Local Government and Regeneration Committee

8th Report, 2013 (Session 4)

Report on the 2012 Scottish Local Government Elections

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Local Government and Regeneration Committee

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Local Government and Regeneration Committee

Remit and membership

Remit:

To consider and report on a) the financing and delivery of local government and local services, and b) planning, and c) matters relating to regeneration falling within the responsibility of the Cabinet Secretary for Infrastructure, Capital Investment and Cities.

Membership:

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Anne McTaggart
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John Pentland
Stewart Stevenson
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Local Government and Regeneration Committee

8th Report, 2013 (Session 4)

Report on the 2012 Scottish Local Government Elections

The Committee reports to the Parliament as follows—

BACKGROUND

1. The Local Government and Regeneration Committee agreed to hold a short inquiry into the 2012 Scottish local government elections ("the 2012 elections") at its meeting on 19 December 2012. The Committee appointed Committee members John Wilson MSP and Anne McTaggart MSP to act as reporters for this inquiry.

2. The aim of the inquiry was to consider a number of matters relating to the 2012 elections, with a view to making recommendations to the Scottish Government for improvement or change.

3. A call for evidence was issued on 25 January 2013 looking for views on the following issues:
   - Voter turnout and how this can be increased
   - Reasons why people do not vote
   - Voter registration and how this can be increased
   - Proxy voting including postal voting
   - Terminology used in and around elections
   - Robson Rotation in respect of the ordering of the ballot paper
   - Diversity amongst voters and elected representatives including any matters associated with the eligibility to stand, donations and the nomination process
   - Timing of future elections with a view to minimising clashes.

4. We received 16 submissions in relation to the call for evidence. The written evidence received can be found at Annexe B.
5. We sought written evidence from the political parties and despite issuing reminders none made a submission. This is disappointing given it is as much in the interests of political parties that turnout and voting is maximised as it is for democracy in general.

6. The reporters held meetings with Scottish Government officials, the Electoral Commission, Dr Alistair Clark from Newcastle University, Dr James Gilmour and the Electoral Management Board for Scotland (EMB) between March 2013 and May 2013 to help inform the inquiry. Notes of these meetings can be found at Annex A.

7. We had previously taken evidence on related reports produced by the Electoral Commission and the EMB, and from Dr Alistair Clark in November 2012.

8. We would like to record our thanks to our reporters for their work on our behalf. We were pleased to endorse their recommendations to us in the following paragraphs. Like them we would like to record thanks to all those who provided written and oral evidence. It is our intention to return to this work in the Autumn of 2014 to assess progress on the various areas highlighted in our report.

VOTER TURNOUT AND HOW THIS CAN BE INCREASED

9. The 2012 elections recorded a voter turnout of 39.8%. This was the lowest voter turnout recorded since unitary authorities were created in 1995. They were also the first decoupled elections since 1995.

10. In comparison, turnout figures in Scotland for the UK General Election in 2010 were 63.8% and for the Scottish Parliament elections in 2011 were 50.4%. As suggested in written submissions in relation to the call for evidence, this lends support to the theory that local government elections are seen as third-tier elections in Scotland.

11. The island local authorities recorded voter turnout at the 2012 elections at over 50% - Orkney Islands Council (50.8%), Comhairle nan Eilean Siar (53.2%) and Shetland Islands Council (54.7%).

12. Local authorities recording the lowest turnout included Glasgow City Council (32.2%), Aberdeen City Council (33.7%) and Dundee City Council (36.7%).

13. In written evidence, the Electoral Reform Society said—

   “….this is an indication of the relative importance and standing of local government in these island communities – and suggests that it is 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.”

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1 Scottish Conservative Party, Scottish Liberal Democrats, Scottish Green Party, Scottish Labour Party, Scottish National Party, Independents
3 29 new mainland unitary authorities were created. The Western Isles, Orkney Islands and Shetland Islands were already unitary local government areas.
4 Electoral Reform Society. Written Submission, page 4
14. Aberdeen City Council also recorded the 2 wards with the lowest turnout – George Street/ Harbour (20.5%) and Tillydrone/Seaton/Old Aberdeen (21.9%).

15. In written evidence, it was suggested that there may be a correlation between areas of multiple deprivation and low voter turnout. While this may be true for some local authority areas, the lowest ward turnouts in the Aberdeen City area would appear to buck this trend.

16. It could be suggested that, for these areas specifically and other areas of low voter turnout, the ward population being made up of students and ethnic minorities could also have played a part in the low turnout figures. At the meeting with the Reporters, Dr Alistair Clark from Newcastle University told us that it may be easier to identify the reasons for low voter turnout in areas once 2011 census data is available and suggested a need to engage better and more often with student, ethnic minority and itinerant populations.⁵

17. We would support efforts by local authorities and the Electoral Commission to ensure public information campaigns are better targeted at under-represented groups to assist with their inclusion in the democratic process.

Increasing voter turnout

Voting methods
18. It is important that everything that can be done is done to encourage the electorate to use their vote in local government elections. Through written evidence it became apparent that, as technology advances in the modern world, many felt voting methods have remained static, become outdated and should move with the times by offering alternative ways to vote.

19. Various methods of voting such as internet voting, phone voting and early voting were all suggested as ways to capture a wider interest in the electorate exercising their right to vote in elections.

20. Internet voting and phone voting were not only suggested as ways of making voting more accessible to the electorate, but also as a more up-to-date way of attracting the younger voter.

21. Although we would welcome advances in voting by internet and phone, it would be imperative that all security risks related to these methods of voting were researched and addressed to ensure fraud remained non-existent.

22. Early voting was also mentioned as a way to help encourage the electorate to participate. People’s lifestyles have changed and become more hectic with many not finding the time to vote on polling day. Early voting would allow people to vote at a time more convenient to them, and in a convenient place rather than in an allocated polling station.

⁵ Note of meeting with inquiry reporters, 21 March 2013
23. We note that in its report on problems at polling stations at close of poll, the Electoral Commission recommended that—

“The UK Government should, as part of a comprehensive electoral modernisation strategy, consider what role advance polling might play in helping to provide more flexible options for people wanting to vote and reducing the potential for queues to build up on polling day. The Scottish Government should also consider the relevant implications for local government elections in Scotland.”

24. We support that recommendation, and look forward to an update from the Scottish Government on progress in this regard.

25. In public opinion research conducted by the Electoral Commission following the 2012 elections, 52% of non-voters mentioned that circumstances prevented them from voting.

26. We were interested in the voting figures from Aberdeen for the Union Terrace Gardens Referendum. The turnout was 52%. Voting in the Referendum was allowed online, by telephone or by post. The respective figures for votes cast were:

- online - 28,702
- telephone - 9,154
- postal - 48,949

27. We support advances in voting methods as an additional way for the electorate to use their vote, recognising the need for thorough security, and ask the Scottish Government and Electoral Commission to further consider all the alternatives, including taking all opportunities to pilot and test new methods.

Public Awareness

28. In recent years some local authorities have restricted the use of posters on lampposts – ‘street furniture’ – with only 11 local authorities permitting this way of advertising the 2012 elections. Some political parties also refrain from the use of posters.

29. The lack of campaign literature displayed in local areas can only have a detrimental effect on the turnout at elections. However, it is acknowledged that

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local authorities and political parties may have a lack of resources available to carry this out.

30. In a written submission, the Returning Officer from North Ayrshire Council suggested—

“There could be a case to argue that Returning officers should use non-political posters to raise awareness of elections and/or direct voters to their polling stations.”

31. The EMB supported the view that a lack of posters on lampposts does not help voter turnout, that it has become the norm not to allow lampposting as a consequence of decisions by local authorities, and that this removes some of the theatre around polling day.

32. **We would endorse the Electoral Commission’s recommendation that discussions take place between local authorities, COSLA, political parties and the Electoral Management Board for Scotland regarding local restrictions on the display of election posters.**

33. We were encouraged to hear of local authorities engaging with young people through various initiatives to increase their awareness of elections and the importance of using their vote when they reach voting age.

34. There is often a disconnect between young people and democracy. Education is key to instilling the value of voting in elections in young people.

35. Dumfries and Galloway Council acknowledged—

“Perhaps there is a need to ensure that democracy and civic education feature more prominently in the curriculum to ensure that the importance of using the right to vote is embedded at an early age.”

36. **We recognise that local authorities are interacting with young people through various initiatives. We encourage local authorities (through the Electoral Management Board for Scotland and Electoral Registration officers) and the Scottish Government (with reference to the wider school curriculum) to engage with young people in secondary and further education on a regular basis to raise awareness of the voting process and the importance of local democracy.**

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9 Note of meeting with inquiry reporters, 2 May 2013.
REASONS WHY PEOPLE DO NOT VOTE

37. From the written evidence received a number of reasons were cited why people do not vote.

38. It has previously been noted that a lack of campaign literature may have had an effect as some of the electorate may not have been aware of the election taking place. It was also noted that a lack of information on the political parties and their policies may have contributed to the lack of voting.

39. Aberdeenshire Council conducted a post-election review with a targeted questionnaire, concluding from findings that—

   “Most [electors] are of the view that voting is not inconvenient and that instead the greatest obstacle to those casting their votes is dissatisfaction with candidates and political parties.”

