SUMMARY FROM ELECTORAL REFORM SOCIETY SCOTLAND

Summary
The central pillar of a good representative democracy is equality of access to free and fair elections. Within this core principle, modern democracies take representation to embody the idea that those that are elected should also reflect the citizen body they represent. Today politics is failing in this regard more than ever. A failure of representation in the context of declining participation, engagement and trust, raises the question of how long the current system of representative democracy can continue to command public support.

Low voter turnout should be of concern, not least as it varies according to socio-economic status, thus engendering inequality in our democracy. Practical fixes such as reforms of the registration process should be considered but it must be acknowledged that low turnout is a symptom not a cause of the disconnect between people and politics.

The failure of our decision making bodies to ‘look like us’ is also a concern. Again, practical measures such as job sharing and quotas must be considered, but nothing short of radical reform of how representative politics works in a modern democracy will fix the problem.

Key recommendations
1. Localising power and decision making could be a big part of the solution to people’s disengagement from politics. Once people could see more clearly who was making decisions about their community and how, they would be more inclined to pay attention and get involved, improving engagement and representation and increasing accountability.
2. Making deliberative democracy part of a more localised approach could also increase people’s faith in the system and confidence in their own ability to influence that process, leading in turn to greater inclination to engage and participate. Mini-publics are a potential method of engagement that recognises the need for institutional reform if people are to see the value of being involved in running their own communities.
3. Awareness of how political language alienates and discourages participation must be encouraged. Participation takes practice. If opportunities are limited then people do not get to exercise the skills and habits required in a truly democratic society. Without civic exercise they fail to ‘grow democratic muscle’. Negative experiences or deliberate exclusion by those in power will mean already disadvantaged groups are even less likely to develop these skills and the confidence to use them.
4. Practical issues that could help improve participation levels such as Saturday polling, internet voting, a review of polling locations and reforms of registration methods should also be considered.
5. The political party system and party funding should also be reviewed and their role in the decline in democratic participation considered.
6. How political participation can be encouraged through education, and alternative models for participation including citizen’s juries that might revive our democracy deserve attention.
7. Consideration should be given to innovative measures such as job sharing, and work must be done to rehabilitate the idea of positive measures to promote women and minorities including quotas.

Introduction
ERS Scotland welcomes the opportunity to provide evidence to the Local Government and Regeneration Committee. Our response is informed by two recent pieces of research undertaken by the Society.

1. Our 2012 Scottish Local Government Elections Report was informed by analysis of the data published by the 32 local authorities across Scotland after the May 2012 elections. Professor John Curtice analysed our dataset and compiled the attached report. They key relevant findings for the Committee are presented below.

2. Democracy Max is an independent inquiry initiated by ERS Scotland into ‘What makes a good Scottish democracy’. It aims to provide a non-partisan space where those with different views can debate and discuss Scotland’s democracy and her democratic future with the aim of achieving the following objectives:

- To debate, in a non-partisan space, the nature of democracy in a changing world and begin to describe what a good Scottish democracy should look like.
- To deepen our understanding and inform our position on the constitutional debate and what concerns people about our political systems, with a view to future campaigning.
- To help shape the language of the debate around the referendum to ensure the idea of what kind of democracy we want to live in is part and parcel of the debate.

To date the Democracy Max inquiry has completed two of its four phases. To begin the inquiry, ERS Scotland organised a deliberative discussion event which brought together as representative a sample as possible of Scottish people.\(^1\) The People’s Gathering saw over 80 delegates come together in Edinburgh to engage in radical thinking about Scotland’s democracy. The ideas that came out of the People’s Gathering were published in the first report of the series: ‘Politics is too important to be left to politicians’.\(^2\) They now form the basis of three phases of round-table conversations which seek to distil those ideas into a ‘Vision of a Good Scottish Democracy’. The first of those roundtables focussed on the idea of ‘Sovereignty of the People’ and participants discussed:

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\(^1\) Over 200 people applied to take part and provided their age bracket, gender, occupation and postcode. From this staff at the University of Edinburgh’s Institute of Governance ran the data to select as representative a sample as possible from the applicants. 129 were selected and two thirds of these attended on the day.

\(^2\) http://www.electoral-reform.org.uk/images/dynamicImages/PeoplesGatheringWEB.pdf
• How people engage with the people, politicians and institutions that have the power to shape their lives
• The proximity of power and government to people
• The workings of political parties and public institutions

The report from the People’s Gathering is attached to this submission and again, the findings relevant to the Committee’s Call for Evidence are summarised below.

