



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Standards, Procedures and Public Appointments Committee

Thursday 3 October 2019

Session 5



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SCOTTISH ELECTIONS (FRANCHISE AND REPRESENTATION) BILL: STAGE 1 1

**STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
16th Meeting 2019, Session 5**

CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

DEPUTY CONVENER

*Mark Ruskell (Mid Scotland and Fife) (Green)

COMMITTEE MEMBERS

*Neil Findlay (Lothian) (Lab)

*Jamie Halcro Johnston (Highlands and Islands) (Con)

*Tom Mason (North East Scotland) (Con)

*Gil Paterson (Clydebank and Milngavie) (SNP)

Maureen Watt (Aberdeen South and North Kincardine) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Chris Highcock (Electoral Management Board for Scotland)

Andy Hunter (Association of Electoral Administrators)

Gordon MacDonald (Edinburgh Pentlands) (SNP) (Committee Substitute)

Sarah Mackie (Electoral Commission Scotland)

Peter Wildman (Scottish Assessors Association)

CLERK TO THE COMMITTEE

Katy Orr

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 3 October 2019

[The Convener opened the meeting at 09:30]

Scottish Elections (Franchise and Representation) Bill: Stage 1

The Convener (Bill Kidd): I welcome members to the 16th meeting in 2019 of the Standards, Procedures and Public Appointments Committee. We have received apologies from Maureen Watt MSP, who is unable to be with us. Gordon MacDonald MSP joins us as Maureen Watt's substitute. I invite Gordon MacDonald to declare any relevant interests.

Gordon MacDonald (Edinburgh Pentlands) (SNP): I have no relevant interests.

The Convener: Thank you very much.

Agenda item 1 is on the Scottish Elections (Franchise and Representation) Bill. Joining us today we have Andy Hunter, chair of the Association of Electoral Administrators, Scotland and Northern Ireland; Sarah Mackie, manager of the Electoral Commission Scotland; Chris Highcock, secretary of the Electoral Management Board for Scotland; and Peter Wildman, chair of the electoral registration committee of the Scottish Assessors Association.

I welcome you all to the meeting. Because there are four of you and we have a number of questions to get through, we will not ask for opening statements, but you should feel free to expand in your answers on whatever questions you hear. It is very nice to see you all; we are also pleased to see the members of the public who are here. We do not always get a large number of people at this time in the morning. We will start off with some questions from committee members.

Neil Findlay (Lothian) (Lab): I am just looking at all the organisations that the four panel members represent. I know that the convener does not want opening statements, but there seem to be a hell of a lot of you involved in this field, all doing similar things. Can you briefly tell us why we need you all?

Peter Wildman (Scottish Assessors Association): I am the electoral registration officer for central Scotland. I am also chair of the electoral registration committee of the SAA. That committee is comprised of the 15 EROs across Scotland and their senior staff. We are the

stakeholders who deliver electoral registration across Scotland.

Sarah Mackie (Electoral Commission Scotland): In relation to the franchise bill, the Electoral Commission's role will be to provide guidance and support to electoral registration officers and to the returning officers who will be administering the legislation. We will also be in charge of public awareness campaigns to reach those newly enfranchised citizens. That is our interest in the bill.

Andy Hunter (Association of Electoral Administrators): The Association of Electoral Administrators is a professional body that represents anybody who works in electoral administration across the United Kingdom. We have just under 2,000 members and essentially the association is there to help to protect and promote good practice in the electoral administration field, both in the returning officer and registration sectors.

Chris Highcock (Electoral Management Board for Scotland): I am a deputy returning officer in the City of Edinburgh Council. Returning officers are charged with the administration of electoral events in Scotland. The EMB is responsible for co-ordinating and supporting returning officers and electoral registration officers in the delivery of electoral events, promoting best practice and always making sure that the voters' interests are at the heart of all that returning officers and electoral registration officers do.

Neil Findlay: I feel a flow chart coming on.

There are often comments about the inaccuracy of the electoral register. It has been estimated that a further 55,000 people would come on to the register through this provision. Given the historical problems with accuracy, is that projection accurate, in your opinion?

