SUBMISSION FROM DR JAMES GILMOUR

**Scope**

1. The current inquiry will review some of the important issues affecting local elections in Scotland but it does not cover all of the issues that require attention before the next diet of local government elections, due in 2017. In particular, there are issues of voter education that should be addressed, to enable voters to make more effective use of their preferences and to reduce further the numbers of ballot papers rejected because the voters had entered multiple “X”s instead of preference numbers. It is to be hoped that the Committee will give consideration to “voter education” in good time for the preparations for the 2017 elections.

2. It is to be regretted that the current inquiry does not include a review of policy on ward sizes. The present narrowly prescribed limits of either 3 or 4 councillors per ward have adverse effects on the representation of communities and on the representation of voters. If the opportunity to comment is not taken now, with the current review due to report in 2016 for the elections in 2017, it will not be possible to implement any changes until the review due to report in 2026. Some detailed comments are given in paragraphs 47–55 of the Briefing Note of 23 November 2012.

3. The Committee should also consider the issues arising from the current policy of holding by-elections to fill casual vacancies. The purpose of using the Single Transferable Vote (STV) in multi-member wards is to give proportional representation of the voters (so far as is possible within the limits imposed by the small wards). Single-member by-elections frequently distort the proportionality of that representation, both as measured at the preceding ordinary election and as measured at the by-election itself. Such a distorted result has, on occasion, changed the balance of power in the whole council.

4. Comments on these and other issues were included in a Briefing Note submitted to the Committee on 23 November 2012. That Note was included among the Committee papers for the meeting on 28 November 2012, but a separate copy is attached for convenience.

**Voter Turnout and how this can be increased**

5. There is a considerable body of academic research on this topic and I have no doubt a detailed review of that would be useful. The November 2012 issue of the Journal of Elections, Public Opinion and Parties (Volume 22, Number 4) may be of particular interest as it is dedicated to studies of turnout, specifically how turnout is influenced by socialisation, social networks and mobilisation. I shall not attempt to summarise the five papers in that issue of JEPOP, but one message seemed clear to me: young electors from families with a history of “not voting” should be a specific target of any “turnout intervention” as they will otherwise follow the family pattern.

6. But we must be realistic. Local government elections in Scotland are “third order elections”. In Scotland, “first order” = UK Parliament elections; “second order” = Scottish Parliament elections; “third order” = local government (council) elections. This order reflects the hierarchy of power and perceived importance. Despite the best efforts of the McIntosh Commission, the establishment of the Scottish
Parliament, with an effective Scottish Government within it, has seen a decrease in the powers of Local Authorities in Scotland. Relative turnouts reflect that reality.

Reasons why people do not vote
7. Many people will vote in elections if they believe the elections matter to them and if they believe their vote could make any real difference to the outcome and to how the elected body would subsequently behave. But we also have to recognise that a significant number of electors do not want to participate in such decision-making. And I would attach a heavy discount to “circumstances” as the real reason why they did not vote (SPICe Background Paper on Local Authority Elections, 28 November 2012).

8. There is a well-established correlation for wards between lower turnouts and lower scores in assessments of average income, educational attainment, occupational status, etc, but the “problem” cannot be so simply explained away. I know from personal experience of living in a development where the 146 property owners are required by law (Deed of Conditions) to make decisions affecting the common property by formal vote, that voting levels can be low even when the decisions will determine personal financial commitments. On the seven occasions when such decisions have been made in recent years the turnouts ranged from 24% to 31%, even though every owner was on every occasion provided with a mandatory, in effect, a postal vote.

Voter Registration and how this can be increased
9. Individual voter registration has been in operation in Northern Ireland since 2008 and so there may be some benefit in drawing on the experience of the Electoral Office for Northern Ireland (EONI). It has been their practice to visit every secondary school with pupils of the relevant age to register the new electors, which in Northern Ireland includes the issue of a photographic ‘Electoral Identity Card’. I understand EONI issues around 45,000 letters every quarter to “missing electors” (3.6% of total electorate): the initial response rate is only 25%, but the overall response does improve when reminders are sent.

Proxy Voting including postal voting
10. I have no comments about proxy voting. However, I share the concerns of those who consider that the timetable for postal voting needs to be reviewed. Much of that concern has, understandably, been focused on the timetable for the production and distribution of postal votes. But it must also be recognised that problems are created by the present deadline for the receipt of postal votes. Given the processing that is now required, it is unreasonable and unnecessary to allow electors to hand-in completed postal ballots at any Polling Station in the relevant ward at any time until the close of polling at 10.00 pm on polling day. Instead, the deadline for the receipt or personal submission of completed postal ballots should be set at 5.00 pm two working days before polling day. Then all of the pre-count processing of the postal votes could be completed in good time and free staff for other duties on polling day and at the counts.
The Terminology used in and around elections

11. The discussion about terminology at the Committee meeting on 28 November 2012 centred on the terms “Polling Place” and “Polling Station”. The term “poll” and the expressions “taking a poll” and “going to the polls” are all familiar in common usage, so a term like “Polling Place” or “Polling Station” is logical for the location where that activity will take place. The “problem” - if there is a problem - has arisen because of the practical, and hence legal, need to distinguish a “Polling Station” from a “Polling Place” when there may be two or more “Polling Stations” within one “Polling Place”. The legal distinction is important (for some purposes), but it matters not a whit whether electors say they are going “to the Polling Place” or “to the Polling Station”.