The People’s Gathering strongly articulated a growing disconnect between people and politics (in relation to political parties; formal institutions of state and also public services). This trend is supported by Social Attitudes Surveys, the Hansard Society’s Audit of Political Engagement, and Democratic Audit’s report ‘Power and Participation in Modern Britain’, as well as countless other comment pieces, news reports and academic papers and publications.

And yet, the benefits of active participation in politics were also recognised. Participants wanted to encourage people to stand for election, and to reflect on what might discourage them from doing so, to consider why election turnout is so low, and what might be done to re-engage people with the political process, as well as examine how to make our voting system fairer.

ERS Scotland welcomes the broad remit of the Local Government and Regeneration Committee’s Inquiry, and are hopeful that whilst our politics might be in crisis it is not beyond treatment. In fact there is an opportunity for Scotland to lead the way in creating a new politics.

Turnout & registration
At 39.1% the turnout in the May 2012 elections (defined as the proportion of the registered electorate that cast a valid vote) was, unsurprisingly, markedly lower than in 2007 (52.8%) when a parallel Scottish Parliament election was held. However it also proved to be lower than at any previous round of Scottish local elections held since the major reorganization of the 1970s. The previous all–time low since then, 41.4%, had been registered in 1992 when the local elections took place just a month after a UK-wide general election. The election clearly provided further evidence of the increasing difficulty of getting voters to the polls, irrespective of the electoral system in use.

Although turnout was as much as 14 points lower than in 2007, the variation in its level from one ward to another was much the same as in 2007. The correlation between the turnout in a ward in 2007 and that in 2012 was no less than .84. In short, the relative propensity of different parts of Scotland to participate in the local elections was little affected by the decision to hold the local elections separately from a Scottish Parliamentary contest. Thus turnout was once again generally lower in less affluent, more socially deprived parts of Scotland. As in 2007 too, the lowest level of turnout was in Glasgow (31.7%). However, turnout did fall noticeably less

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3 http://www.scotcen.org.uk/our-research/social-and-political-attitudes
than elsewhere in the three island council elections (Shetland, 54.2%, -4.8; Na h- Eileanan an Iar, 52.2%, -10.3; and Orkney, 50.6%, no change) which were also the only three areas where over half the electorate voted. Doubtless this is an indication of the relative importance and standing of local government in these island communities – and suggests that it is the lack of that standing in much of mainland Scotland that helps to account for the markedly lower level of turnout in 2012 than in 2007.

Voter participation is a social justice issue. Learning from Ireland\textsuperscript{6} suggests there is a group of ‘non-voters’, particularly from deprived backgrounds who believe their voices have no value, do not know how to vote or register to vote, are intimidated by politicians’ language, have no confidence in politicians, and have given up voting due to the growing gap between the richest and poorest. In Scotland, there is a wide range of turnout levels depending on geographical area and related socio-economic factors, for instance, at the last local authority elections Glasgow’s turnout was 10% less than Edinburgh.

The correlation between education or socio-economic status and participation noted above should be of concern as this suggests levels of engagement are indicative of wider social inequality, thus implying politics is an elite activity and therefore undemocratic. A Democratic Audit report: Power and Participation in Modern Britain\textsuperscript{7} found that: “Certain groups, among them the economically disadvantaged, face pronounced difficulties in mobilising in order to exercise power, even if other groups do not act against them.” The Pathways through Participation\textsuperscript{8} project also found that inequality of opportunity was a major factor in levels of participation. “…deeper and more entrenched issues in society are reflected in disparities in the practice of participation. Issues of power and inequality in society are critical to understanding how and why people get involved and stay involved. The uneven distribution of power, social capital and other resources means that not everyone has access to the same opportunities for participation nor do they benefit from the impacts of participation in the same way. Such persistent and structural socio-economic inequalities are clearly challenging to address and cannot be removed without profound political and societal changes.”\textsuperscript{9}

There is also evidence that acquiring the habit of voting is an important factor in continuing engagement. Lawrence Le Duc & Joy H Pammett state: “the failure to establish the habit of voting early on tends to reduce future participation at all levels.”\textsuperscript{10}

The Society’s Democracy Max inquiry has discussed why participation in political structures is so low. Whatever the data tells us from the local government elections, it cannot accurately report why so few Scots turned out to vote, or indeed why there is an increasing disillusionment with the profession of politics and political parties whilst at the same time people show vibrant interest in specific issues in their

\textsuperscript{6}http://www.wheel.ie/sites/default/files/ActiveCitizenship%20Plans%20for%202008%20and%202009.pdf


\textsuperscript{8}http://pathwaysthroughparticipation.org.uk/

\textsuperscript{9}http://pathwaysthroughparticipation.org.uk/resources/finalreport/

\textsuperscript{10}Lawrence Le Duc & Joy H Pammett – Consistency or Selectivity (presented to EPOP 2012)
community or that they engage with on an ethical basis. It should be a cause for concern that people are making political choices in their everyday lives but do not connect those choices to participating in elections or standing for elected office.