Peter Wildman: The estimate was based on the 2011 census, so that number will have changed over time. Some 4.1 million electors are registered in Scotland, of which there are 132,000 European Union citizens on the electoral register. That excludes citizens of the UK, Ireland, Cyprus and Malta because they qualify as Commonwealth citizens or, in the case of Ireland, in their own right as Irish citizens. In that context, 55,000 is a reasonable number. It will take some time to get people on to the register, but in that context, it is a manageable number.

Neil Findlay: The Electoral Commission data tells us that the accuracy of the register has fallen since 2015 and it is now 86 per cent accurate. A significant number of people are not accurately picked up on the register. Why is that happening?

Peter Wildman: The register is a snapshot in time. It is updated monthly, but at any point during a month people are moving so there is that inherent churn within the register. Certain groups are slower to register than others—those in the private rented sector, for instance.

We are proactive in encouraging registration. We do an annual canvass each year; we send a form to every household to identify anybody new. We also mine databases such as the council tax database, school registers and university lists. We issue an invitation to register to anybody we identify who is not on the register. We follow that up with a reminder and then another reminder and we also try to visit the property to engage with the elector and encourage them to register.

The one thing to note is that registration is a voluntary exercise within the UK—it is not compulsory—and a certain number of people choose not to register.

Neil Findlay: Is there any analysis of why that number has fallen?

Peter Wildman: Since 2001, it has remained relatively constant. It has not changed significantly. Prior to the 1960s and in the early 1990s it was higher, but the law changed in 2001.

Sarah Mackie: We do a comprehensive piece of research every three years to track the state of the registers and the number has gone down very slightly since the last time that we did that analysis. However, we should bear in mind that since 2017, we have had no expected and planned for polls—although obviously, we had the unexpected European Parliament election earlier this year.

Peter Wildman spoke about the people who are missing from the register. The three biggest factors are, first, the length of time that someone has been at their address. Only about 34 per cent of the people who have been at their address for less than a year are on the register in Scotland, whereas about 80 to 90 per cent of the people who have been at their address for more than 10 years are on the register. The second factor is being young and the third factor is tenure—being in private rented accommodation. In cities such as Glasgow, there is quite a young student population who move frequently and they do not tend to get around to registering at their current address until just before there is a poll.

Since 2014, we have had individual electoral registration and that has enabled people to register in time for elections for the first time. That has made a big difference among young people in the run-up to polls. I remember that the figure was something like 600,000—

Peter Wildman: Yes—on the last day of registration ahead of the last UK general election, there were 622,000 registration applications across the UK. About 75 per cent of those applications were from people under 34. If you look at the demographics in relation to age and tenure, there tends to be an overlap—there is a fair chance that if you are in the private rented sector, you are probably young and you are probably there for less than a year. I would not like to speculate too far as to the reasons for that, but it can be about connection to the area. Are you going to stay there? How long is your permanency? Do you feel a connection? Will you register to vote? Those people will register but they register at the last minute. Sarah Mackie is right—there was no major electoral event in Scotland in 2018, when the analysis of the registers was done.

Sarah Mackie: The Electoral Commission thinks that there is a longer-term problem that needs to be addressed. A lot of the electoral registration processes are really outdated and could be modernised to make it a lot easier for people to register to vote—even easier than registering online. The annual canvass process that the registration officers have to run is very highly prescribed. Peter Wildman and his colleagues spend a lot of time contacting people they know are still at that address to get them to confirm that they are at that address. They need to keep going back. Even though they know from council records that those people are still there, the officers have to get them to confirm that.

Some work is under way across the three different Governments—in Wales and Scotland and at Westminster—to try to update that process so that registration officers spend less time on the people they know to be there, freeing up resource to go out and find the people they know are missing. We think that we can go even further—for example, if you have moved house and you are updating your driving licence, we could give you an option to tick a box that says, “Update my registration details” at the same time.

Peter Wildman: As EROs, we are not complacent. We would like 100 per cent accuracy and 100 per cent completion. That is what we are striving to achieve. These studies are helpful because although sometimes we would like the figures to be slightly better than they are, at least the studies give an indication of where we need to target our activity.