40. Specifically, from the majority of written evidence received, it is felt that political parties and candidates have a lack of engagement with the local area; meaning the local electorate are unaware of the candidate’s policies that will affect their area.

41. The “Democracy Max – an inquiry into the future of Scottish democracy” report, stated that—

   “…politicians have the responsibility to engage the public and should make more of an effort to go to the people rather than expecting people to come to them.”

42. We acknowledge that some electors may choose to abstain from casting their vote as they feel their vote will not count in terms of making a difference.

43. We recognise the connection between lack of campaigning and lack of voter engagement. We also recognise that the responsibility for removing this disconnect lies in many areas and would encourage political parties, candidates, student councils, local authorities, the Scottish Government and Electoral Commission to all do their part in encouraging engagement.

VOTER REGISTRATION AND HOW THIS CAN BE INCREASED

44. Between the elections held in 2007 and the 2012 elections, 85,510 people had registered to vote meaning 3,983,185 people were registered to vote at the 2012 elections.

45. The current annual canvass for the electoral roll runs each autumn though people can register and amend details all year round.

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12 Aberdeenshire Council. Written Submission, paragraph 3.
46. Scottish Government officials advised us that in some wards, up to 20% of people eligible to vote are not registered to do so. There is an overall average of 5%.\(^\text{14}\)

47. With the recent passing of the Electoral Administration and Registration Bill\(^\text{15}\), the process for registering will change in that it will no longer be the responsibility of the head of the household to register everyone who lives at the same address. Under the new system (Individual Electoral Registration), everyone will register individually providing information such as National Insurance number and date of birth, which will be used as unique identifiers. We hope this has the effect of increasing the numbers registered. This will require to be closely monitored and appropriate information campaigns mounted to ensure success.

**Increasing voter registration**

48. It is widely acknowledged that Electoral Registration Officers make a concerted effort in canvassing for people to register.

49. Making the registration process even more accessible would benefit an increasing return of those registering. In written evidence, some were of the view that online registration would prove beneficial as an additional method for registering.

50. As suggested by the Electoral Reform Society, with the introduction of Individual Electoral Registration, the ability to register through day-to-day activities could also be realised.

> “..., 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.”\(^\text{16}\)

51. Automatic registration through registering for council tax or applying for a passport, with an option of opting out to register to vote, would further increase the electoral register turnout.

52. There is a common misconception among those not wanting to register to vote that the process is linked to the collection of poll tax arrears. This is a myth that needs to be quashed to alleviate the reluctance of some people unwilling to register for this reason.

53. In written evidence, Dr James Gilmour referenced the Electoral Office for Northern Ireland practice of visiting secondary schools to register pupils of the relevant age on the electoral roll.

54. This would be an innovative practice for local authorities and Electoral Registration Officers to undertake in Scotland, to increase registration among young people while informing them of the democratic process.

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\(^{14}\) Note of meeting with inquiry reporters, 7 March 2013

\(^{15}\) Electoral Administration and Registration Act 2013 (c.6). Available at [http://www.legislation.gov.uk/ukpga/2013/6](http://www.legislation.gov.uk/ukpga/2013/6) [Accessed 10 June 2013]

\(^{16}\) Electoral Reform Society. Written Submission, page 5.
55. The EMB told us that, post-October 2013, they would contact schools regarding talking to pupils about registration.17

56. In oral evidence to the full Committee, Dr Alistair Clark said—

“...I suggest that three or perhaps four groups of people be involved in the education process. Political parties should certainly be involved, and it is important that politicians get out and explain campaigns. It is also important for institutions such as the Parliament and electoral administrators to get out and about to engage with people, and it is equally important for civil society to be engaged in this work.”18

57. We are aware of initiatives already carried out by local authorities in reaching out to the younger electorate, and the positive impact they have. For example, West Lothian Council and representatives from the Electoral Registration Office carry out a programme in West Lothian secondary schools called “Democracy Challenge”. Through this initiative, from 2007 to 2011, 350 young people of the relevant age were registered who otherwise would not have been on the electoral roll.

58. We have noted the continuing efforts by Electoral Registration Officers, local authorities and the Electoral Commission in ensuring a continuing rise in registration, and would welcome consideration of a year-round continual canvass. We recommend that urgent consideration be given to all alternative ways of registering to vote.

59. We recognise initiatives already in place by local authorities to engage with the younger electorate to register and urge local authorities to continue to work with Electoral Registration Officers in providing this service.

PROXY VOTING INCLUDING POSTAL VOTING AND SIGNATURE VERIFICATION

Proxy voting

60. A proxy vote allows someone who is already registered to vote to appoint someone they trust with their vote to cast it for them. A proxy vote can be granted to a person whose health, education or employment circumstances prevent them from attending the polling station, to British citizen’s living overseas, to crown servants or members of Her Majesty’s Armed Forces or to those who will be on holiday on polling day.

61. At the 2012 elections, proxy votes were granted to 5,483 people, 0.14% of the electorate.

62. An emergency proxy vote could be granted to someone taken ill and therefore unable to vote. An emergency proxy could be appointed up to 5pm on polling day.

17 Note of meeting with inquiry reporters, 2 May 2013
63. The UK Government announced plans for emergency proxy votes to be granted to those unexpectedly called away on business or military service.

64. At the 2012 elections in Scotland, 28 of the proxy votes appointed were emergency proxy votes.

65. Proxy voting is an under-used facility for voting, possibly caused by lack of awareness of its availability. With better publicity its uptake may increase, having a positive effect on voter turnout figures.

66. **We agree with the Electoral Commission recommendation that the Scottish Government should seek to extend emergency proxy votes to those unable to attend the polling station or apply for a postal vote due to unforeseen circumstances.**

67. **We recommend that the availability of proxy votes and emergency proxy votes is better publicised by the Electoral Commission to ensure those unable to cast their vote themselves still have an option to make their vote count. In line with this we would also recommend the Electoral Commission produce guidelines for security in gaining a proxy vote similar to those used for postal votes.**

*Postal voting*

68. A postal vote can be applied for by anyone registered on the electoral roll. For the 2012 elections 604,758 people - 15.2% of electors - had a postal vote, with 421,755 people (69.7%) using it. Overall, postal votes contributed 25.9% of all votes that were cast and counted at the election.

69. The EMB advised us that if it was not for postal votes, the overall turnout at elections would be much lower.

70. Written evidence suggested that 100% postal voting could be a way forward to increase voter turnout, given the high return of postal votes currently experienced. However, it was noted that postal voting is not suitable for all, with many of the electorate preferring to cast their vote in person. At its meeting with the inquiry reporters, the EMB confirmed that all postal voting would not currently be allowed by law as it effectively takes away people’s right to vote by reducing the methods available in which to do so.

71. Issues were raised on the timings involved around the administrative side of postal votes such as production and distribution.

72. The Returning Officer from Argyll and Bute Council stated that—

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20 Note of meeting with inquiry reporters, 2 May 2013

21 Note of meeting with inquiry reporters, 2 May 2013
“... generally the timescales and security mechanisms are costly and take up lots of staff time to deliver.”

73. Dr James Gilmour had concerns around the receipt deadline for postal votes saying in written evidence that—

“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.”

74. We raised this issue with the EMB who told us that a lot of postal ballots are handed in on polling day but it causes no great problem as long as they are received timeously.

75. We agree that the receipt of postal ballots at polling stations on polling day should not cause any problems and postal voters should be allowed to continue casting their vote in this way. Taking this right away could effectively see a downturn in postal voter turnout.

Rejected postal votes
76. Postal votes are rejected by Returning Officers if the postal vote statement or ballot paper is missing, or if there is a mismatch in personal details provided by the voter with those held by the Electoral Registration Officer.

77. At the 2012 elections, 16,742 postal votes were rejected – 4% of the total returned. The most common reasons for these rejections were mismatched signature and missing postal vote statement. Currently, if a postal vote is rejected, due to a mismatch with the previously provided personal identifiers, the voter is not informed that their vote did not count. They will therefore continue to have their votes rejected until such time as the personal identifiers are periodically refreshed.

78. We are concerned about the high rejection rate of postal votes, most of which result from a mismatch in signature. It is often the case that these signatures relate to older people whose handwriting has deteriorated with age. The Scottish Government confirmed that it intends to amend legislation to address the signature verification problems. Registration Officers will have the ability to inform voters when a postal vote statement has been rejected at verification stage.

79. We agree with the Electoral Commission that provisions to allow Electoral Registration Officers to request up-to-date signatures and inform a voter that their postal vote statement has been rejected must be brought in by Scottish Ministers before the next local government elections in 2017.

TERMINOLOGY

80. While witnesses and those submitting evidence did not see the variability of election terminology used around the country as a difficulty for the electorate,

22 Argyll and Bute Council Returning Officer. Written Submission, page 1.
23 Dr James Gilmour. Written Submission, paragraph 10.
24 Note of meeting with inquiry reporters, 7 March 2013
there was some agreement that it can cause confusion and become a source of dispute for candidates, election agents and polling agents. The principal area in which this arises is in relation to “polling station” and “polling place”.

81. Both terms are used in legislation. Polling station is the curtilage of the building within which voters cast their votes and polling place covers the outside vicinity of the building. Within the polling station candidates, election agents and polling agents may be present and observe voting but are not permitted to disrupt voting or attempt to canvass voters.