One of the suggested roots of inaction is that people do not have enough direct contact with democratic decision making to feel that it is something they can influence. It is interesting to note that Scotland has the least number of elected representatives per head of population in Europe, and that in countries such as France and Norway, where democracy is more localised, turnout is higher. That is not to say that there is direct causation between the number of elected officials and turnout, but given the similar trends in Scotland, with the higher turnout noted above in the island communities, it is a factor worthy of consideration.

**Localising power and decision making could be a big part of the solution to people’s disengagement from politics.** Once people could see more clearly who was making decisions about their community and how, they would be more inclined to pay attention and get involved, improving engagement and representation and increasing accountability. **Making deliberative democracy part of a more localised approach could also increase people’s faith in the system and confidence in their own ability to influence that process, leading in turn to greater inclination to engage and participate.** Mini-publics are a potential method of engagement that recognises the need for institutional reform if people are to see the value of being involved in running their own communities.

The Society would also welcome consideration of practical issues that could help improve participation levels such as Saturday polling, internet voting, a review of polling locations and reforms of registration.

**Application for Registration:** Individual electoral registration as introduced by the Electoral Registration and Administration Bill\(^\text{11}\) makes it possible to integrate registration into other day-to-day transactions with the government. This is common in the United States where US citizens can register at their county or government registration office, their motor vehicle agency and at universities, schools and hospitals. To increase registration, the government should consider providing registration forms at government offices and Post Offices, and electors should be reminded to register to vote in official transactions such as when applying for a passport, drivers licence, social security and registering for council tax. A poll carried out for the Electoral Reform Society\(^\text{12}\) found that 38% of respondents said they would be more likely to register to vote if they could register when paying council tax, or applying for car tax.

**Online registration:** Online registration is a cost effective way of increasing participation and is used in the US and New Zealand. Since 2002 New Zealand has also allowed voters to text a free number to request a registration form. In the six months leading up to the 2008 election 37% of new registrants initially ordered their form by text. The ERS poll\(^\text{13}\) found that 52% of respondents said they would be more likely to register to vote if they could do it online.

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\(^{11}\) [http://services.parliament.uk/bills/2012-13/electoralregistrationandadministration.html](http://services.parliament.uk/bills/2012-13/electoralregistrationandadministration.html)

\(^{12}\) Poll carried out for the Electoral Reform Society by YouGov from 4-6 March 2012 [sample 2776 GB adults aged 18+]

\(^{13}\) Ibid
**Election Day Registration**: Election Day Registration would allow voters to turn up at the polling station, register and vote all in one go. With the introduction of individual electoral registration with personal identifiers, the potential for fraud is reduced. Election Day Registration is an innovation that is increasingly being used in the US, and there is considerable evidence to show that it increases registration and turnout rates significantly. Groups with lower registration rates see the largest gains through Election Day Registration, especially among those who have recently moved address. Academic analysis of the equality impacts of voter registration reforms in the US found that same-day registration had a significant impact on equality in political participation political14.

Analysis of the data collected by the United States Elections Project at George Mason University in Virginia shows that in six US states voter turnout is significantly higher than the nationwide average. Whilst there are some historical reasons for high participation such as competitive races or long-term civic interest in elections, there are also practical reasons for this discrepancy. Oregon for instance has a postal vote only system where electors receive an information pamphlet followed by a ballot paper, which they then drop in specially provided receptacles. Wisconsin operates a system of same day registration which is estimated in driving up turnout by around 10%. Maine and Minnesota also offer same day registration, with data indicating that over 60% of Minnesotans have taken advantage of the policy at some point.

Politics feels increasingly remote to the general public. Our Democracy Max inquiry so far strongly suggests a mood for a new politics. More local power combined with a greater voice for the public in decision-making are strongly emerging themes. Participants are ambitious for the consideration of radical new reforms to the decision making process such as mini-publics, a Citizens' Chamber or a re-write of the role of elected representative, an approach that suggests they see an ailing democracy requiring surgery over sticking plasters. They also acknowledge that bringing decision making power closer to people holds many benefits, but that unless we think about new ways of how we do politics as well as where we do politics, new structures could still fail to improve participation in the intended way.

Political participation has a number of aspects, this Local Government and Regeneration Committee Inquiry specifically addresses turnout and representation / standing for elected office. ERS Scotland would note that our Democracy Max inquiry has also raised significant issues with the political party system, party funding, how political participation can be encouraged through education and alternative models for participation including citizen’s juries.

