident in Scotland
- Members of the House of Lords resident in Scotland
- Service/Crown personnel serving in the UK or overseas in the Armed Forces or with Her Majesty's Government who are registered to vote in Scotland.

In the run up to the deadline for voter registration, for the Scottish local government elections, the Electoral Commission ran a public awareness campaign across TV, radio and online media. The campaign focused on the message ‘it’s your vote, don’t lose it’ and aimed to raise awareness that the cut-off date for registration would be 18 April 2012.

The Commission also worked with the charity Shelter to target increased registration of the homeless.

### **The voting system and voter education**

As in 2007 the Scottish local elections in 2012 used the STV (Single Transferable Vote) system.

The Electoral Commission and the Electoral Management Board for Scotland undertook voter education. From 2 April in Scotland the Commission ran a voter information phase, explaining that voters would need to mark their ballot papers with numbers. This phase included the publication of a booklet (Electoral Commission 2012a) which was delivered to every household in Scotland. Information on the voting system was also made available online on the Aboutmyvote website.

As part of the voter education the Electoral Commission worked with the Care Commission on how to assist people to vote.

## **ADMINISTRATION OF THE ELECTIONS**

Under the provisions of the Scotland Act 1998 the Scottish Government has responsibility for the conduct of Scottish local government elections. The Scottish Government and Ministers are responsible for setting the rules for the conduct of local government elections. Local authorities themselves are responsible for organising and conducting these elections in their own areas.

Since the Scottish local government elections held in 2007 there have been a number of changes to the administration and conduct of those elections. A full list of the changes can be found in the chronology at this end of this paper. The following paragraphs highlight some of the changes.

### **Scottish Government**

In 2009, following a recommendation of the independent review of the 2007 Scottish Parliamentary and local government elections (Gould 2007) the Government introduced legislation, the Scottish Local Government (Elections) Act 2009, which de-coupled the Scottish elections. As a result of this legislation the local government elections would no longer be held on the same date as the Scottish Parliament elections, which had happened in 1999, 2003 and 2007.

Scottish Ministers are responsible for the appointment of the convener of the Electoral Management Board for Scotland (EMB). The EMB, which was established by statute in 2011, is responsible for the administration of local elections in Scotland. More information on the Board and its work is given below.

In September 2011 the Government made the Scottish Local Government Elections Order 2011 (SSI 2011/399) which provided the rules which governed the conduct of the 2012 elections. The Order replaced the 2007 Order and included changes to the rules for the counting of votes and the retention of documents after the election.

Prior to the 2012 elections the Scottish Government was responsible for developing a draft ballot paper, which was then tested for the Government by Ipsos MORI Scotland (Martin, et al, 2011).

In addition, together with returning officers, the Scottish Government procured a new e-counting system. In October 2010, following the procurement exercise, the contract to deliver the e-counting solution was awarded to Logica and their partner OPT2VOTE.

### **Role of Electoral Commission**

The Local Electoral Administration (Scotland) Act 2011 asp 10 extended the statutory duties, which the Electoral Commission already had in Scotland with regard to the Scottish Parliament and European Parliament elections, to include Scottish local elections. The new legislation requires the Commission to prepare and publish a report on the administration of the local elections. The Commission intends to publish its report on the May 2012 elections in September 2012.



The legislation also requires the Commission to produce a code of practice for observers at local government elections. The Electoral Commission's accredited observer scheme, provided for in the Political Parties, Elections and Referendums Act 2000, was extended to include local elections and allows both individuals and organisations to observe proceedings at local government elections in Scotland.

In advance of the 2012 elections the Commission published a series of briefings including *Local elections in Scotland: guidance for candidates and agents overview document* and the *Local Government elections in Scotland: guidance for Returning Officers*.

The 2011 Act also closed a "gap" in relation to performance standards by giving the Commission the ability to set and publish performance standards for returning officers at the Scottish local government elections. The Commission published its *Performance standards for Returning Officers in Great Britain* in December 2011 and returning officers in Scotland reported against these standards during the recent elections.