82. Difficulties arise as a result of instructions and guidance to candidates, election agents, polling agents, clerks and tellers differing from authority to authority. In a few cases it is possible that polling stations can cover adjacent wards in different authorities, each using a different interpretation.

83. In evidence to the full Committee on 28 November 2012 the EMB indicated it would undertake research to identify if terminology was being used consistently across the country.\(^{25}\) All witnesses agreed that the EMB has power to direct Returning Officers as to what terminology should be used for local government elections. We noted that directions have been issued in relation to counting halls and what is permissible during the purdah period.

84. We welcome this research and recommend that following its completion the Electoral Management Board for Scotland issue a direction to all Returning Officers specifying the terminology to be used on signage for elections in and around the place where voting takes place. Thereafter it would be helpful if changes were made to ensure similar terminology is used in all elections.

DIVERSITY

85. Three separate aspects arose during our evidence under this heading, namely:

- Gender balance among candidates
- Ethnic background influencing voting
- Voters with disabilities

Gender balance among candidates

86. This concerned what can be done to increase the number of female candidates standing for election. Figures (shown in Table 1) from the last local government election show a slight improvement from 2007, when both elections used the Single Transferable Vote (STV), while remaining worse than 2003 when the election was on a first past the post basis (FPTP).

Table 1

<table>
<thead>
<tr>
<th></th>
<th>2003 (FPTP)</th>
<th>2007 (STV)</th>
<th>2012 (STV)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Candidates</strong></td>
<td>27.7%</td>
<td>22.8%</td>
<td>23.4%</td>
</tr>
<tr>
<td><strong>Councillors</strong></td>
<td>21.8%</td>
<td>21.8%</td>
<td>24.3%</td>
</tr>
</tbody>
</table>

87. No evidence\textsuperscript{26} was submitted with suggestions as to how this can be improved other than by the parties themselves taking action. We have no specific recommendations to make on gender balance other than to exhort all political parties to consider their respective positions and seek to provide the electorate with as wide a choice as possible.

**Ethnic background influencing voting intention**

88. We received some evidence that the number of voters with an ethnic background and whose first language is not English was proportionally low. We also received evidence that in some local authority areas pro-active attempts are being made to increase levels of voter turnout amongst ethnic minorities. North Ayrshire Council consult with Ayrshire Minority Ethnic Community Association to ensure the needs of the community are being met. Highland Council makes voting information available in 6 languages in addition to English.

89. We note efforts are being made to reach ethnic communities and invite the Electoral Management Board for Scotland to compile and issue best practice guidance in this area.

**Voters with disabilities**

90. We discuss this elsewhere (paragraph 100) in relation to possible changes and how they might impact on those people with impaired vision who utilise a braille template to cast their vote. Similarly those who utilise postal votes. Care must be taken with any change to ensure that it does not disadvantage people with other disabilities, including those with learning difficulties who may not be able to read or write.

91. We note with interest that North Ayrshire Council consult with groups representing elderly and disabled people and again here see a role for the Electoral Management Board for Scotland in pulling together and issuing best practice guidance.

**ORDERING OF THE BALLOT PAPER**

92. At present, electoral regulations throughout the UK require that the names of candidates appear on the ballot paper in the order dictated by the alphabetical listing of their surnames. It has been suggested that alphabet-based ballot paper order discriminates against those candidates with surnames starting with letters towards the end of the alphabet because they generally appear lower down the ballot paper.

\textsuperscript{26} Dr James Gilmour suggested increasing Ward sizes might encourage parties to make more balanced selections.
93. In the 2007 election, which was the first to be held using STV since the 1940s\(^{27}\), there was considerable evidence of alphabetic voting, with around 60% of voters giving their first preference to a candidate higher up the ballot paper than the candidate to whom they gave their second preference.\(^{28}\)

94. The Gould Report\(^{29}\) referred to the concern expressed by some organisations and individuals that a candidate’s chances of being elected might be influenced by where his or her name appears on the ballot paper. This concern was reflected in the Electoral Reform Society’s document “Local Authority Elections in Scotland”.\(^{30}\) To counter this, Gould suggested that a public lottery might be held to determine a candidate’s position on the ballot paper. This would give each candidate the chance to be placed at the top of, or other perceived advantageous positions on, the paper instead of the present method. Gould also suggested that the candidates might be grouped by party, where there is more than one candidate from the same party, with the party group position being determined by a lottery. However we have concerns about party lists, which may lead to less choice for the electorate in voting for their chosen individual candidates.

95. The Scottish Government in their 2010 consultation “The administration of future elections in Scotland”\(^{31}\) discussed 4 possible alternatives, namely—

- Alphabetical listing by surname of candidate (as at present)
- Each candidate listed in random order
- Rotation, i.e. ballot paper design varied to prevent any candidate gaining any advantage from ballot placement
- Candidates grouped by party on the ballot paper.

96. The Scottish Government Consultation then went on to ask “Do you agree or have comments on the proposed design of the ballot paper for the 2012 local government elections?”\(^{32}\)

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\(^{27}\) Combined Scottish Universities by-election, 22–27 November 1946


97. All of the responses to the Scottish Government Consultation were published although they were not summarised. In the meeting with the inquiry reporters, Scottish Government officials indicated that “no strong views emerged in a low response. Responses perhaps favoured a random draw with all papers in the constituency the same. Robson rotation received lowest support from administrators, citing issues around proofing printed ballots. Counting is complicated but not impossible, electronic counts could be adapted to cope.”

98. Written evidence received in response to the call for evidence largely agreed with the above views, with many local authorities noting difficulties should Robson rotation or a similar randomised system be utilised. The Electoral Reform Society stated that Robson rotation would not stop voters simply placing candidates in the order they appear on the ballot paper but would largely neutralise its impact on which candidates secure election.

99. We were informed by a SPICE briefing on Robson rotation which provides background and detailed information. Any form of rotation is a possible solution to the ordering of candidates on a ballot paper. It would completely randomise all ballot papers ensuring each candidate appears in a different location on the ballot paper.

100. Using a rotation would introduce more stages to the process where ballot design or machine counting could go wrong, and it would make it virtually impossible to stage a last-resort hand count. There would also be cost implications. Random rotation also has implications for those with learning difficulties and those for whom English is not their first language, making it harder for them to vote for their preferred candidate and could increase the instance of spoiled votes. Randomisation could not be used for those who currently rely on the Braille template, all would require to have prepared a ballot sheet in the same order.

101. Johann Lamont MSP has previously raised the importance of the alphabet giving people with literacy difficulties a tool with which to interrogate a piece of paper, also stating that—

“...If we were going to randomise the ballot paper, it could be done by political party, but it would need to be done in alphabetical order. We would have to find some way to make it easier for people to access the ballot paper.”

102. Dr James Gilmour, in written evidence stated that he was not aware of any data or research on this matter.

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34 Note of meeting with inquiry reporters, 7 March 2013
35 SPICE Briefing
37 Dr James Gilmour. Written Submission, part 2, page 2
103. While voters could utilise the party symbols to assist in identifying their preferred party that would not assist some voters in identifying the order of their preference in wards were parties have multiple candidates.

104. At the 2012 election alphabetic voting remained relatively common. In 80% of instances where one of the main parties nominated a pair of candidates, the candidate placed higher on the ballot paper won more first preferences than their running mate. Those lower placed candidates who outpolled higher placed running mates were generally incumbent councillors. Professor John Curtice summarised the position—

“…it appears that a relatively well known candidate can attract high levels of first preference support irrespective of their position on the ballot paper, but that in most cases where a party nominated a pair of candidates, too few voters were aware of the relative merits of the individual candidates to be in a position to exercise an informed judgment.”

105. Dr Alistair Clark agreed telling us that—

“The key issue is incumbency. The position on the ballot paper has some affect, more so for parties with running mates. In Edinburgh 14 out of 17 incumbents obtained most first preferences, although wider information is not yet available. This suggests that name recognition applies strongly. Position has an effect but is not the cause of voting preferences.”

106. In his written submission Dr Clark referred to statistical analysis showing a significant effect, albeit not one solely attributable to ballot paper position. He also noted that in the wards referred to in Edinburgh 14 out of 17 candidates receiving the most first preference votes were incumbents. This might suggest that incumbency is at least as important as ballot paper position.

107. Dr Clark suggested a degree of caution in proceeding with any change suggesting one danger as being a risk of a repeat of the problems in 2007 which led to a high incidence of spoilt papers. However, evidence that this is a consequence of the coupled elections and the STV voting system has not been established. Voting by STV has been the method used in Northern Ireland for 30 years with few issues being reported.

108. Having considered the evidence received we are convinced that action requires to be taken to address the significant effects that occur from the current ordering of the ballot paper. We have considered the options in the 2010 Scottish Government Consultation and do not consider that any of them would address this without creating other problems with this issue.

109. **We recommend that some form of ordering should be looked at in time for the 2017 Scottish local government elections and recommend that the**

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39 Note of meeting with inquiry reporters, 21 March 2013

40 Dr Alistair Clark. Written Submission
Electoral Commission in conjunction with the Electoral Management Board for Scotland and the Scottish Government use opportunities that arise in the interim period to trial potential solutions. While we recognise that no trial will properly replicate a national election it would allow the identification of unintended consequences. If all else fails we would support Gould’s suggestion, which was also the favoured option in the 2010 Scottish Government consultation, that ordering of the ballot paper for each ward should be determined by a ballot of all candidates.