Gil Paterson (Clydebank and Milngavie) (SNP): What you have just described raises some questions with regard to prisoners. You have described a settled group of people who, by and large, stay in one place or they pass away or they move house. I understand that about 10 per cent

of the register naturally changes every year. The Government proposition is for prisoners to be eligible to vote within a year. It seems to me that a lot of maintenance would be required in that regard because you do not know who those people are in advance. You only have that year to pick them up and put the administration in place. How will the system be able to cope with this group of people, which will change every year?

Peter Wildman: The way that the draft legislation is framed is that people will be able to remain registered at their home address even though they are detained in prison. One hopes that they will already be registered. We have had discussions with the Scottish Prison Service as to whether we can identify those prisoners. If we discover that people are not on the register, that offers opportunities. There is a challenge around contacting them, but certainly from the way that the legislation is framed, they will not have to come off the register. One concern would be if we had to take them off at their home address and register them at the prison for a very short time. One of the challenges is that some of the short sentences could be quite short—shorter than a year. We therefore welcome the fact that prisoners can remain registered at their home address.

Gil Paterson: That answers that question, thank you.

Gordon MacDonald: In evidence to the Finance and Constitution Committee, it was highlighted that in 2014, voter registration was at 97 per cent. Currently, the local government register is sitting at 83 per cent. Can you give us an idea of the number of potential voters who are not on the register, given that size of drop? What part has the move from household registration to individual registration played in that drop?

Peter Wildman: The drop is partly due to students. Students are unique in that they can legitimately register at two addresses—at their term-time address and at their home address. Under the old household registration system, we got the full list of everybody resident in student accommodation at universities and simply added them on to the register from that information. We now rely on students to register themselves. The anecdotal evidence is that they prefer to remain registered at their home address because that is where they have a connection so registration numbers at universities tend to be low. That concerns us and we are working with the universities on how we can promote registration, but at the end of the day it is voluntary. If the students do not choose to engage, they may not register. That is part of it.

It is also about how much people engage with the electoral events that are taking place. In my experience of the independence referendum, we

had people who made it quite clear that they had never registered to vote before, but they felt so strongly about the independence question that they decided to opt in to the registration system.

One of the advantages of individual electoral registration is that it is harder for people to come off the register. They can only come off in certain circumstances.

09:45

The Convener: Chris Highcock made a mistake in nodding at some of that. Would you like to say something as well?

Chris Highcock: I think that the points that Peter Wildman made about the actual statistics are valid. I have not much more to say about that element.

We must always remember why individual electoral registration was introduced in the first place. There is a lot of discussion about the register's accuracy, but it is all about its integrity. We must make sure that we have the right people on the register, that the people on the register exist and that everyone is registered only once in each place. There is a value to that.

Gordon MacDonald: Can somebody answer the question about the magnitude of the drop from 97 to 83 per cent?

Sarah Mackie: Yes. Voter registration at 97 per cent never existed. From memory, I think that a journalist took the number of people on the register and then—

Gordon MacDonald: It was Mr Wildman who mentioned it in evidence to the Finance and Constitution Committee.

Peter Wildman: I think I said that it was reported as being 97 per cent.

Sarah Mackie: In the run-up to the independence referendum, as Peter Wildman said, we had an unprecedented level of registrations. When you applied to register to vote, you were first placed on the new register, and then you were taken off the register at your old address, but there was a brief window when you were registered twice. That inflated the figures. I am not saying that the figure was significantly different, but it certainly would not have been as high as 97 per cent.

Then individual electoral registration came in; I think that it was introduced the day after the referendum. That led to a big clear up of the registers, so that the double registrations disappeared, which resulted in quite a big drop. When we carried out our completeness and accuracy study in 2015, we found the registers to be significantly more accurate than they had been

the last time we had done a study, which was prior to the referendum, in 2011. We found a big increase in accuracy, but that has dropped a little bit since 2015.

Tom Mason (North East Scotland) (Con): The residential requirement is three months, and the proposal is that, if you are resident, you get a vote. Turning the thing on its head, if a person has been resident in Scotland and then moves away for work purposes, when do they de-register?