The Commission had already been given the power on performing standards in 2006 with regard to Electoral Registration Officers (EROs) in Scotland. The Commission set out these standards for EROs in its 2008 publication, *Performance standards for Electoral Registration Officers in Great Britain July 2008*, and since then have received reports from EROs and published its analysis of the EROs' performance on an annual basis. The Commission will be publishing the latest report in June 2012.

## **Electoral Management Board for Scotland**

The provisions of the Local Electoral Administration (Scotland) Act 2011 also established the Electoral Management Board for Scotland. The Board is responsible for co-ordinating the administration of local government elections in Scotland. The legislation gives the Board functions which include assisting local authorities in carrying out their functions in relation to local government elections and promoting best practice in local government elections by providing information, advice or training.

The Scottish Government's decision to establish the Board developed from the consultation the Government initiated in December 2008 (Scottish Government 2008a). This consultation was based on the recommendation, from the Independent Review of the 2007 Scottish Parliamentary and local government elections (Gould 2007 p. 26), that a Chief Returning Officer (CRO) for Scotland should be established.

However, as a result of the consultation responses received (*CRO Consultation Responses*) the Scottish Government decided that, instead of creating a CRO – which respondents had considered would be an overly bureaucratic and expensive model for Scotland – the existing arrangements should be enhanced.

An interim Electoral Management Board for Scotland (EMB) had been set up in December 2008. Its first task had been the co-ordination, planning and administration of the 2009 European Parliamentary elections. Following those elections, as well as its statutory report on the European elections, the Electoral Commission produced a paper on its *Observations on the development of the Interim Electoral Management Board for Scotland* (Electoral Commission 2009).

In that paper the Commission called on the Government to introduce the legislation to make the interim Board a permanent statutory body. The Commission also commended the interim EMB for seeking to achieve consistency in delivery of electoral administration across Scotland.

The Commission highlighted the fact that since the interim Board also had to operate in a UK context with regard to UK Parliamentary elections, European Parliamentary elections and with electoral registration matters which are reserved to the UK Government. The Commission therefore recommended that the Board play its part fully in UK activities and not confine itself to Scottish only matters.

The Commission was also concerned that, although the Board should be operating independently, the delivery of elections and electoral registration is widely viewed as a council function. The Commission, therefore, recommended that the Board should consider establishing a dialogue with councils and councillors, which it suggested could take place via COSLA.

The interim Board continued to carry out its non-statutory role for the UK General Elections in 2010 and in its report on that election the Electoral Commission (2010) again called for the legislation to make the Board statutory. That legislation was introduced in the Scottish Parliament on 7 October 2010, resulting in the Local Electoral Administration (Scotland) Act 2011, which commenced on 29 June 2011. So the Scottish local government elections in May 2012 were the first elections which the Board administered as a statutory body.

The Board consists of:

- a convener, appointed by Scottish Ministers, who must be a returning officer
- 8 other members (appointed by the convener): 5 returning or deputy returning officers and 3 electoral registration officers.

Under the legislation the convener may give returning officers and electoral registration officers written direction about the exercise of their functions in relation to local government elections.

In addition the convener must, as soon as practicable after the end of each financial year, prepare a report on how the Board's functions have been carried out during the year. This report has to be laid before the Scottish Parliament and copied to Scottish Ministers.

The Board does not yet have a website so there is at present no central site on which to locate any reports or guidance it has created.

## **The Administration of the Count**

Votes at the Local Government elections in May 2012 were counted electronically. As the Scottish Government explained on its webpage, *Electronic counting*:

“Given the complexity of the vote transfer mechanisms involved with this form of STV, manual counting of a STV election is complex and time-consuming compared to a traditional first past the post-election. E-counting automates the process of counting and applying the formula at the various stages, taking hours to determine a result rather than days”.

