



Local Electoral Administration (Scotland) Bill

Bill Number:	SP Bill 57
Introduced on:	7 October 2010
Introduced by:	John Swinney MSP
Passed:	16 March 2011
Royal Assent:	20 April 2011

Passage of the Bill

The Local Electoral Administration (Scotland) Bill was introduced in the Parliament on 7 October 2010. Stage 1 commenced on 16 November 2010 with evidence being taken by the Subordinate Legislation Committee. The lead Committee was the Local Government and Communities Committee which held two oral evidence sessions on the Bill on 17 November and 18 December 2010. The Stage 1 (general principles) debate took place on 2 February 2011. Stage 2 consideration of the Bill was completed at a meeting of the Local Government and Communities Committee on 2 March 2011. The Bill was passed, following the Stage 3 Parliamentary debate, on 16 March 2011. The Act received Royal Assent on 20 April 2011.

Purpose and objectives of the Bill

The Bill has a dual purpose. Firstly, it seeks to establish an Electoral Management Board for Scotland (EMB) with responsibility for local government elections. Secondly, it proposes an extension of the Electoral Commission's remit to include Scottish local government elections. In broader terms, the Bill forms a part of a wider response to the events around the 2007 Scottish Parliament and local government elections.

Provisions of the Bill

The Bill consists of two substantive parts. Part One deals with establishing an EMB and details the membership of the EMB, reporting arrangements of the

Body and provides the convener of the EMB with a power of direction over Returning Officers.

Part Two of the Bill extends the Electoral Commission's remit to include local government elections which is the only set of elections taking place in Scotland, and in the UK, which the Electoral Commission previously had no formal role in supporting. The Bill enables the Electoral Commission to:

- report on the administration of local government elections
- include local government elections in Scotland within the Electoral Commission's Observers Scheme
- be consulted on changes to electoral law and involved in changes to electoral procedures
- apply performance standards to returning officers for local government elections, and
- provide guidance and advice to electoral administrators, candidates and political parties

The Bill also requires the Electoral Commission to produce an annual report on the performance of their functions in relation to local government elections in Scotland, which will be laid before the Scottish Parliament and be published. The Bill therefore provides for an independent UK body to report to the Scottish Parliament for its delivery of the functions outlined above.

Parliamentary consideration

The general principles of the Bill, in terms of improving electoral administration in Scotland, were generally welcomed by the Local Government and Communities Committee. The Committee did comment that it would be logical for the remit of the EMB to be extended to include other elections taking place in Scotland, albeit recognising that legislative responsibility for these elections were reserved.

At Stage 2, three amendments to the Bill were lodged, all by the Scottish Government, and all three amendments were agreed to unanimously by the Local Government and Communities Committee. The amendments agreed to, which were primarily technical in nature, included enabling the Scottish Public Sector Ombudsman to consider any complaints relating to the Electoral Commission's functions with regard to Scottish local government elections. At Stage 3, one amendment to the Bill was lodged by the Scottish Government. The amendment, which was technical, was agreed to unanimously.

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