Electoral Commission powers to order improvements to the accessibility of polling places

During the Committee’s round table evidence session on 30 May there was a discussion about the accessibility of polling places during which it was suggested that the Electoral Commission has the power to order Returning Officers to make improvements to the accessibility of polling places. We want to clarify that this is a very specific power which only applies in relation to statutory reviews of polling districts and places.

The Representation of the People Act 1983 requires all local authorities to conduct a review of their polling districts and polling places at least once every five years. They are statutorily required to publish notice of this review and to seek the views of anyone it thinks may have particular expertise in relation to access to premises or the provision of facilities for disabled people.

Once the local authority has published the results of its review, specified interested parties – including any group of 30 or more electors – may make representations to the Electoral Commission to reconsider any polling districts and polling places. If, on receipt of such representations, we find that a local authority’s review did not:

- meet the reasonable requirements of the electors in the constituency, or a body of them, or
- take sufficient account of the accessibility for disabled persons of polling stations within a designated polling place

then we may direct the authority to make any alterations to the polling places that we think necessary and, if the alterations are not made within two months, may make the alterations ourselves.

Setting standards and providing guidance on accessibility

The Electoral Administration Act 2006 gave the Electoral Commission powers to set and monitor performance standards for electoral services in Great Britain. In order to meet our standards for well-run elections Returning Officers must ensure that the electoral process is accessible to all voters; this includes providing accessible information for voters as well as ensuring that polling station staff receive training on ensuring equal access and good customer care.

We provide guidance for Returning Officers on meeting our standards but we do not have any powers to enforce compliance. However, we are of the view that, as service providers, Returning Officers are subject to the Equality Act 2010 and have a

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1 This was recently increased from every four years by the Electoral Registration and Administration Act 2013.
duty to make reasonable adjustments to avoid putting people with disabilities at a substantial disadvantage compared to people who are not disabled.

The Scottish Independence Referendum Bill seeks to provide the Chief Counting Officer with the power to direct Counting Officers. The Chief Counting Officer could direct certain actions be taken to improve access to polling stations for disabled voters.

Accessibility of voter information materials

At the 30 May session a witness from Inclusion Scotland highlighted the benefits of making information materials available in ‘Easy Read’ format for voters. We routinely produce key voter information in Easy Read format and we would expect to make any voter information booklet we produce for the referendum available in that format. An example of our Easy Read information booklet from the 2012 Scottish council elections is included below. See separate document Ref 15b Example of Easy Read booklet.

We also produce our main voter information materials in a number of other accessible formats including British Sign Language, Braille, audio format and large print.

In line with other elections in Scotland, Counting Officers at the referendum will also have the power to make any guidance for voters at the polling station available in accessible formats. At elections we produce template guidance for voter notices, including those displayed in the polling booth, in graphical formats for Returning Officers to use. These templates use pictorial illustrations with very little text to ensure that they are not only accessible to voters with learning difficulties but also for those with low literacy levels or those who do not have English as a first language. We would expect the Chief Counting Officer to provide these for Counting Officers at the referendum.

Assistance to vote for visually impaired voters

At the evidence session one witness raised concerns that visually impaired voters cannot request the assistance of the Presiding Officer to complete the ballot paper. However, the Representation of the People Act 1983 does make provision at elections for any voter who is “incapacitated by blindness or other disability” and unable to complete their ballot paper unaided to ask the Presiding Officer to mark the ballot paper on their behalf. There is no legal definition of ‘disability’, this is determined via a self-declaration by the voter. Alternatively, if the Presiding Officer agrees, the voter can be helped by a companion. The companion of a disabled voter must be either a close relative (father, mother, brother, sister, husband, wife, civil partner, son or daughter, provided they are over 18 years of age, or 16 in the case of the referendum) or a person eligible to vote in that election. The voter must ask the permission of the Presiding Officer to be assisted by their companion. Counting Officers train their staff before each poll, including on customer care, so that the staff are prepared to help electors as far as they can.
Each polling station must have a ‘tactile voting device’ for blind and visually impaired voters. The ‘tactile voting device’ has an adhesive backing, which attaches firmly to the ballot paper but can be removed without damaging the paper. Flaps on the device cover each of the boxes on the ballot paper in which the vote is marked. The Presiding Officer will read out the list of candidates and parties along with the numbers which gives their position on the ballot paper. The corresponding numbers on the voting device are embossed in black on the surface of the flaps and are also raised so that they can be identified by touch. To vote, voters lift the relevant flap to show the box on the ballot paper and they make their mark in the box. They can then take the device off the ballot paper before folding the ballot paper to make sure their vote is secret.

Each polling station must have an enlarged hand-held sample copy of the ballot paper and display a large print version in the room.

The Bill makes the same provisions in respect of voting at the referendum.

**Public awareness – working with stakeholders**

Ahead of any electoral event the Commission works with a range of stakeholders to ensure that our public information activities have as wide a reach as possible. This includes providing tailored information for organisations working with disabled people so that they know about the information we provide in accessible formats and also to ensure that disabled voters are aware of what assistance they can expect when they come to vote. Our experience has been that this work is most effective when undertaken in the period immediately prior to any poll, which is when most voters start to think about the voting process and when the accessible resources are available for them to access.

We also work with a number of youth focused organisations to ensure that we are reaching young people through as many appropriate channels as possible and can support their activities to provide information which is relevant to their audiences. We have worked closely, over the years, with the National Union of Students in Scotland, Young Scot and the Scottish Youth Parliament. We met with all three organisations on 24 May specifically to discuss plans for reaching young people with information about the referendum. We note that the witness from the Scottish Youth Parliament did not appear to be aware of that meeting, although we understand that the Scottish Youth Parliament has since been in contact with the Committee directly to clarify that they did indeed meet with us the previous week.

As noted in our written evidence to the Committee on the Referendum Bill, we intend to set out more detail on our approach to public awareness before the summer recess.

June 2013