SUBMISSION FROM CITY OF EDINBURGH COUNCIL

I write with reference to your email of 28 January to the Chief Executive of the City of Edinburgh Council concerning the above. The Chief Executive has passed me your email and asked that I respond on her behalf.

Having noted the issues that are being investigated by the Committee, I would refer to the evidence that the representatives of the Electoral Management Board for Scotland (EMB) gave to the Committee at their meeting on 28 November 2012. As a member of the EMB the Chief Executive was fully supportive of the position expressed in the evidence that was given that day, where all of these issues were discussed by the Board representatives and other witnesses. While I understand that the EMB did not submit written evidence to the Committee, a briefing paper was drafted for the EMB in their preparations for the meeting and this addresses many of the issues that were raised. A copy of this is attached for your information. In general however, for those issues not covered in the briefing note, I would refer to the written record of the EMB’s evidence session.

Both the Chief Executive and I would be happy to discuss any of these issues in more detail if that would be helpful.

Chris Highcock
Depute Returning Officer
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In its invitation to attend this Committee, a number of issues were identified as potentially being of interest and on which the EMB might be asked to comment. This paper notes those issues and offers some preliminary comment.

The Report was laid before Parliament on 16 November 2012. The Committee have copies and further copies are held by Scottish Parliament Information Centre (SPICe).

Robson rotation aims to reduce the impact of linear voting by creating a number of versions of the ballot paper, each with a different order of candidate names. There are different approaches but the usual is for the number of versions to equal the number of candidates, with each candidate name appearing at the top of the list on one version. This method is currently used in Tasmania and the Australian Capital Territory. The EMB has been in discussion with electoral administrators there around their experience of the system in practice.

It is worth noting that the problem of linear voting may be a particular issue in Australia where there is compulsory voting. It is not a particular issue in Scotland.

Ultimately any decision to adopt this method would be a policy matter for determination by the Parliament. However the EMB would note the following issues:

- **Practical**
  - **Ballot Paper Production and Printing** – the production of ballot papers would become more complex.
  - **Ballot Paper allocation** – the allocation of ballot papers to polling places and postal voters would be made more complex. There would need to be a procedure to ensure that where possible each polling place received an equal number of each version.
- **Counting** – the electronic count system would need to be re-specified to cope with the variety of papers that would need to be scanned and the variation in location of candidate on each. However, at by-elections currently many Returning Officers use a manual count and this would be made very complex with such a variety of paper and the risk of error would be amplified.

- **Technical**
  - **Continued advantage** – there is still a potential that one candidate can unfairly receive more votes than another following the exclusion of candidates. The allocation of these additional votes is determined by the 'luck of the draw' as to who has the higher position on the ballot paper where the excluded candidate’s name is shown at the top, and to which of the two competing candidates is above the other on more versions of the ballot paper (e.g. three rather than two versions where there are five candidates). These additional votes could be enough to elect a candidate over another.

### Female representation at local council level and the role STV plays

The EMB would view this as a policy matter and an issue for political parties in their selection of candidates. It is not within the EMB’s remit of concern.

### 16/17 year olds voting at Scottish local elections

**Current system**

Currently the vast majority of people are registered by the annual canvass which normally takes place after the final update of the electoral year (1 September) and is completed before the publication date of the new register (by 1 December). Some pre-canvass activity takes place as early as July or August and preparation work such as form design and printing contracts in May or June.

The current rights and duties for the ERO in relation to the annual canvass are found in sections 9, 9A, 10 and 10A of the Representation of the People Act 1983. These sections also apply to rolling registration. These require the ERO to engage with the electorate to obtain the names of those who should be newly added to the register and to remove those no longer eligible. **Legislation allows for collection of details for anyone who is 16 or over at the notional canvass date (15th October) to be added to the form by the person returning it.** For anyone over 18 added to the form, the form is legally deemed to be an application to register. Similarly for 17 year olds added to the form the form is deemed to be an application to register. If the person is still 17 by 30 November in that canvass year they will be added to the register with an indication of their date of attainment - this identifies those attainers who are unable to vote until an election held on that date.
For 16 year olds the information is used by most EROs to inform the canvass process for next year and the person is treated as a “sleeping” or “silent” attainer. Everyone on the register published at 1 December should be 17 year old or over.