**Representation**

A failure of a cross-section of the population to stand for elected office has resulted in unrepresentative decision-making bodies. This is perhaps best documented in the case of gender imbalance. Women won the right to vote in the UK over 90 years ago; yet only one in five members of the UK Parliament are women (22.3%). Positive measures put in place by Labour prior to the first election to the Scottish Parliament saw the percentage of women in the 1999 election reach 37%, and this rose to 40%

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in 2003. However, gender balance at the Scottish Parliament has since slipped back to 34.9%. ‘Twinning’ measures used by the Welsh Labour party have seen women’s representation in the Welsh Assembly remain above 33%, with the current balance at 40% of women Assembly Members, although this is also a reduction from the previous high of 51.6% in 2005-2007.

Local government fares even worse, with the 2012 Scottish local elections returning only 24% of women councillors (an improvement on the 21.8% figure of 2007). Only one of the 32 local authorities in Scotland is led by a woman (3.1%) compared with three in 2007. Patterns of gender imbalance persist; for example, 136 of the 353 council wards are represented by teams of all-male councillors (38.5%), while just four wards are women-only (1.1%).

Research shows that under-represented groups are more likely to participate when they see members of their group succeeding. Burns, Schlozman and Verba found that women seeking or holding elected office in American politics have an impact upon the political participation of women at the mass level – boosting women’s political interest, knowledge of candidates and sense of political efficacy. They reason that more visible women in politics may act as role models sending signals to women citizens that politics is an arena open to them. Alternatively, the presence of women in public office might suggest to women that their interests will be reflected in the policy-making process. Electoral Commission research has shown that in the UK in seats where a woman MP was elected to Parliament, female turnout was 4% higher than male turnout – a modest but statistically significantly difference. By contrast, in seats where a male MP was elected to Parliament there was no gender gap in turnout.

The practicalities of seeking elected office without a big party machine to support the candidate were considered as part of the inquiry. It was acknowledged that the introduction of proportional representation for the Scottish Parliament has encouraged plurality at Holyrood, but it was lamented that we have yet to repeat the ‘rainbow parliament’ of 2003-2007.

As progress towards a more gender balanced Parliament, and a Parliament representative of minorities stalls consideration should be given to innovative measures such as job sharing, and work must be done to rehabilitate the idea of positive measures to promote women and minorities including quotas.

The Democracy Max discussions so far demonstrate an appetite to seize the opportunity of the independence referendum and the surrounding debates to examine radical democratic reforms as part of a post-referendum Scotland. Most people find it logical that any further devolution of power to the Scottish Parliament should also lead to further local devolution or at least an examination of where decision-making power currently lies, how it is exercised, where power is best located, and how accountability can be improved.

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As we move forward with the Democracy Max inquiry, we take inspiration from innovative experiments and models world-wide, especially but not exclusively, participatory budgeting in Porto Alegre, Iceland’s Constitutional Council, and closer to home the community buy out on the Isle of Eigg. These case studies exemplify that trusting people with the power to make their own decisions can revitalise democracy.

Alphabetic voting
Alphabetic voting remained relatively common in 2012. In no less than 80% of those instances where one of the four main parties nominated a pair of candidates, the candidate placed higher on the ballot paper won more first preferences than their running mate did. If voters had not taken any cognisance of the order in which those candidates had been placed, that proportion should have been close to 50%. Only in the case of the small number of paired Liberal Democrat nominations was the proportion close to that figure. At the same time we can see that many of those candidates that bucked their position on the ballot paper to outpoll their higher placed running mate were in fact incumbent councillors. Over three-quarters of more successful lower placed candidates fell into that category. Where a party nominated two candidates then on average the candidate placed higher up on the ballot paper secured almost 10% (9.9%) more of the first preference vote than the lower placed candidate. In so far as the parties themselves made efforts to try and ensure that their nominees secured a relatively even share of first preferences by issuing voters in different parts of a ward with different advice on the order in which to rank their candidates, it has to be concluded that their efforts generally reaped a poor harvest.