Sarah Mackie: My understanding is that the bill does not introduce any residence qualifications. If you move to Scotland today and are resident, you are eligible to register to vote from today.

Peter Wildman: We proactively manage the register by checking other databases. If we get an indication from council tax that somebody has moved out of a property, we will then carry out a review of registration. If we get more than two pieces of evidence to say that somebody has moved, we can just take them off the register; if we do not, we send them a letter that says, "We do not think that you are there. If you are, provide evidence". If they do not provide evidence, they come off the register. The annual canvass is the backstop to that, if you like.

Neil Findlay: Don't go there. [*Laughter.*]

Peter Wildman: Apologies for that.

The canvass is the annual registration check, in which somebody can return the household inquiry form having scored a person off it. If we have another source of evidence to say that a person is not there, we will take them off the register. That is how it works.

We also encourage new registrations. In 2018-19, we added about 250,000 people to the register, and a similar number came off the register.

Tom Mason: If somebody was resident and voted but then moved away to work—to London or somewhere else—for how long could they continue to vote in any election?

Peter Wildman: It depends whether they shift their main residence. If you are away for more than six months, you can still not break your residency. There is provision for remaining registered at your home address if you are working away from home. The question is the point at which you shift your home address. If you were temporarily working in London for a period of six months, you could remain on the register in Scotland, but if you permanently shifted to London, you would have to come off the register in Scotland.

Tom Mason: What is the definition of a permanent shift? A lot of people—including

members of my family—did not get a vote in the referendum because they were working away from home.

Peter Wildman: Residence is complicated. There is no single answer. It is about looking in the round at all the facts of each individual case to establish where somebody's main residence is.

Sarah Mackie: Case law says that it is where your main business—

Peter Wildman: Yes, it says that it is where your main business of life is carried out. That is the case law in Scotland.

Tom Mason: Where is that defined? How do you define it?

Peter Wildman: We do not define it. We just look at the circumstances. Where we are not certain that somebody is resident, we will ask them to provide evidence. If necessary, we will hold a hearing at which they can provide oral evidence to outline the facts of their life and what they consider their main residence to be, where the main business of life is carried out.

Tom Mason: Is that governed by case law? Who determines that?

Peter Wildman: Case law sets out that residence is where the main business of life is carried out, which is interpreted by electoral registration officers. If people do not like our decision, they have a right of appeal to the sheriff court.

Jamie Halcro Johnston (Highlands and Islands) (Con): In theory, you can contest a registration, but I take it that, in practice, somebody will move into an area and put themselves on the register, and there is no background check or anything like that unless an issue is raised with yourselves with regards to their residency.

Peter Wildman: That is right—or if there is something on our records that indicates that something is not right. The other point to bear in mind is that 13 of the 15 electoral registration officers are also assessors. We hold the property records, so we can check the size of a property against the number of electors. If we had a huge number of electors in a small property, we would question that.

Jamie Halcro Johnston: Somebody could rent a property and register, and that would not necessarily be flagged up until it was flagged up.

Sarah Mackie: We can run a check on the Department for Work and Pensions database. You have to provide your national insurance number when you apply to register, and the first thing that happens is that that is matched against the DWP

database to see whether that indicates that you are resident at the property. If that did not—

Peter Wildman: No, the DWP just checks your identity; it does not check your residency. If we get an unsolicited application—if somebody applies without our inviting them to apply—we send a paper communication to the property. That acts as a check. Certainly, I have had a few cases where somebody has come back and said, “No, this person is not a resident here”. We then review that application.

Jamie Halcro Johnston: I am not necessarily suggesting that there are cases of people using a false address. Somebody could be at a property for a very short period, register and then leave, and it is unlikely that that would be flagged up. I was just wondering how many cases are reviewed every year.

Peter Wildman: That is a very hard question. You can have people who genuinely have a property as their main residence for three months because they move around and do not have a permanent home elsewhere. If that is their permanent home, even for three months, they are entitled to be registered.

Jamie Halcro Johnston: How many cases are contested every year?

Peter Wildman: There are very few cases. In the run-up to the independence referendum, we had more hearings into residency and more questions over that, but in the normal course of events, there are not many.