For the first time the count of the local election votes did not take place overnight. This had been one of the options offered in the Gould report (2007 p. 91) and was in the electoral guidance provided by the EMB, which stated that the count should begin no earlier than 8am (City of Edinburgh Council website).

Returning officers in Scotland also received written guidance, relating to the count and its aftermath, from the Electoral Commission, which included *Part E Verifying and counting the votes* and *Part F After the declaration of result*.

## CHRONOLOGY

Under the provisions of the Scotland Act 1998 the Scottish Government has responsibility for the conduct of Scottish local government elections.

Since 1999 there have been a number of changes to the legislation regulating the conduct of Scottish local government elections. The following chronology details these legislative changes together with other developments :

2004	Local Governance (Scotland) Act 2004 asp 9. The provisions in this Act included: <ul style="list-style-type: none"> <li>• The introduction of the Single Transferable Vote (STV) for council elections based on wards consisting of either three or four councillor wards</li> <li>• Changing the minimum age for standing as a councillor from 21 to 18</li> </ul>
3 May 2007	The first STV election for local elections was held on the same day as the Scottish Parliament elections. The local elections had also been held on the same day as the first two Scottish Parliament elections in 1999 and 2003.
3-4 May 2007	Elections were counted electronically for the first time. During the overnight count it became apparent that compared to previous elections there were a large number of rejected ballot papers
8 May 2007	The Scottish Executive asked Ron Gould, an international expert in elections, to conduct an independent review of the 2007 elections
October 2007	Gould report on the 2007 Scottish Elections was published. Recommendations included: <ul style="list-style-type: none"> <li>• Establishment of post of Chief Returning Officer for Scotland (CRO), along the lines of the arrangements in Northern Ireland.</li> <li>• CRO to be responsible for “issuing directions, coordinating and overseeing all aspects of the electoral processes for Scottish parliamentary and local government elections where consistency or centralisation of Returning Officer responsibilities arise”.</li> </ul>
October 2007	The Electoral Commission also published its statutory report on the 2007 elections
December	Scottish Government consulted on the CRO proposal in Gould. In the light of

2008	consultation responses the Government decided to enhance the existing electoral co-ordination arrangements rather than establish a new office of CRO.
2009	The Scottish Local Government (Elections) Act 2009 de-coupled the Scottish elections.
2009	An interim Electoral Management Board for Scotland formed
September 2010	Scottish Government published the consultation document <i>The Administration of Future Elections in Scotland: A consultation exercise to examine the recommendations of the Gould Report to improve administration of future elections in Scotland</i>
October 2010-February 2011	Ipsos MORI Scotland, on behalf of the Scottish Government, tested draft ballot papers for the 2012 Local Government Elections
October 2010	Following a procurement exercise, by the Scottish Government and returning officers, the contract to deliver the e-counting system was awarded to Logica and their partner OPT2VOTE
April 2011	The Local Electoral Administration (Scotland) Act 2011 <ul style="list-style-type: none"> <li>• Electoral Management Board for Scotland established to support local authorities and others carry out their functions in relation to local government elections and to promoting best practice in local government elections.</li> <li>• Members of the Board are returning officers, depute returning officers and electoral registration officers.</li> <li>• Statutory powers and responsibilities of the Electoral Commission extended so that they can be exercised in relation to Scottish local authority elections</li> </ul>
2011	Following interim reviews of the local authorities, by the Local Government Boundary Commission for Scotland, the number of councillors in the Bathgate ward of the West Lothian Council was raised from 3 to 4
18 April 2012	Cut-off date for registering as a voter
3 May 2012	The first, post 1999, Scottish local authority elections held separately from the Scottish Parliament elections and without an overnight count
4 May 2012	The electronic count for the elections took place
10 May 2012	The Dunoon election took place. The election had been deferred because of the death of one of the candidates
11 May 2012	Result of the Dunoon election announced
September 2012	The Electoral Commission will publish its report on the 2012 local elections

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