

## **Local Government and Communities Committee**

### **Payment to Returning Officers in Scotland**

#### **Written Submission from Dr Alistair Clark**

- 1) In the aftermath of the 2016 Scottish parliament election, a range of media stories highlighted payments to local authority returning officers (ROs) of upwards of £1million across Scotland's 32 local authorities (e.g. Braiden, 2016). This was generally portrayed as being a bad thing at a time councils are squeezed for funds. There is variation in how this is utilised by returning officers, some sharing this with their colleagues, others making charitable contributions (BBC, 2016).
- 2) Historically, Returning Officers' roles have been statutorily independent of the post of Council Chief Executive (or equivalent) that most ROs hold. Elections are now more regular than in the past, with major electoral events in Scotland most years, in addition to recent occasional referendums. In practice, local authorities now have relatively small electoral services departments which have routinized the provision of elections, even if their capacity to do so varies to some degree according to factors like staffing, resources and so on.
- 3) The Scottish parliament's role in overseeing electoral administration and rules has gradually increased, with it now being responsible for elections up to Scottish parliament level. The UK government still retain a crucial role in administering elections for the UK parliament and have historically been responsible for setting RO fees. The governance structure of election administration is diffuse, with stakeholders also including the Cabinet Office, Electoral Commission, Scottish Electoral Management Board, Association of Electoral Administrators and Society of Local Authority Chief Executives (SOLACE).
- 4) Returning officers' statutory duty is to make arrangements for the elections conducted in their areas. These duties are currently additional to their normal local authority responsibilities, even if elections have become a relatively regular phenomenon.
- 5) It is necessary to consider the responsibilities that ROs have. The activities that they can claim broader electoral administration costs for include:
  - Appointment of staff including polling station and count workers
  - Costs of the nomination process
  - Printing or purchasing ballot papers, postal vote stationery, polling cards, and any requisite notices;
  - Expenses for buildings/premises used in running the election;
  - Information & communications technology

- Transporting equipment
  - Organising the verification and counting process
  - Providing training for those employed at the election
  - Providing security for ballot boxes and materials
  - Supply of the electoral register in Scotland (Parliamentary Elections (Returning Officer Charges) Order 2015)
- 6) The demands of the local area determine how much can be claimed or paid. These are all crucial activities which require proper funding if elections are to run smoothly and people not be prevented by administrative reasons when they wish to exercise their democratic right to vote. Returning officers are personally liable for the provision of these services.
  - 7) There is little systematic evidence publicly available on the amounts paid to ROs for different electoral events. The BBC reported amounts for six councils from the 2014 Independence referendum, 2015 general and 2016 Scottish elections and the 2016 EU referendum (BBC 2016). The two referendums were however extraordinary events outside the normal electoral cycle, and their inclusion naturally inflates the amounts paid to ROs.
  - 8) Focusing on normal electoral events (i.e. the 2015 UK general election & 2016 Scottish parliament election), the largest amounts seemed to be paid during the 2016 Scottish elections, presumably as a result of the more complex constituency and regional list elements to the electoral system in use for Holyrood elections.
  - 9) According to reports, the RO in Glasgow received £22,663 for the UK general election, but £33,238 for the 2016 Scottish parliament election. Aberdeen's RO received £6,512 for the 2015 general election, and £13,081 for the Scottish parliament election. Highland council received £9,017 for the UK general election, £13,690 for the Holyrood contest (BBC, 2016).
  - 10) The average to ROs in the six councils cited in the BBC report for the two normal electoral events, the UK general election and 2016 Scottish parliament election, was £17,194 per electoral event (BBC, 2016).
  - 11) One restriction in implementing any reform is that the Scottish parliament would only be able to do so where it had jurisdiction. This would restrict reforms to Scottish local government and parliament elections. UK-level electoral events would continue to be funded under the old system, unless the parliament was able to gain UK government agreement that these should be reformed within Scotland.
  - 12) Since the establishment of the Scottish Electoral Management Board, Scotland has typically performed well in electoral administration. One data-driven assessment, on the 2010 general election, indicated that Scottish unitary

councils had performed above all other regions and council types in Britain (Clark, 2015).

13) Research on the funding of electoral administration is extremely rare. The few studies that exist indicate that electoral administration is squeezed between increasing demands on the limited resources it has, and the financial squeeze that is impacting upon local authorities. Increased demands include the need to employ reliable staff, demands from technology (e.g. electronic counting, postal vote signature verification software etc), and relentlessly short timescales, all under pressure from a demanding electorate and candidates, and increased auditing requirements from relevant public bodies and the media (Clark, 2014a; 2014b; 2014c; 2016; Montjoy, 2010).