Jamie Halcro Johnston: Do you think that there are not many cases because the process is working, or do we just not know?

Peter Wildman: On the whole, I think that the process is working because of the annual canvass. There are not many databases that get an annual audit, and the register is audited during the annual canvass. The annual canvass is really important.

Neil Findlay: On the residency issue, anyone who just rocks up and says, “I am living here,” and applies for their vote can get the vote. Is that system replicated anywhere else in the UK?

Peter Wildman: I am not sure about Northern Ireland, but the residency rules, which are in section 5 of the Representation of the People Act 1983, are the same across Great Britain.

Neil Findlay: Has there been any evidence of manipulation of the residency rules? I am thinking of constituencies in Scotland where there are very small margins between the winning and losing parties, and a couple of busloads of people coming up a couple of weeks before an election could have an effect. We have seen manipulation

of the electoral system in the past. Has there been any evidence of such manipulation of the rules?

Peter Wildman: Not that we are aware of, no.

Neil Findlay: I will have to get my cunning plan in place then. [*Laughter.*]

Chris Highcock: In elections, there is always a tension between integrity and inclusion—that is, we make sure that as many people take part as possible, but that they do so according to the rules. We have to recognise that tension at all times. After every electoral event, the Electoral Commission completes a report on that event, in which it looks at questions of integrity and electoral fraud. The record in Scotland is very good. Very few questions have been pulled out about the delivery of elections in Scotland.

Peter Wildman: Were we to identify something, we would report it to the police. I have not known a police investigation to go the full length.

The Convener: Thank you.

I have a logistical question. An expansion could come about under the bill. I know that polling places change occasionally, but is the system sufficiently flexible to allow polling stations to absorb growth in the numbers in an area?

Chris Highcock: The polling scheme is decided by local authorities. The council has a responsibility in law to split every ward into polling districts and then to identify a polling place for every district in a ward. Some of the decision about a polling place is based on the accessibility of the building, some of it is based on capacity and some of it is based on location. The council will choose a building that is sufficient for the size of the electorate in that district. The decision will also be based on the electoral register that we are given by the electoral registration officer. If the electorate was to grow as a result of the provisions of the bill, we would just have to make sure that we had sufficient capacity in the building to cope with that number of people.

Often, the number of polling stations changes for particular events—I am referring to how many stations we have in particular places. The electorate changes from event to event. More people are able to vote in a council election, for example, than in a UK parliamentary election because the franchise is different. We can cope with that just by looking at the size of the register and deciding what capacity we need.

We may find that the register grows significantly in a concentrated area because of the provisions in the bill, but that is not insurmountable. That happens in each event in any case.

The Convener: Does the local authority handle staffing as well?

Chris Highcock: For each electoral event, the returning officer is responsible for recruiting and training the staff who will work in the polling place. Staffing is driven by the number of polling stations for a particular event; it is just a case of considering whether we recruit a couple of extra staff for that building or can cope with what we have. Again, that is driven by the numbers on the register.

The Convener: I assume that that approach is perfectly acceptable to Andy Hunter's members.

Andy Hunter: Yes, absolutely. I fully agree with Chris Highcock. After an electoral event, we always review our polling places and whether there were any issues with them. We do that to inform future planning. In the run-up to the election, we determine the number of stations well in advance so that we can recruit. We take various factors into account, such as whether the number of electors is going up. Planning is a big issue, so it is extremely useful to know about changes in advance of any electoral event and to get the planning right.

Gil Paterson: Will the extra variations that will come into play because of the bill throw up any problems with regard to your administrative functions?

Chris Highcock: Such variations happen at the moment. We have different franchises for the European elections and the UK parliamentary elections, and for the Scottish Parliament and Scottish local government elections. We take those differences into account when we train staff. We make sure that people are aware of who can vote and who cannot. Again, we use the registers as they are produced by the electoral registration officer as the basis for our planning and delivery. These things change event by event.

Andy Hunter: Obviously, we prepare for that. In a lot of cases, we prepare for more than we need. For example, most polling places have capacity for another station or to take on an extra 200 or 300 voters. There will be the odd one where we are already at our limit and so we have to think slightly differently, but that is the minority. That probably applies across a number of processes. We already have a wee bit of capacity to cope with a bit more.