12. As for local signage, I would find “Vote here” more appropriate above the ‘voting boxes’ on a ballot paper than over the door or on the fence of a Polling Place. It is far more important that there is effective “Way in” finger-pointing signage indicating the entrances in use. In any event, I can think of no possible reason why changing all “Polling Place” signage to “Vote here” should in any way induce any extra electors to become active voters. As was pointed out during the Committee discussion, using both would almost certainly increase confusion.

Robson Rotation in respect of the ordering of the ballot paper

13. The issues relating to the ordering of candidates’ names on ballot papers go far beyond Robson Rotation and the Committee will be failing in its responsibilities to the voters (“Putting the voters first”) if it confines its consideration and discussion to Robson Rotation. In fact, Robson Rotation is an approach designed for printing technology that has been superseded. When Robson Rotation was devised, ballot papers could not be printed as individual entities but had to be printed in batches which were then collated into pads. Following the adoption of digital printing of ballot papers in which each paper is given a unique number and a unique bar-code, it has become possible to print other features of the ballot paper under program control, including the order of the candidates’ names on each ballot paper.

14. The use of ‘Robson Rotation’ in STV elections in Tasmania and in the Australian Capital Territory does reduce the list order effects. The rotation rules are very specific (but different between the two jurisdictions) and are applied to both single-column and multi-column (party column) ballot papers. However, analysis of preferential voting patterns undertaken for the Tasmanian Electoral Commission has shown that the restricted rotations prescribed in the respective election rules do not remove all the list order effects:


For this reason, and because more effective solutions are now technically practicable through digital printing, Robson Rotation should not be considered for use in STV elections in Scotland.

15. As was explained in the Briefing Note of 23 November 2012 (paragraph 3) very real ‘list order effects’ were apparent in the preferences recorded on ballot papers in both the 2007 and 2012 STV elections. Because the names were ordered alphabetically the effect was manifest as “alphabetical voting” when the numbers of first preferences for candidates from the same party were compared. The probability of such unequal distributions occurring purely by chance is vanishingly small.
16. It should be noted, however, that there was an interesting difference in the effects in the 2012 elections from those in the 2007 elections. In 2007 the alphabetical advantage of the higher-placed candidate of each pair was consistent across all four of the largest parties. In 2012 there was an alphabetical advantage for the higher-placed candidate of each pair nominated by the Conservative Party, by the Labour Party or by the SNP, but not for those nominated by the Liberal Democrats. [For details see Table 9 in the respective reports: Scottish Council Elections 2007: Results and Statistics; H M Bochel and D T Denver, University of Lincoln.]

17. Full randomisation of the names of the candidates on each ballot paper in each ward is technically possible (through digital printing) and would offer a complete solution to all of the 'list order effects', including “alphabetical voting”. Each name would have an equal probability of occurring in every possible position on the ballot paper and every permutation of the list would occur with an equal probability subject only to the limits of the numbers of ballot papers printed for each ward.

18. It must be recognised, however, that any departure from alphabetical listing may disadvantage electors with some specific disabilities. Such a disadvantage in relation to “accessible information” may constitute “discrimination” as defined by the Disability Discrimination Act 2005. This would need to be investigated thoroughly before any change was made. As explained in paragraph 8 of the Briefing Note, I have tried to obtain relevant information, but without any success. I also contacted the Learning Disability Strategy Steering Group through the Scottish Government’s Adult Care and Support Branch, but they have not provided any information.

19. This discussion relates specifically to the STV ballot papers used in local elections in Scotland. If any change were made for those elections, it would be necessary to consider the possibility that voter confusion might be increased if alphabetical ordering were retained for all other elections in Scotland. This could be tested by suitable qualitative and quantitative research.

**Diversity amongst voters and elected representatives including any matters associated with the eligibility to stand, donations and the nomination process**

20. The most obvious lack of diversity among elected representatives in relation to the diversity among voters and electors is the under-representation of women among councillors. The success rate for women candidates since the introduction of STV has increased very slightly, but their representation (24.3%) still falls far short of the proportion of women in the electorate or who vote.

21. The choice of candidates is a matter primarily for individual parties and nominating groups, but the restriction of the numbers of councillors per ward to only 3 or 4 almost certainly has an adverse effect on the nomination of women – only 23.4% in 2012. If the ward sizes were larger in the more densely populated city and urban areas, the parties and other nominating groups would have a positive incentive to nominate larger teams of candidates. That would provide an incentive to nominate more women so that parties, in particular, would be seen to present more balanced and more representative teams of candidates. That in turn would provide an incentive to the parties to put more effort into recruiting and training women
candidates. It would then be for the voters to decide if those women should be elected – a choice that must always be respected.

**The timing of future elections with a view to minimising clashes**

22. For a variety of reasons, it is desirable that different elections are held at different times, ideally in different years. Until all public elections in Scotland are held using STV, this will be particularly important for the timing of the local government elections. Holding an STV election on the same day as an X-vote election greatly complicates the pre-election voter education programme and, experience shows, increases voter confusion and voter mistakes.

23. The local elections are due to revert to a 4-year cycle after the 2017 elections. That will avoid any future clashes with Scottish Parliament elections. But UK Parliament elections are now on a 5-year cycle, as are European Parliament elections though the latter are (usually) held in a different month. Thus with a combination of 4-year and 5-year cycles, clashes are inevitable, later if not sooner. One simple solution would be to change all the elections to 5-year cycles.

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**Disclaimer**

Dr James Gilmour is a member of the Electoral Reform Society and of the Fairshare Voting Reform Campaign Committee, but he has prepared and made this submission in a personal capacity.

This submission may be made public without reservation.

James Gilmour
1 March 2013