TIMING OF FUTURE ELECTIONS

110. The 2012 elections were the first since 1995 that did not coincide with elections to the Scottish Parliament. The period in office for councillors elected in 2007 was extended by one year and the local government elections were decoupled from the Scottish parliamentary elections.\(^{41}\) This followed difficulties experienced in the voting process in 2007 and was in line with a recommendation in the ensuing Gould report that stated—

“…we are convinced that combined elections are not only a disservice to the local councils and candidates but also to the electorate as well. In essence, the local government elections are not simply about ensuring a reasonable number of voters show up at the polls on polling day. More important is that they engage with the campaign in a meaningful manner and make a knowledgeable decision on their ballot paper. Therefore, we recommend separating the Scottish parliamentary and local government elections, preferably by a period of about two years."\(^{42}\)

111. Councillors elected in 2012 will also serve a 5 year term of office. Thereafter the period reverts to 4 years.

112. The last Scottish Parliament election was held in 2011 for a 5 year Parliament. Thereafter that reverts to 4 years. Following the last Westminster elections the UK Government agreed that Parliament would, in future, run its full term of 5 years; meaning that the next election is due in 2015. The next European Parliament elections are due to be held in 2014 for a 5 year term.

113. Table 2 summarises the position and shows the timing of the next few elections to each body—

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114. Given that Westminster and the European Parliament are on 5 year election cycles and the Scottish Parliament and local government are on 4 year cycles future clashes of dates are currently inevitable. Table 2 shows that the first clash involving local government elections will be in 2025 with Westminster although the previous Westminster election in 2020 will clash with that of the Scottish Parliament.

<table>
<thead>
<tr>
<th></th>
<th>Last election</th>
<th>Next election</th>
<th>Future election</th>
<th>Future election</th>
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<tbody>
<tr>
<td>Westminster</td>
<td>2010</td>
<td>2015</td>
<td>2020</td>
<td>2025</td>
<td>2030</td>
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<tr>
<td>Scottish Parliament</td>
<td>2011</td>
<td>2016</td>
<td>2020</td>
<td>2024</td>
<td>2028</td>
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<tr>
<td>Local Government</td>
<td>2012</td>
<td>2017</td>
<td>2021</td>
<td>2025</td>
<td>2029</td>
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<tr>
<td>European</td>
<td>2009</td>
<td>2014</td>
<td>2019</td>
<td>2024</td>
<td>2029</td>
</tr>
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</table>

115. Evidence supported avoiding any clashes with local government elections particularly where they utilised different voting requirements. Other comments related to the effect on turnout which are addressed elsewhere in our report.

116. Dr Gilmour suggested that clashes could be avoided if all elections were held on a 5 year cycle.

117. While our remit extends only to local government elections we recommend that the Scottish Government give this matter consideration, in consultation with Westminster, with a view to having elections for each body on the same cycle. The obvious cycle, given the position at Westminster and the European Parliament, is one of 5 years.

**BY-ELECTIONS**

118. One further issue arose during our evidence sessions relating to what happens when a councillor vacancy arises mid-term. The current procedure is that a by-election is held and it was suggested that might be anomalous given the use of STV for council elections.

119. One possible consequence of a by-election is that the electorate choose a councillor representing a party different to the one originally elected. Such an eventuality can, and has, resulted in a change in the ruling administration in a local authority. Questions were asked as to whether such an outcome was compatible with the original intention of the electorate under the STV system and whether, as happens in Northern Ireland, the party to whom the original member belonged should be entitled to simply nominate a replacement member. Such an approach could be said to be consistent with the list system for members of the Scottish Parliament.

120. We did not consult upon this issue which in any event does not form part of our remit. Accordingly we reach no view or any recommendation. We simply bring the matter to the attention of the Scottish Government in case it considers it appropriate to investigate further and if appropriate initiate a wider debate.
121. Linked to the above is an ancillary question related to the timing of by-elections and here again we bring the matter to the attention of the Scottish Government in the event it wishes to consider whether a set period in which an election must be held should be specified.

OTHER ISSUES

Electronic-counting security

122. Black box voting is currently used in electronic-counting of ballot papers and is the process whereby the votes undergo a behind the scenes operation (i.e. application of a formula in a computer programme) after which the result of the election is calculated and produced. Security issues around electronic-counting were highlighted in evidence along with the possibility of computer USB ports being at risk. It was felt that advancing wireless technology could also provide potential for hacking of the electronic-counting system. The EMB confirmed that the current system used was successfully tested for security while remaining transparent.

123. We acknowledge the concerns around security and ask that the Scottish Government continue to take security issues into consideration when tendering for future electronic-counting systems.

Finance

124. It was noted that local authorities are not allocated any finance towards the running of elections. The EMB highlighted that any finance for elections comes out of local authority budgets, with the exception of the counting system and infrastructure. Costs for elections have increased due to hiring of locations for an extended period of time, staff costs and additional training required for staff.

125. We recognise that no finance is allocated to local authorities for the running of elections but would encourage local authorities to continue to use pro-actively their own budget allocation funds they have for elections.

Standing for election in multiple wards

126. An issue arose regarding the possibility of landlords with multiple properties being eligible to stand for election in wards in different local authorities. The EMB confirmed that this is an anomaly that should be looked into and that procedures for this should be tightened.

127. Currently the four criteria for eligibility to stand for election are:

- You are a registered elector within the local authority area in which you wish to stand.

43 Note of meeting with inquiry reporters, 2 May 2013
• For the year prior to the date of nomination you must have owned, or been a tenant in, premises within the local authority area in which you wish to stand.

• For the year prior to the date of nomination your main or only place of employment must be within the local authority area in which you wish to stand.

• For the year prior to the date of nomination you have lived in the local authority area in which you wish to stand.

128. We also raised issues around an elected member with arrears in rent/council charges. If they hold the arrears in the local authority area in which they are elected, the right to vote on local authority budget issues is removed. However, should they hold arrears in one local authority area but be elected in another, they retain the right to vote on budget issues for that area.

129. We recommend that the Electoral Commission and Scottish Government carry out a review of the criteria for eligibility to stand in a local government election, with the business connection to an area having clearer definitions provided. We also recommend that, for purposes of being eligible to stand for election, a candidate's designated area to vote is also the area in which they reside.
ANNEXE A: NOTE OF MEETINGS

Note of Meeting – Scottish Government Officials

Local Government and Regeneration Committee Reporters

Thursday 7 March 2013

Present: John Wilson MSP Committee Reporter (JW)
Anne McTaggart MSP Committee Reporter (AMCT)
Jamie Neal, Elections Policy Adviser, Elections and Referendum Team, Scottish Government (JN)
Gillian Cross, Policy Officer, Elections and Referendum Team Scottish Government (GC)

Also in attendance: David Cullum, Clerk to Committee
Francesca McGrath, SPICe

John Wilson explained the purpose of the inquiry and the role of the reporters.

Voter Turnout

JW asked whether a clear message was reaching the electorate.

GC Noted 2m registered voters did not vote. She referred to the consultation on the Referendum, results showed:

- 46% for Saturday polling, 32% against

Noting religious issues to be considered along with access to polling places. Some people suggested it would trivialise the vote and queried security issues.

JW asked about pure postal voting given that 63% postal voters voted.

JN Not something fully considered. Orkney were looking at this for the 2012 election but could not proceed as a consequence of the legislation. It is necessary to give voters a choice and have polling stations open. Would need research to get the balance right between the 2 options.

JW Does part of the blame lie with parties/candidates not pushing their message (per Electoral Commission). How does the Government promote elections?

JN Decoupling gives these elections proper focus and stops them being subsumed. More for the Electoral Commission who have that aspect as a statutory duty. Also for Returning Officers who are best placed on the ground locally. Returning Officers also have a statutory duty to encourage participation

JW Anything special about local government elections which turns people off voting? Any thoughts on how to increase turnout as per the Islands?
JN Government are interested in this, will look at it before 2017.

JW If need legislation need to move early. (Agreed)

AMCT Was there anything about on-line voting in the Referendum questionnaire?
GC Not asked but was a preference for tried and trusted methods, given nature of election concerns about using it to test new models.
JN Suggest ask Aberdeen about their Union Terrace referendum, they also used telephone voting.

AMcT Young people would be more attracted to phone and on-line voting.
JW Any opportunities for a trial run in a by-election?
JN Would also require legislation.
JW Could trial the above or run a mixed trial in 2017?
AMcT Are costs available for the election?
JN Not held centrally, each authority keeps their own.

Registration
JW Noted up to 5% overall didn't register, in some wards accounted for 20% potential electorate. How get around this and increase registration?
GC Issue for EMB, they and the Electoral Registration Officers (ERO) tackle this differently based on demographics issues (students, elderly, ethnic minorities etc) No plans for Scottish Government action at present. The National Records of Scotland reports on this annually and numbers registered are rising.
JN National Records (S) figures show numbers rising. 37,000 new in run up to 2012 election. Overall 54,000 new since last big push to increase started.
JW Noted that a targeted approach to the Polish community had worked well.
JN Sometimes registration lapses, EMB can explain about follow up action. There will be changes when individual registration comes in.
JW Anecdotal musings re link to Poll tax arrears and reluctance to register.