10:00

Jamie Halcro Johnston: If increased checks of voter identification were introduced in polling stations, how might that be impacted by an expansion of the electorate?

Sarah Mackie: That would partly depend on what type of voter ID was used. Earlier this year and the previous year, there were trials during the local government elections in England, and we

have a statutory role to evaluate those trials. Each pilot used different ID systems. Some followed the model in Northern Ireland, where people can apply for a voter ID card if they do not have a passport or driving licence. Others just required people to bring their poll card, and others required people to bring ID and, if they did not have it, to get somebody to come along to attest that they were who they said they were. If new citizens join the register, careful consideration will be needed to avoid setting a requirement for ID that is difficult for them to obtain.

We have said that there needs to be a bit more thinking around the ID pilots. As Chris Highcock said, there is a tension between accessibility and integrity. A bit more thinking might need to go on to find the right balance with regard to voter ID.

Peter Wildman: At the moment, it is only the UK Government that intends to introduce voter ID, for UK parliamentary elections. As it stands, foreign nationals would not be enfranchised for those elections.

Jamie Halcro Johnston: I think that there is an increase in people using postal votes. Is it harder to ensure the security of the voting process and to check eligibility with postal voting than it is with people going to a polling station, or is there no real difference?

Chris Highcock: In many ways, the integrity checks that apply to postal voters are greater than those that apply to people who turn up in person to vote at a polling place. You will be aware that everyone who applies for a postal vote needs to fill in a postal vote application in which they provide their signature and date of birth. For every postal vote that is returned, the signature and date of birth are checked before the ballot paper is opened and placed into the count. In some ways, those checks are much more rigorous than the process when someone turns up at a polling place and just declares their name and address. We have to check the voter ID elements before the postal vote is processed.

Peter Wildman: Another point is that the signature is refreshed every five years. If somebody's signature does not match at an election, the electoral registration officer will write out saying that the signature did not match and that the person needs to provide a new one. If they do not provide that, we can take them off the absent voter list.

Jamie Halcro Johnston: In effect, the gap at the moment is in the polling stations.

Peter Wildman: Yes, there is a difference between voting in a polling station and a postal vote.

Chris Highcock: I would not necessarily say that it is a gap. When someone affirms their name and address in a polling place, they are making a solemn declaration of their identity, and we trust them in doing that. Many electoral elements are based on trust. If someone says, "My name is X and this is where I live," we take that as their solemn oath of who they are.

Gil Paterson: Some of the questions that I was going to ask have been covered. With regards to postal votes or proxy votes, how does what you have just described carry over to prisoners? Are there any additional problems, not for prisoners—I can see that it is straightforward for them—but for the administrative process?

Chris Highcock: In our written evidence, we highlighted that the expansion of the franchise is one thing, but the very fact that a prisoner is not at liberty potentially limits the degree to which the normal rules could apply to them. For example, at the moment, if someone does not receive the postal vote form—because it is lost or does not arrive—it can be replaced, but that generally requires the person to come in and ask for it and to show some form of identification. If the papers are spoiled, people are asked to return them and we then reissue them. Some of those things are difficult to apply with people who are not at liberty. At the basic level, it will be the same: prisoners will get a postal vote, they will sign it, put their date of birth and send it back, and it will be processed as normal.

Gil Paterson: What about proxy voting? Is there a problem there?

Peter Wildman: No. Prisoners will need to complete a proxy vote application form. One of the challenges will be the speed with which we can communicate. If an ordinary elector makes a mistake on their proxy vote application or registration application, we can pick up the phone or send an email and can get a fairly quick response. Indeed, if necessary, we can visit people in certain circumstances. With prisoners, that will be more difficult—that will be the challenge.

The Convener: That leads us on to Mark Ruskell's questions.

Mark Ruskell (Mid Scotland and Fife) (Green): Yes, I will build on that theme. Chris Highcock's written evidence says that

"the extension of the franchise is necessary but not sufficient to allow some prisoners to vote"

and that

"Barriers would remain."

You have just described one of the issues. Are there other such barriers?