14) Some examples demonstrate the point. In UK-wide research I conducted with Dr. Toby James on electoral administration in the 2016 Brexit Referendum for the UK Electoral Commission, we found that:

- 9% of respondents (counting officers) disagreed that there was an efficient system for distributing referendum funds to electoral administrators
- 19% disagreed that sufficient funds had been provided through the fees and charges process
- 47% disagreed that there was sufficient funding to support work required to compile the electoral register (Clark and James, 2016a).

While this work was based at the UK-level, it also contained Scottish responses. There is no a priori reason to think Scotland significantly different in this regard.

15) In a further study of polling station workers carried out by Clark and James (2016b) in four local authorities in the 2016 Scottish parliament election, costs of running elections were also highlighted by some respondents complaining about the rates of pay involved. As one put it: 'It surprises me that the rate of pay is minimum wage and that we are allowed to work such long hours with no proper breaks.' Even if many people work at elections repeatedly, many local authorities can, unsurprisingly, face difficulties in recruiting polling station and count workers.

16) Two studies have highlighted the positive relationship that exists between the quality of election management and the resources spent on them. Clark (2014; 2016) examined this in relation to the 2009 European elections and the 2010 general election in Britain (both including Scottish data). In short, the better funded the election administration was, the higher quality election administration in that local authority area was. In 2009, the impact of funding electoral registration was particularly important on its own (Clark, 2014). The corollary is that lower investment in election management is likely to lead to a decline over time in election quality.

17)Running equivalent analyses with just Scottish data for the 2010 general election show a fairly weak positive relationship between election quality and spending on election administration, controlling for a number of other variables. Although the very small number of local authorities in the analysis (N=29) suggest that too much should not be read into this, this is nevertheless broadly consistent with the idea that election quality might be maintained by maintaining or increasing investment.<sup>1</sup> Although the relationship is weaker than that found in the Britain-wide 2009-10 studies, it is nonetheless consistent with their findings. To the best of my knowledge, no equivalent publicly available data exist for subsequent elections. More research is clearly necessary into the costs and funding of elections in Scotland and the rest of the UK.

18)Data used in Clark (2016) show that Scottish local authorities spent, on average, £5.34 per elector and an average of around £670,000 on electoral services in 2010-11. This was above the average spent in regions across Britain (£4.38 per elector and £513,300), although Scottish councils spent less than London's local authorities (£5.99 per elector and just over £1m).

## **Conclusion and Options**

19)I have called elsewhere for a public debate about the funding and resourcing of electoral services across Britain (Clark, 2014a, 2016; Clark and James 2016a). This discussion of RO payments begins that conversation in Scotland.

20)Given the pressures on funding electoral administration and council services more generally, it is vital that reforms do not lead to a cut in funds going to fund the crucial electoral service, which is central to providing the right to vote to the Scottish electorate.

21)Any reform should seek to improve the provision of electoral services. Even if the rare Scottish data are not wholly conclusive, the evidence noted above nevertheless shows a link between funding electoral administration and improved electoral management. This is consistent with the little known internationally on this subject (IFES/UNDP, 2005; Montjoy, 2010).

22)The options before the Committee would seem to be:

- Retain the status quo;
- Simply cut the payments where the Scottish parliament is able to do so;
- Reform payments, redistributing payments to ROs to benefit electoral services more generally.

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<sup>1</sup> The result was a positive unstandardised regression coefficient of .100. A small number of units for assessment such as this means that it is hard to establish statistical significance i.e. the likelihood that this is due to more than just a chance relationship.

- 23) Should reform be deemed necessary, two additional areas may require reflection. Firstly, removing the personal liability on ROs, which has been directly linked to these payments, thereby making the delivery of elections a part of routine council business and any difficulties in provision part of normal public service delivery.
- 24) Secondly, reformed payments to ROs might instead be diverted to particular issues that the Scottish parliament, or individual local authorities in relation to their local needs, may find necessary to promote in relation to the provision of elections. There could be a number of options. Money may be put towards recruiting more polling station or count workers, where locally necessary. Electoral registration may be another idea, or promoting turnout among disadvantaged groups. The Local Government and Communities Committee has recently considered turnout for local elections in a separate evidence session, for example.
- 25) A public information campaign into the electoral systems used in voting in Scotland may also usefully be funded. Research among polling station workers in Scotland in 2016 for example found that there was considerable confusion amongst voters about the two ballot papers used in the additional member electoral system used for Holyrood (Clark and James, 2016b), with around a third of polling station workers reporting more than just a handful of experiences where voters were confused. Additional pilot research into the potential effectiveness of any of these ideas may be necessary should they be deemed useful.

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