Proxy Voting
JW What are the extant issues around this and how can it be encouraged?
JN No specific issues have been identified. Useful tool to enable voting, don’t gather evidence on this as a consequence of the low numbers (risk of identification).
JW What about signature verification problems?
JN Going to do something about this now, will amend the legislation to allow registration officers to inform voters when a postal voting statement has been rejected at verification stage. Want to consult on this (with EMB and ERO’s) and bring forward changes after this summer.
JW Any other changes imminent?
JN Extensive work done prior to 2012 elections. Also going to consult pre summer on:
  • Postal Voting
  • Signature Verification
  • Power to exercise common sense to accept forms (re dates of birth)
The Electoral commission are currently doing work on electoral fraud (which will inform above).

**Terminology**

**JW** Desirability for uniformity on language used is more for candidates and their agents. Is any work being done by EMB to secure consistency across the country?

**JN** For EMB, nothing in legislation which specifies terms, they could use plain English for public facing material.

**JW** An additional voting option in some other jurisdictions is “none of the above”. Is Scottish Government considering this? Anecdotally understand some write that on ballot papers. Noting for Scottish Parliament elections spoiled papers are higher on the list than for the constituency which suggests deliberate actions.

**GC** Not until now. About figuring out reasons for not voting. The Electoral Commission have reported on that. Hard to work out reasons.

**AMcT** Is there a problem with the education system not highlighting the importance of voting?

**JW** Any inclination towards compulsory voting?

**JN** No

**Robson Rotation**

**JW** Any thoughts on this?

**JN** 4 options in the 2010 consultation (alphabetic, random draw, robson rotation, group by party). No strong views emerged in a low response. Responses perhaps favoured a random draw with all papers in the constituency the same. Robson rotation received lowest support from administrators, issues around proofing printed ballots. Counting is complicated but not impossible, electronic counts could be adapted to cope.

**GC** Also a risk of voter confusion.

**JN** No options off the table, there is a variation of Robson rotation (see J Gilmour submission).

**Diversity**

**JN** The nomination form points candidates towards the legislation. The Electoral Commission have asked for more information on the back of the forms. Might be better as good guidance from the Electoral Commission and thus the Scottish Government have not given this much thought. We are waiting for the Electoral Commission inquiry into electoral fraud before taking any action. There will be a new consultation on the process before 2017. Verification is a matter for the Electoral registration officers under Westminster legislation.

**JW** Noted that 16-17 year old will be able to vote in the referendum but not future elections as this is reserved.

**Donations**

**JW** Any plans to manage donations and get accurate records from candidates?

**JN** Looking at this for 2017.
Nomination papers
JW Are there any plans to do away with the need for supporters to nominations?
JN It’s an oddity we are looking at for 2017

Timing of Elections
JW Any plans for a standard 5 year period across the board?
JN Next local government clash is in 2045. The Scottish Government will make representations to Westminster re clashes UK and Scottish Parliament elections. If the Scottish Parliament moves then the local government will also need attention. No views on changing to 5 years.

By-elections
JW Is there a requirement for the count to be conducted electronically at by-elections?
JN The rule in the 2012 legislation gives returning officers the choice. On cost grounds it is not viable in small wards to count electronically, the greater speed machines produce is not required.

JW Are there any plans to nominate/replace members who die without an election by following the stated wishes of the electorate under STV?
GC We have not considered this and have no current plans.

Electoral Voting information
JW What plans are there to release information detailing voting preferences?
JN No additional plans beyond ward level when candidates receive over 200 votes, all in terms of the current Order.

John Wilson thanked officials for their information and closed the meeting.
Note of Meeting – Electoral Commission

Local Government and Regeneration Committee Reporters

Thursday 14 March 2013

Present:  John Wilson MSP Committee Reporter (JW)
Anne McTaggart MSP Committee Reporter (AMCT)
David Freeland, Senior Electoral Practice and Performance Officer,
Electoral Commission Scotland (DF)
Andy O’Neill, Head of Office, Electoral Commission Scotland (AO)

Also in attendance:  David Cullum, Clerk to Committee
Fiona Sinclair, Committee Clerking Team

John Wilson explained the purpose of the inquiry and the role of the reporters.

Voter Turnout

JW  How can turnout could be increased?
AO  Indicated that the subject did not fall within the remit of the Electoral Commission. It was a by-product of the work they undertake on public awareness. Removing barriers to participation and increasing public awareness will assist.
DF  Noted a number of changes in the last 10-15 years in particular large increases in postal voting (now 25% votes cast).
AO  There was no silver bullet to address this. Structurally the EMB was helping, creating co-ordination and consistency across Scotland. Councils were encouraged to increase awareness through their communication networks. Councils are active, for instance the recent push to increase registrations.

JW  Has the ban on advertising in some areas, on street furniture and lamp posts had an impact?
AO  Indicated that the subject did not fall within the remit of the Electoral Commission who had no formal policy on that matter. It was for local authorities to determine. Noting that there may be a greater impact on by-elections which have less visibility anyway. Some of the arguments in favour of the ban had been noted as; danger to public health, road traffic issues, stops smaller parties gaining prominence. Noted that Edinburgh had a set of rules applicable and infractions incurred financial penalties. It was an obvious way to highlight local elections although the relevant decisions were made by local politicians. The law could be changed to allow street furniture.

JW  How is turnout assessed by the EC, was it good, bad or indifferent?
AO  Indicated that the Electoral Commission could have no view on the matter. While noting that turnout was higher than in England and that the EC did look at barriers to participation such as registration and postal voting. They also track public awareness through research. In 2007 learned the public
have no difficulty filling in ballot papers and were able to cope with STV. The separation of elections also assisted.

**Voter Registration**

<table>
<thead>
<tr>
<th>JW</th>
<th>How would it be possible to achieve 100%?</th>
</tr>
</thead>
<tbody>
<tr>
<td>DF</td>
<td>Inertia by some, others will never register despite the legal requirements. Concern about affect on credit history etc. Failure to register would soon become a civil rather than criminal offence. The EC was encouraging more door-to-door follow up and the register had increased by 54,000. 20% of forms sent out using Recorded Delivery were returned and this was being used for harder to get households. Also using more media stories to encourage. Population has fallen in some areas which in turn automatically reduces the register size.</td>
</tr>
<tr>
<td>AO</td>
<td>Since 2011 had run performance standards for ERO’s in this area which had had an effect on a previous reluctance to knock on doors.</td>
</tr>
<tr>
<td>AMcT</td>
<td>What else is being done, are areas with low registrations being swamped?</td>
</tr>
<tr>
<td>DF</td>
<td>ERO’s can access council records inc. those of housing associations, although at the end of the day they still needed the form to be returned. The system is about to change, the new Act (since January 2013) aims to make the register more secure although security is not a problem in Scotland.</td>
</tr>
<tr>
<td>AMcT</td>
<td>What other changes are coming?</td>
</tr>
<tr>
<td>DF</td>
<td>Voters will require to give their date of birth and National Insurance number to prove they are genuine. ERO’s have to be more proactive.</td>
</tr>
<tr>
<td>AMcT</td>
<td>Will the requirement for NI number affect registration numbers?</td>
</tr>
<tr>
<td>DF</td>
<td>Potentially. Some don’t have one and can use other documents. Pilots have been run and a public awareness campaign is being developed.</td>
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<tr>
<td>AMcT</td>
<td>What about the Orkney pilot for all postal voting? Are there any plans to work with the EMB to run an all postal voting by-election?</td>
</tr>
<tr>
<td>AO</td>
<td>There were 4 all postal voting pilots in 2003 and Ministers have the power to make a pilot Order on application. The result would tell no more than postal voting increases turnout.</td>
</tr>
<tr>
<td>DF</td>
<td>There was a number of schemes in England &amp; Wales running pilots linking local elections to other elections and turnout rose to 50%. But there was a tail off in other areas and it is not clear if it was an unsustainable gimmick.</td>
</tr>
<tr>
<td>AO</td>
<td>Advance voting may assist, open polling for 1 week before the election date. There are security issues in doing that although it works in the USA (think also recent presidential election).</td>
</tr>
<tr>
<td>DF</td>
<td>Never been done on a wide scale here. Key question is will it improve turnout or simply switch dates for those who would vote anyway.</td>
</tr>
<tr>
<td>AO</td>
<td>Such a scheme would need a lot of publicity and then it would become almost impossible to separate cause and effect.</td>
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<tr>
<td>AMcT</td>
<td>Would compulsory voting assist?</td>
</tr>
<tr>
<td>DF</td>
<td>Would improve turnout, the EC had no position on such an approach.</td>
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</table>
JW Wondered if the lack of an overall, national, outcome in 2011 with no overall result being publicised would have an effect, and whether that should be a task for the EMB.

AMcT Any plans for on-line and text voting?
DF Been seeking a modernisation strategy since 2007 without any action to date. There may be securitry issues, there had been a pin number trial in Sheffield which proved cumbersome and less than 1% voted on-line. Cabinet Office are looking at on-line voting without a signature being required.

AO e-voting is a long way off, voters prefer the traditional approach notwithstanding their acceptance of on-line banking.

JW What is the level of electoral fraud in Scotland?
DF There was next to none in Scotland. Scotland has 12-24 cases per annum generally for imprints and posters, such cases are not really fraud. Some registration fraud had been detected but it always related to wider fraudulent schemes.