Sarah Mackie: One issue that will need to be looked at is that, if somebody is given the vote, they need to be given the opportunity to make an informed choice. As I understand it, there is not unlimited internet access in prison. There will have to be thinking about how people can inform themselves, particularly for elections where people want to look at the candidate's policies. You can put every party's manifesto in front of them, but they might want to know about a particular candidate.

Andy Hunter: On the point about postal vote replacements, there is also a point about timing. Currently, electors can go to the polling station and hand deliver a postal vote right up until the last minute, at one minute to 10. Obviously, prisoners will not be able to do that, so everything will have to be posted back and forward. Their timescales for dealing with the postal vote will therefore be shortened to compensate for that.

Another issue is that prisoners are not always local. At the moment, all postal voters live in the returning officer's local area but, for example, someone from Aberdeen could be in prison in Stirling. That makes it even more difficult because, even if officials could visit people in prison, there is no way that they could travel so far to do that.

Chris Highcock: The expansion of the franchise allows people to vote. We have to accept that they do not have the same ability and freedom that a normal voter at liberty in the community has and that therefore there will be restrictions on them that are not on other people.

At this point, I want to mention some of the basic rules of democracy. People have a hard-won right to vote in secret so that others do not know how they are casting their vote. We may need to think about that. People vote in secret so that they are free from coercion and influence and no one tells them how to vote or rewards them in a particular way. We have to think about creative ways to ensure that people can vote in secret in prison. Those are some of the issues that flow from that.

Mark Ruskell: Has there been discussion of those questions with Scottish Government officials who are drafting the bill and ministers? I see nodding.

Peter Wildman: Yes. We work closely with the Scottish Government and the Scottish Prison Service. Electoral registration officers are more than happy to engage with any stakeholders to look at how we can minimise and mitigate any issues that could arise, although we will perhaps not make the process entirely as smooth as it is for ordinary electors.

Chris Highcock: It is worth saying that the extension of the franchise in that way is potentially

an opportunity for education and rehabilitation for prisoners. The lessons and the openness about voting can be part of a process for giving them a broader explanation of life in open society.

Mark Ruskell: Are there particular challenges and administrative issues with prisoners who are serving short sentences in terms of when an election is called?

Chris Highcock: The issue is the same as with any election: it is about who is on the register. Once someone is on the register, the election will be processed as normal and administered in that way. The question is then about getting people on the register and ensuring that the postal vote goes to the right address or that they can vote by proxy.

Peter Wildman: If someone had opted to vote by post and was then released, they would still be committed to vote by post. Chris Highcock can probably comment more accurately on this, but we would have to consider how to ensure that their postal vote reached them.

Chris Highcock: If someone had changed their address, we would make a replacement postal vote, cancel the old one and issue a new one to the new address.

Mark Ruskell: What about prisoners from Scotland who are in English prisons? Does that cause a complexity?

Peter Wildman: We have yet to engage with Her Majesty's Prison Service south of the border, and we will need to do so just to establish that we can verify that people are serving a sentence of 12 months or less.

Mark Ruskell: Moving on from prisoners, my final question is about the potential to extend the franchise to asylum seekers. Does that pose particular challenges and, if so, are they insurmountable? How would we go about that?

Sarah Mackie: Do you mean challenges in reaching them and encouraging them to register and understand how to vote?

Mark Ruskell: Yes—and potentially to be candidates as well.

Sarah Mackie: Potentially, yes. The commission would take a lead on that kind of awareness raising nationally, but we would work closely in partnership with the electoral registration officers across Scotland, who have links into their communities. It would be very much a partnership approach. We could run a grand advertising campaign, but we are trying to reach 55,000 or 60,000 people who are dotted around the country, so it would not be cost effective to run big nationwide advertising campaigns.

I watched with interest the evidence that you heard on that a couple of weeks ago. Since then, I

have spoken to Lorna Gledhill from the Scottish Refugee Council about how we can work together. There are people who are already on the ground working with such communities, so there is no point in our replicating the good work that they are doing. We can work in partnership.