Given the potential impact that a poorly distributed first preference vote can have on a party’s chances of winning seats, alphabetic voting is a phenomenon that all of the parties, and especially Labour and the SNP (as the parties which most commonly have two or more candidates in any single ward), have an interest in trying to counteract. One solution may be that the parties should select their candidates long before polling day and insist that they become active in developing a personal profile in their prospective ward, even if that might create some tension between them. Another possibility is that the parties could devote greater effort to vote management by giving greater publicity to their recommendations as to the order in which they would like voters to place their candidates. However, whether such measures will prove sufficiently effective in the context of local elections that do not necessarily generate widespread voter interest may be doubted. A more robust approach would be to redesign the ballot paper so that the order of the candidates differs randomly from one paper to the next. Such a system, known as Robson Rotation would not stop voters simply placing candidates in the order in which they appear on the ballot paper but would largely neutralise its impact on which candidates secure election – the relative success of candidates would be determined by their popularity amongst those who were not simply guided by the order of the candidates on the ballot paper. What, however, would have to be guarded against is the risk that varying the order of the candidates might generate voter confusion and thus, perhaps, a higher incidence of (unintentional) rejected ballots.

18 http://www.guardian.co.uk/world/2012/sep/10/participatory-democracy-in-porto-alegre
19 http://www.stjornlagarad.is/english/
20 http://www.isleofeigg.net/
Invalid votes
The incidence of invalid votes was somewhat but not dramatically lower this time than in 2007; 27,048 or 1.71% of all ballots cast were not included in the count. The most common reason, accounting for just over half (50.1%) of all rejected ballots, was that the voter had cast more than one first preference. The incidence of ballots rejected for that reason was more common the greater the number of candidates standing (correlation +0.31). This suggests that when presented with more than one candidate from their preferred party some voters failed to appreciate they had to place them in order rather than simply give an ‘X’ to them all, and that there remains a need to improve voter understanding of this aspect of the STV system. The second most common reason why ballot papers were rejected was that the voter’s intention as to whom they intended to give their first preference was uncertain. This accounted for 30.8% of all votes that were rejected. Such behaviour was not associated with the number of candidates on the ballot paper. In addition, 18.8% of ballots were rejected because no first preference had been indicated, while just 0.2% were put aside because the voter had revealed their identity and less than 0.1% constituted wholly blank ballots. As in 2007 (Denver et al., 2009), the overall incidence of rejected ballots tended to be higher in less affluent, more socially deprived areas, as indicated by the fact that the correlation between the proportion of ballots ruled invalid and Labour’s share of the first preference vote was no less than +0.57. Such a pattern is though far from unique to STV (Carman et al., 2009) and suggests a continued need for efforts at voter education to pay special attention to the needs of those with more limited social and educational resources.

Using STV
Interestingly, as many as one in eight voters eschewed giving their first preference vote to a political party candidate at all, giving it instead to an Independent candidate. Not only did that represent a small increase in Independents’ share of first preference votes as compared with 2007, but also it meant that the share of the popular vote won by Independent candidates was higher than at any time since 1974. One of the concerns originally expressed about the introduction of any system of proportional representation in Scottish local elections was that it should not become unduly difficult for Independent candidates to win seats. STV seems to have succeeded in meeting that concern.

One of the opportunities that STV affords voters is to express a more nuanced choice by placing the candidates on the ballot paper in order of preference rather than simply marking their ballot paper with an ‘X’. However, there is no obligation on voters to cast more than one preference, and thus one important test of whether STV is working as its advocates intend is whether voters do take up the opportunity to cast more than one preference. There appears to have been a marked increase on 2007 in the proportion of voters who expressed more than one preference. As many as 86.3% of all ballot papers contained a second as well as a first preference. This represents an increase of eight points on the equivalent proportion in 2007 (Denver et al., 2009).

Proportionality and ‘winning losers’
Where an election is conducted between different party choices, STV tends to produce results that are approximately proportional to first preferences won, though where a party is particularly adept at winning voters’ lower preferences they may
secure rather more than their proportionate share of seats. However, the proportionality of the outcome is constrained by the number of seats to be filled; the fewer seats there are to be filled the less proportional the outcome is likely to be, both in an individual ward and across a council as a whole. Not least of the reasons for this is that the fewer the number of seats, the more difficult it is for smaller parties to win any. Under the STV system that has been implemented in Scotland, wards elect only three or four councillors, a characteristic that can be expected to limit the degree to which proportional outcomes are obtained. Detailed analysis of the results indicates a handful of local authorities where the majority party did not achieve more than 50% of the vote, but this tends to balance out across the two major parties, Labour and the SNP.

Despite some arguments suggesting ‘winning losers’ were frequent, overall just 68 candidates secured election by leapfrogging into one of the top three or four places through transfers, five fewer than in 2007 and just 5.6% of all those elected. It should be remembered that these candidates are attracting preferences, albeit at a lower level.

In 2012, 76.7% of voters gave their first preference to a winning candidate, ensuring they are now represented by someone they positively voted for. This is slightly up on 2007 (74%), and a massive improvement on the 52.3% of voters who were represented by someone they had positively voted for under the First Past the Post system in 2003.

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