AO Assistance was being provided to Care Homes etc. to assist them with registrations. The existence of waivers for those who cannot sign was not widely known.

JW Is there any verification in polling stations?
AO No

JF There have been cases of impersonation in E&W.
AO There has been no evidence of systematic impersonation, vote management systems could pick this up. The only way to ensure a 100% valid election would be to have identity cards.

**Terminology**

JW This differs across the country should we be seeking uniformity?
AO We would like consistency and there is no reason not to. There is no evidence of voter confusing arising.

DF There is no law around this.

AO Could be covered by a Code of Practice, the EMB could direct for local government elections. The EC provide a polling station handbook.

DF The EMB put out a national template and can direct usage.

**Reasons for not voting**

JW Is there anything the Scottish Parliament can do here?
AO See earlier EC report re this subject generally. It talks about breaking down barriers and raising public awareness.

**Robson Rotation**

JW Has there been any discussion about this?
AO Reference to John Curtice’s paper (2012 Scottish Local Government Elections for the Electoral Reform Society). If want to do this must first identify the problems and then identify solutions to make it administratively achievable. Is there an issue flowing from parties not knowing in advance were on a ballot paper their candidate(s) are? (vote position x)
DF Could rotate the order around polling stations. If every ballot paper identifies differently there will be campaign and information challenges. There was less top to bottom voting this time.

JW The SNP sent clear messages to voters as to the order of the votes.

DF We looked at the documents, including the ballot papers in 08/09, people were happy with alphabetically.

Diversity
JW How can parties be influenced to achieve gender balance?

AO Not a matter for us except for the language used in information, a party issue.

Nomination Papers
JW How can eligibility to stand be ensured?

DF Governed by the 1973 Act which sets out requirements. Candidates must produce proof which is then taken at face value by Returning Officers. The Mannequins (lack of) identity was detected and dealt with as the system intended.

AO Our role is to ensure information is in plain English and hold briefing sessions.

Donations and Finance
JW Any plans for regulations in this area?

AO Campaign returns only show outgoings, there are no regulations around incomings which need not be categorised. Nobody has the role to provide such guidance. There should be a structured form applying to all. But very few returns are close to limits. The EC would require an instruction from Ministers to review this.

Timing of Elections
JW Has there been any discussion about clashes between Westminster and the Scottish Parliament?

DF We have looked at the cycle with 5 years becoming the norm. If the Scottish Parliament moved to 5 years then local government elections would need to follow suit (to avoid future clashes). Wales are planning to move to 5 years for the Assembly.

AO The above is the only issue the EC foresees. But note that the next European elections may take place in the month of May. The Scottish Law Commission is jointly undertaking a review of election law with its counterparts south of the border. The aim is to streamline and make consistent the legislation. [Note the timescale is for a report in early 2017 with no discussion paper until after the Referendum]

John Wilson thanked Andy and David for their information and closed the meeting.
Note of Meeting – Dr Alistair Clark, Newcastle University

Local Government and Regeneration Committee Reporters

Thursday 21st March 2013

Present: John Wilson MSP Committee Reporter (JW)
Anne McTaggart MSP Committee Reporter (AMcT)
Dr Alistair Clark University of Newcastle (AC)

Also in attendance: David Cullum, Clerk to Committee
Fiona Sinclair, Committee Clerking team

John Wilson explained purpose of the enquiry and the role of the reporters.

Voter turnout

JW How can turn out be increased?
AC There are various explanations, the biggest is decoupling. (Further detail in the paper submitted) it is worth noting that the drop in turnout is less than 5% since the last decoupled election in 1995. It was also higher than the elections held on the same day in England.

There is an established correlation between turnout and the strength of campaigning, including lamppost advertising etc. There is always more campaigning in local elections. Non-partisan efforts to get the vote out are successful. There is no magic bullet, lots of little things taken together can make a difference.

JW Is the reduction in part caused by people's perception of a lack of relevance to their life?
AC Yes these are second order elections, across the developed world turnout is consistently lower for such elections. Involuntary signals can be given off suggesting lesser importance for example council tax freezes and amalgamating services - all of this feeds back into the psyche of the electorate. You can always expect a difference in turnout.

JW But European elections are even lower and there are lots of publicity for those elections?
AC Again this relates to relevance and perception. Europe is seen as less important to the day-to-day lives of people.

AMcT Does this need education?
AC Yes, although it is clearer in Scotland for local elections than south of the border. People generally know the roles of different politicians particularly at local level, they are more sketchy at national level, including devolved assemblies. There is a role here for all members to provide the linkage to relevance.

JW Is there a link between socially deprived areas and turnout?
AC I cover this paragraph 1.11 of my submissions and note they are the influence of itinerant populations such as students and short-term renting.
This might be easier to identify more accurately once the 2011 census data is available. It also suggests a need to engage better and more often with student populations.

JW Do student councils do much work for local elections compared to the amount they do for national ones, for example how active are student representative councils?

AC I don't know how active they are but I am speaking at a conference in May were this matter will be discussed and I will update you thereafter.

Registration

JW How can this be increased?

EC The new registration process will have an impact but it is unclear whether that will increase or decrease registrations. Continuous registration campaigns have had some success and evidence from Northern Ireland shows in particular that they benefit parties who do most work in this area. The Electoral Commission have a role to play here along with political parties and schools. This work should be ongoing and not just before elections.

AMcT Would compulsory registration and voting assist?

AC There must be sanctions to make compulsion meaningful. The existing registration sanction is not well known (for failure to complete) there is a danger that penalties become symbolic. Northern Ireland prosecuted people for not responding to registered mail in one case the fine imposed was £0.01p. Is the question more about increasing turnout which comes at a cost i.e. More resentment of politics. In Australia there is a hard-core who don't vote and simply accept the penalties. There are other consequences, for example in Australia where people are required to complete all preferences some simply “donkey vote” that is fill in the form from top to bottom without thought or consideration.

AMcT Is education the key?

AC Yes compulsion is the wrong way to address this, there will be unforeseen consequences.

AMcT Is there any other way to obtain registration information?

AC I'm not sure because data protection issues will likely arise.

Proxy and postal voting

JW At present roughly 25% of the electorate have postal votes and 68% to 69% of them vote, do you have any thoughts on the current system and perhaps in providing a postal vote to everyone?

AC I see no objection to that but would expect the percentage of those voting with a postal vote to drop. There are costs and benefits both ways and there will be secrecy and security issues arising.

AMcT In terms of signatures on postal ballots you don’t get told whether a mis-matched signature has spoiled your ballot paper.

AC This needs to be dealt with.
JW  As well as a fixed polling day is there scope for advance voting – not only postal voting but by polling in other places – how would this be viewed by electoral professionals?

AC  This is just something else they would have to deal with – there would be merit. Key issues would be security – making sure ballot box is secure, someone would have to mark off person’s name once they have voted to avoid multi voting. It would increase the work for election administrators.

JW  A local housing office, supermarket or library could be used.

AC  Less keen for supermarkets for security reasons.

AMcT  What about mobile phone apps, telephone voting?

AC  Less keen. Would need a lot of trust for ensuring this was done properly.

JW  Potential for hackers?

AC  There would be ballot secrecy issues. Legislation would be needed around those issues. Would approach this issue with caution.

AMCT  Aberdeen Union Terrace Garden referendum was done by phone voting – if we want to encourage to vote should we not use a method that people use all the time?

AC  Not everyone is tech literate so you would need other options. At some point we will have to bite the bullet and also require to provide other options. But that could take away the “special day” effect that elections bring.

AMcT  Could it be worse than only 39% turnout in future if there is not an ease of access to voting?

AC  it is an option it would be part of the menu available.

AMcT  Was the turnout of younger voters very low?

AC  Yes it is the same everywhere. All these things become habit-forming. What is required is a small scale trial and hopefully a snowball effect. By-elections are the ideal place to try this, the electorate will require clear instructions if we were to go down this route. It is however an option worth investigating, I am not sure what the effect would be.

Terminology

JW  Different definitions are used in England and Wales, are there any issues around this?

AC  No this is not an issue.

Spoilt ballots

JW  The expectation is around 1.9% for a new voting system. How much of that is down to not using a cross and how much a lack of understanding?

AC  It is a mixture, some to do with the cross although the polling staff have made the system clear. Some people are conditioned to vote with a cross. Some are deliberately spoiling.

JW  Compared to Northern Ireland are we lower?

AC  Yes for local elections, it is not know why given Northern Ireland has 20 years experience, but we seem to be doing well on this aspect in Scotland.
One issue which would assist is making instructions in polling places clearer and more prominent.

Reasons for not voting

JW  What are the principal reasons?
AC  A key factor is whether people consider their vote will make a difference.

AMcT Is there a greater role here for the parties?
AC  Yes as well as for the education systems.

Robson rotation

JW  Do you have any views on this matter?
AC  The key issue is incumbency. The position on the ballot paper has some affect, more so for parties with running mates. In Edinburgh 14/17 incumbents obtained most first preferences, although wider information is not yet available. This suggests that recognition applies strongly. Position has an effect but is not the cause of voting preferences.