It is possible for a 16 year old to apply (or be encouraged to apply) after publication. For instance, they can apply in January after the conclusion of the canvass. The qualification for being on the register is that you will be 18 years or over during the 12 months following the next 1 December. This means that you need to be already 17 at 30th November but if you are 16 by then you can apply during the 12 months following.

It follows from this that the number of 17 year olds on the register reduces through the electoral year (as they get older) and although they can be replaced by 16/17 year olds who may apply by rolling registration, this method is not popular with the electorate. Similarly the 16 year olds who apply will, through the rolling registration year, be older and cannot be replaced by 15 year olds who may become 16 by the referendum date as they cannot be registered by any means under current legislation.

Proposed change

The First Minister has announced his intention that “everyone aged 16 and 17 on the day of the referendum can be included on the electoral roll – not just so-called "attainers" covered by the existing electoral canvass proposals”, and that this will be achieved by means of a “young persons’ register”.

To do this it is noted that “Extending the electoral canvass to ensure that all 16 and 17 year-olds can be given the vote will involve Scottish electoral registration officers introducing software changes to create a young persons register”.

*Early legislation to amend the EROs’ rights to collect and process information of people who will be 16 by Referendum day is required and it should be in place in time for EROs to plan the canvass which will take place before the Referendum.*

The separate “young persons register” idea which has been proposed suggests that it is recognised that a public register containing the names of under 16 attainers should be treated differently from a list of adult electors (over 16s). The announcement recognises that sufficient time for software changes is needed.

Interaction with IER introduction

Although the canvass is, normally held between September and the end of November, there is a probable difference in 2013. In preparation for the introduction of Individual Electoral Registration (currently going through the Westminster Parliament) the 2013 canvass is proposed to be delayed until Spring 2014. While this canvass will almost certainly need to begin in 2013 the completion date will probably be delayed by 4 months, the latest publication date proposed at present is 1 April 2014 (per draft
Secondary legislation). The commencement date for the 2013/14 canvass could therefore be as late as December under current proposals. This clearly allows a little more time for canvass legislation and software to be in place and it also allows more 16 year olds to be “captured” by the canvass without recourse to the “young persons’ register”. However the delay does nothing to “capture” 15 year old attainers.

EROs would seek clearer powers to obtain information from school records as it would enable the pre-printing of canvass forms to encourage attainers to be registered.

The commencement of the transition to IER is expected to begin in July 2014. All new applicants and any unmatched electors will be required to provide identifiers from this date. If the potential new elector is still unmatched after submission of identifiers further proof of the ‘person’ and ‘residence’ will be required to allow the ERO to register the applicant. This additional requirement could cause issues in the period immediately prior to the referendum. Transitional rules will protect existing electors who fail to be matched.

It is unclear if the names of electors who are still under 16 at the start of the political canvass period can be provided to the official campaign groups.

Other potential issues

Issues may arise in Postal Voting for young voters. The time period available to allow a young person to register, be data matched, provide an acceptable AV application will be very tight. A young person’s signature is unlikely to be settled/mature. Other than the canvass there could remain issues with gathering personal information from under 16s in preparation for being 16 years at the referendum.

It is possible that we may see a surge in “dual registration” applications as non resident owners of second homes in Scotland apply to be included in registers.

The timing of the Referendum has registration issues. Which register will be used for an autumn Referendum? What effect (if any) will the date have on the 2014 canvass timing? This needs to be clarified in legislation at an early stage, but not necessarily as early as the 2013 canvass issues.

The key issue is the importance of providing clear legislation as early as possible to allow EROs to collect and store data for 15,16 and, depending on timing, even 14 year olds. This needs to be done regardless of the type of register and how it is eventually published, or used by ROs.

The impact of conflicting, or successive, electoral cycles (EP; Westminster; SP; local gov etc.)

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The issues associated with the combination of polls have been well-rehearsed in recent years, particularly in the aftermath of the 2007 elections. Those issues have not changed with respect to the principles as play:

- combined poll are more expensive and more complex to administer; economies of scale may mean that the costs are smaller than would be for two separate elections (in terms of venue hire, staff time and cost of administrative tasks, for example procuring forms, issue of postal votes).
- there is more potential for confusion in a combined count with different electoral systems and the need for complex verification and sifting processes to prevent mis-posted papers.
- Voter confusion may be an issue where there are different voting systems being used simultaneously. It is also often argues that when national and local elections are held simultaneously the voters will vote on the same set of issues in both

In order to “put the voter first” and reduce the potential for voter confusion, combined electoral events should be avoided where possible.