JW  Is a part of this how parties inform/advise voters of the preferred order?
AC  We don't know the most important influence. Other factors that apply is parties, perception of the Council and incumbency. Clearly some ballot paper effect but weaker when all candidates are taken into account. Sometimes rotation creates other effects – in California it benefited smaller parties. All studies suggest effects. Similar effects from positioning on first past the post. There is a stronger effect in second-tier elections including by-elections.

Diversity

JW  Bearing in mind the mannequin are there any issues around ensuring candidates eligibility?
AC  No. Diversity is a bigger issue in encouraging people to stand. This is a supply and demand issue. Open selection meetings for non-members is the only trial that has been held. There are limited cases but not enough information is available. Quotas into winnable seats has been the chosen method hitherto, including Labour all women shortlists. There is no knock-on effect for the parties who adopted this. The issue is about getting candidates into winnable seats.

Donations

JW  Do you have any views on the regulation of spending and declarations in local government elections?
AC  No strong views, transparency and openness would be good, it all links back to trust in the system.

Timing of future elections

JW  Should the Scottish Parliament elections be decoupled from those of the UK?
AC  Yes, although there are cost benefits of running them together. But signals are important and order and debate gets subsumed. There was more coverage of the local government elections in 2011.
JW  Do you have any views on council by-elections following the death of members? In some cases this can lead to changes in governing majorities. Would it be appropriate to replace those who die or resign by party nominees?

AC  They do this in Northern Ireland under the STV system, but I think you should always go back to the voters, as for other elections. Historically it has been 50-50 whether the party was re-elected. This sends important signals about voting.

*Other comments*

AC  Every opportunity should be taken to boost turnout. There is no magic wand but very active party campaigns supported by non-partisan organisations linked to education are central.

JW  Should by-elections be used for trialling new methods? For example Orkney were considering whether to hold an all-postal ballot.

AC  Yes by-elections are a good place to test out and identify problems.
Note of Meeting – Dr James Gilmour

Local Government and Regeneration Committee Reporters

Thursday 18 April 2013

Present: John Wilson MSP Committee Reporter (JW)
Anne McTaggart MSP Committee Reporter (AMcT)
Dr James Gilmour (JG)

Also in attendance: David Cullum, Clerk to Committee
Fiona Sinclair, Committee Clerking team

John Wilson explained the purpose of the enquiry and the role of the reporters.

Voter turnout

JW How can turnout be increased?
JG No great insights, although noted that these are third tier elections and the perceptions of the voting public is that power lies in the centre.

JW A comparison of the 99, 03 and 07 elections shows turnout was lower in the earlier ones, is there a need to balance the impact of the Scottish parliament elections against these figures or have we always faced similar low turnout issues?
JG Formerly the Scottish office was very powerful, then regionalisation was introduced. Since the establishment of the Scottish Parliament, power has become more centralised again. The voters’ response (or lack of response) could be about sensible decision-making linked to the effect, need and benefit perceived to arise in different areas. It could well be about the appropriate level for decision-making.

JW Would more power held locally increase turnout?
JG Yes and no. Only if the reality matches policy to implement local powers. But there is a disinclination by the public to get involved, even when postal voting is available.

AMcT What if voting was made compulsory?
JG You should not force those who do not wish to participate.

AMcT Are there any other incentives that might work?
JG I have no wonderful suggestions to offer. The statistics show that it is in midlife that most people vote, for the younger and older turnout levels are lower.

AMcT Are we doing enough in schools and through education to encourage people to vote?
JG Other than through Modern Studies I don’t know. Lowering the voting age might help as it avoids a disconnect between education telling children about elections and then the gap, with little information after they leave.
school, before being able to vote. An extension into the general curriculum is another issue to consider.

JW in Northern Ireland there is voter registration and they do good work in outreach, would that assist?

JG Voting cards are required to be held and these are issued in schools at age 17. The resulting photo identification is valuable and has other uses for example confirming ages etc. It thus provides an incentive to register. Those who leave school early are harder to catch as it is difficult to follow a similar process in further education or anywhere else.

JW the Young Scot Card is available here, would it assist if that was tied into the electoral commission and the registration process? Noting also that in some areas up to 20% are not registered to vote with an overall average of around 5% of registered.

JG If registration is increased turnout could actually fall as a percentage. More outreach could help but hard to reach groups can be expensive to reach. You start to get into cost-effective issues here.

JW it might be worth thinking about coordinating using the Young Scots Card distribution and make the link.

Proxy voting

JW Is there any issue around the timescale for receiving and casting proxy votes?

JG It is concerning that it is possible to hand postal votes in until the moment the polls close. The deadline should be set at 5pm two days earlier to allow queries to be addressed and resolved. Postal votes are handled differently at the count if they are in the ballot box and this all adds to the complexity of the count.

AMcT if we did that we would lose the existing postal votes handed in on the day.

JG Yes, but everybody would know the timescale.

JW Do you have any other suggestions regarding voting early?

JG In other countries it is possible to register on the polling day and vote in the election. Others allow postal votes for a further two weeks after the election. The timetable of elections includes an election being declared, nominations, ballot papers printed – Gould suggested this timescale be lengthened. Things go wrong.

JG If there is any fraud in the system it will be in postal voting. The perception however is much bigger than the reality. This could be addressed by shifting the deadline for postal voting to before the polling day and allow much more time for scrutiny.

AMcT Do you have any comment on rejected postal votes?

JG There should be a refresh mechanism, especially for signatures, across the board.
Timing of elections

JW Do you have any thoughts on the timing of elections?
JG The first Thursday in May is administratively difficult, bank holidays surround that date and they interfere either with the preparation or the counting. The procedure for all elections, that is the timing, count and handling of registration should be the same. There is a need to look at the entire timetable. It should be possible to accept votes subject to later validation in certain instances, but the system needs an assurance that it is robust and has integrity and deals with any potential fraud to remove any perception to the contrary.

Terminology

JW Any issues arising here?
JG It should make no difference to voters.

Robson rotation

JG Robson system was introduced before electronic printing of ballot papers, now they are all printed digitally. Technology is available to randomise the order of papers with capacity for them to be read by counting machines regardless of the order. Robson rotation would deal with the alphabetic voting element. Tasmanian research however shows other problems would persist. There is an issue as to whether it would increase voter confusion and so affect how they vote which might result in a consequential increase in rejection rates. It is also necessary to consider the effect on voters with literacy difficulties and care would be required to avoid discrimination under statute.

AMcT Could you run a by-election as a trial?
JG Yes but that would not be typical.
JW If there is no more than one candidate from each party on the papers that would allow the party symbols to be followed by those with literacy difficulties.

JG Yes but many wards had more than one candidate per party. Alphabetic voting problem is real in STV, and other systems. If any change were made, there would be a need qualitative research to assess the effect on groups with disabilities. A job for the Electoral Commission to undertake. Blind voters are given a Braille template to assist them in casting their vote, that wouldn't work on fully randomised ballot papers as the candidates would all need to be in the same order.

Diversity among voters

JG Balancing the gender of candidates is an issue for the parties. If ward sizes are increased the larger parties would be encouraged to put up more candidates and therefore the pressure to balance gender from the community would rise. In relation to by-elections a “count again” approach could be followed by which you revert to the original election and the next person is elected as the choice of voters. That approach would also incentivise parties to put up more candidates at the original election, just in case a casual vacancy ensues.
In relation to other aspects of diversity, care requires to be taken to avoid being led by ethnic origin balances in southern England (London in particular) which differ from the actuality in Scottish communities. Disability can be addressed by the system and again larger teams of candidates would make this easier as it does in other areas of diversity.

Is there a difficulty that if we are aiming for balance across the board we could end up with a party list system?

No, this has no effect under STV. Voters should have the choice for example to vote all women or to vote by issue etc. It should always be up to the electorate to determine, they should be given the opportunity. Small ward sizes can reduce the overall choice for voters, including the opportunity to get an even spread across parties.

By-elections become effectively FPTP. Increased numbers of candidates by party can dilute the vote. Should the party who won the election be allowed to simply nominate a replacement?

That is what happens in Northern Ireland, that requires a unanimous council vote, albeit it is generally given.

Does the Westminster five-year cycle now create problems?

The simple solution is to make all elections on a five-year cycle.

Should the day of elections be changed from a Thursday?

There are always clashes with other events, excuses by people to all days and in addition the convenience excuse would be used.

Should electors be allowed to vote online or by some other means?

There are huge issues around security which have not been addressed. Various research papers, particularly in the US, suggest that systems can be broken or hacked. Makes the prospect of corruption and opportunity for groups for political reasons or publicity etc. There has been no discussion around corruption in relation to electronic counting, could that system be corrupted? An acceptance of risk will be demanded, by others, to be at zero, or as near as is possible.

In conclusion JG suggested a need to alter the instructions on ballot papers to make it clearer for voters that they should not vote with an X. He also suggested new wording for the voter information leaflet that would encourage voters to exercise more preferences.
Note of meeting – Electoral management Board for Scotland

Local Government and Regeneration Committee Reporters

Thursday 2 May 2013

Present: John Wilson MSP Committee Reporter (JW)
Anne McTaggart MSP Committee Reporter (AMcT)
Mary Pitcaithly, Electoral Management Board for Scotland (MP)
Chris Highcock, Electoral Management Board for Scotland (CH)

Also in attendance: David Cullum, Clerk to Committee
Fiona Sinclair, Committee Clerking team

John Wilson explained the purpose of the inquiry and the role of the reporters.

Voter turnout

MP The EMB have not undertaken any formal research on this matter and what follows is therefore anecdotal. It is depressing to see the trend is downward except for general elections at which there is a lot of TV and press coverage in the run-up. The leader debates probably helped there also. It may be that there are so many elections held now that they are no longer a special irregular event.

CH This is a huge issue now, by way of background to turnout is the registration issue. Turnout is the proportion of registered electors who vote. ERO’s have undertaken a major effort to improve registration, Edinburgh for example is up 5% in the last year. Targeting those under-represented in turnout – transient, young, students and those in peripheral housing estates is the key.

The lack of posters on lamp posts does not help, it has become the norm not to allow lamp posting as a consequence of decisions by local councils, this removes some of the “theatre” around election day, impacting on public awareness.

MP We have been discussing the use of standard posters Registration Officers could put up in advance of election day.

CH We have also been considering other ways of voting: while there are legal restrictions on the statutory elections (Parliamentary and local government) there is some freedom in how Community Council elections are run. Community Council elections in Aberdeen recently allowed internet voting (turnout rose by 17% to 20%). Security issues require to be addressed, however we are aware that the young in particular want to vote in this way and cannot understand why other methods of voting are not available.

MP Next day counting in 2012 was an EMB decision and is not binding on all elections, although we would anticipate it applying again to the 2017 election where factors around electronic counting make such an approach the most appropriate in the interests of a secure count.
Local Government and Regeneration Committee, 8th Report, 2013 (Session 4) —
Annexe A

MP  On-line registers have issues at some polling stations around access. But in future we could in theory allow polling at any polling station in the Ward.

CH  At a 2011 Victorian State Election (Australia) elections early voting was allowed, Edinburgh hosted a polling place for this event, (although only around 55 votes were cast over a 2 week period).

MP  Could have all back office functions undertaken electronically with a manual vote, all involved can have IT access even if on an i-pad. Being able to use any polling station in the Ward/constituency could increase turnout and accessibility.

AMcT  What about at 24 hour supermarkets?

MP  Yes if security issues can be resolved. Tellers are the key source to identify possible problems, that will become less likely if voting was over a longer period.

CH  Everything we do in elections is in the interest of the voter. The traditional approach of sub-division of wards into polling districts is not necessarily aligned to how people now live their lives.

MP  There are issues around cost, but the biggest cost we face is for polling staff and that is largely a fixed cost at present.

CH  If there was a longer polling period to vote then we might not need as many polling places.

JW  Does the day of the election cause any problems, is holding elections close to bank holidays (e.g. 1st Thursday in May) a problem?

MP  Election staff generally work such bank holidays and reclaim time later. The public often add days around public holidays and can lose sight of elections. April is unsuitable (Easter) so run into June when the school holidays and exams loom large. Maybe not the 1st Thursday in May but that is the traditional date and some voters remember that.

Postal Votes

JW  Has a 100% postal ballot been attempted, has consideration been given to longer opening hours for polling stations or one stop shops in Local Authority premises (libraries etc.)?

MP  There needs to be a balance between turnout issues and the cost/complexity of elections. It will be easier to consider other ways once registration is on-line.

JW  Are handed in postal votes a problem?
A lot of postal votes are handed in on polling day. It causes no great problem as long as they are timeously received. However they must be processed prior to being counted.

Would the EMB run a trial of an all postal ballot?

The EMB only has power to run elections according to the current legislation. The law does not allow all postal ballots; they are often used for community councils, although cannot be sure that increased turnout given the low numbers. Where there is a need for an election in community councils there is often a local issue in dispute.

In general at statutory elections People who get a postal vote (around 25% electorate) are more likely to use it (60% – 70% do). The pattern is early returns and then a rush last minute. Postal votes are holding up the turnout without them it would be much lower than 40%. Edinburgh for example is very high, others a bit less so but there is a relentless increase.

In Edinburgh there is a team who work exclusively on postal votes. It is a large logistical job to count them.

It affects the speed of the count given verification requirements, that is one reason the LA counts were delayed. Resources need to be applied to handle postal votes handed in on the day, postal vote checking is done on line.

Few are deliberately spoilt but wrong forms are a problem. We need more flexibility/discretion to accept genuine mistakes many of which are made by older people.

Legislation is coming in which will allow us to tell people their vote was not accepted, but only after the election. Integrity remains an issue. There is a balance between the need to include valid votes and the need to protect the integrity of the process which was the original rationale for the introduction of identity checks for postal votes.

Voter registration

Up to 20% are not registered in some areas?

The student population in particular is an issue. The Electoral Commission run campaigns about registering, it always needs refreshing to catch the eye and we need to tell people that registering carries no liabilities. The new media should be used to target younger voters as normal ad campaigns won’t hit them.

What about through the schools per NI and the Young Persons card?

We will ask schools after October if we can talk to pupils about registration.

Data issues re ERO’s are being looked at in an attempt to access all. We would like to pre-populate forms direct to individuals for completion (This is being done for the register of Young Voters for the referendum).
MP  ERO's are working well with colleges, manning desks to hand out forms. DWP data about young people is working - currently having a 70% success rate in bringing registration. From October until March 2014 we can push registration.

MP  Renfrewshire say 90% of year groups take the form and register. A similar approach should apply to adults, but with varying methods.

CH  We also need to work in partnership with politicians to push turnout – voters take part if they perceive that they vote will make a difference.

MP  If we cannot use lamp posts on H&S grounds alternatives should be considered, for example advance notice posters around polling stations.

JW  Asked about the Westminster PQ answered on 22 April 2013 disclosing the constituencies in which ERO’s did not meet the level 3 standard performance indicator relating to electors who had failed to register to vote.

CH  ERO’s feel unfairly criticised as the indicator links to population levels which vary widely and are not re-counted. Local factors play a big part in whether the standard can be met.

MP  The key is what action ERO’s have proactively undertaken. Regular meetings are held to check on progress.

Electronic Voting

JW  What action is being taken with reference to the Open Rights Society report on black box security issues for electronic counting and also the possibility of USB ports being a risk

MP  Not aware but will need to consider for 2017 election, a team will be required to design the spec for the equipment to be procured for the 2017 election.

CH  One concern may be to keep people a set distance from the equipment, the current system was successfully tested for security.

MP  There is a balance between security and transparency, but we are keen to be secure.

JW  Wireless communications could be used to hack or interface?

CH  It is useful to have the information to feed into the procurement process.

Diversity

MP  There is a degree of consistency in the use of posters/materials in different languages although it is appropriate to allow RO’s to apply local solutions.

JW  What about candidates, ethnic minorities and the disabled/visually impaired?

MP  More a big issue for the parties to address, the position on all varies across the country.

JW  Any issues around eligibility criteria?

MP  There are lots of ways for people to find a route to stand, it is not about making it hard for people. The existing rules are adequate.

JW  One issue arises re landlords owning multiple properties across different constituencies which gives them the right to stand in each area.

MP  That is an anomaly which should be tightened.

JW  Any issue around the scrutinising of election expenditure returns?

MP  The other candidates tend to do this, there has been 2 convictions in 2013. It is a matter for the police, the EMB has no powers to investigate.
JW Are the limits too tight and too easily exceeded by error?

MP People are alert to that possibility.

**The timing of future elections**

MP It would be convenient if elections are not conjoined from an administrative viewpoint, particularly under different voting systems/rules. This also avoids potential voter confusion.

**By-elections**

AMcT How much does it cost to run a by-election?

MP Not that much, it depends mainly on the number of polling stations which have to be staffed and the cost of a manual count. (electronic counting could be in the range of £5-11K).

CH In addition we have to print ballot papers and postal votes (inc postage costs). The last one in Edinburgh cost £5k for these. The total cost for a forthcoming bye election is likely to be around £20k.

JW Why hold a by-election? Would it be better to go back to the original preference of the voter?

MP Does not work for Independents. Would the public say they did not like the next person on the “list” but not an issue for the EMB.

CH Also need to bear in mind that at local elections voters are electing individuals not parties, albeit individuals who are often standing for parties. (It is not like the European elections or the SP Region where the vote is for a Party) Another approach would be that all originally elected in the Ward stand down!

MP Would the suggested approach allow parties to put up “short term” candidates and then replace them early?

CH The STV systems breaks down at by-elections.

**Finance**

JW Is enough finance allocated to run local authority elections?

MP **None is allocated**, councils have to bear the cost from their own budgets (except for the counting system and infrastructure). Costs have increased, longer hiring periods, staff costs including additional training. This is not an area in which costs should be cut.

JW The overall cost would be £10m – £15m
ANNEXE B: WRITTEN EVIDENCE

The following submissions were received in response to the call for evidence on the 2012 Local Government Elections inquiry.

Aberdeenshire Council
Argyll and Bute Council Returning Officer
City of Edinburgh Council
Electoral Commission
Glasgow City Council
West Dunbartonshire Council
Aberdeen City Council
Dumfries and Galloway Council
Highland Council
Thomas Gray
Councillor George Carr
Electoral Reform Society
Electoral Reform Society Report - 'Democracy Max'
Electoral Reform Society Report on 2012 Scottish Local Government Elections
Dr Alistair Clark
Dr James Gilmour (part 1)
Dr James Gilmour (part 2)
Comhairle nan Eilean Siar
North Ayrshire Council
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