In the past, we have developed education resources on not just how to register and vote but what an elected politician is and what parties are. We are doing that work anyway in relation to political literacy for 16 and 17-year-olds in schools. In the past, we had a big resource that electoral registration officers and youth workers used called the democracy cookbook, which had plain English information about the institutions as well as activities such as build your own politician. Those were fun activities to allow people to think about democracy and what it means. We are looking at developing some of that work for young people, and that can perhaps be transferred to different audiences by using different examples and issues.

As I said, there will be a partnership approach, because we will rely on the expertise and knowledge of people who work with those communities. We can bring the expertise on democracy and voting, but we need the expertise of people who work in those communities and who understand the needs and language barriers. We already translate our forms into about 25 languages, but that might change. I have been looking at some of the census data from 2011 and it looks as though the biggest group that will be enfranchised will be Americans, but there will also be large numbers of Iraqis and Chinese people, so we probably need to think about more translated materials.

The Convener: Obviously, in 2020 there will be an annual canvass of electors, which will relate strongly to the 2021 Scottish Parliament elections. What if another referendum took place in Scotland prior to 2021? Would the electoral register be up to the mark and prepared for that or would extra work be required?

Peter Wildman: Obviously, by definition, we do the annual canvass every year, and the process is heavily prescribed. We have to issue a household inquiry form to every residential property in our area. We then have to issue a second form and if we do not get a response, we have to visit the property to get a response. If we still do not get a response, we have to issue a third form. It is a robust procedure that works well. The independence referendum in 2014 was on 18 September and, by July, my team were already working overtime. To an extent, such electoral events drive registration of their own accord, but the annual canvass supplements and reinforces that. The two work hand in hand.

For the 2020 canvass, if the bill is passed, we will need to ensure that the messaging is clear that the franchise has been extended. As Sarah Mackie alluded to, the UK and Scottish Governments are looking at canvass reform, which means that, for properties where we do not think there has been a change, we will send a light-touch communication. We will need to ensure that that communication makes it clear that anybody who is not registered and who is now eligible can register.

10:15

The Convener: Earlier, we talked about the percentage of people who are registered. Obviously, a number of factors cause people to either not be on or to fall off the electoral register. We have also talked about education, but what are the plans for education of the general population?

Sarah Mackie: The commission runs a public awareness campaign ahead of every major electoral event. The next campaign that we have planned in Scotland is in the run-up to the Scottish Parliament election. When the commission started, which was more than 10 years ago, we ran year-round activity, but we found that it was not terribly effective. Unless something is dangling right in front of people, they tend not to take action, so it does not work to say, "In a year's time, there will be an election, so you must register now." When the messaging says, "You have 10 days left to register," we get a good return on our money.

There is that element of factual information about how to register and vote and how to get a postal vote. We have been talking to the Australian Electoral Commission, which, alongside its voter awareness campaign, ran a know the source campaign that encouraged voters to look at the messaging that was targeting them at elections and to check the source. We are considering running a similar campaign for the general public at future elections.

The Convener: Some people might say that I do not really remember this but, when I was at school, we never talked about elections, because you had to be 21 to vote at that time. When people get the vote at 16 or 18, there is obviously more of an impetus to get people registered. Is much work done through schools?

Sarah Mackie: We have been working with Education Scotland and various other bodies such as the Association of Directors of Education in Scotland. We have been doing that since just before the independence referendum, because we found that teachers across the country were all taking different approaches. Some people thought that they could talk about the referendum,

whereas others thought that they were not allowed to talk about it in school. We came together with those organisations and produced a briefing for headteachers and teachers to say what was appropriate and what would not be appropriate, just to reassure them about what was okay. There was a bit of nervousness around in 2014, because there was quite a highly charged atmosphere.

Since young people from 16 have had the vote permanently for Scottish elections, there has been a much more relaxed attitude. We ran campaigns ahead of the elections in 2016 and 2017 specifically targeting young people in schools. The ready to vote campaign encouraged schools to run registration events in the month of March in both years. I think that, in 2017, 84 per cent of secondary schools signed up to do the registration activity with young people who were old enough to register and vote at that election. The great thing about 16-year-olds rather than 18-year-olds is that we know where most of them are and we can reach them. We will build on that work in the run-up to the 2021 Scottish Parliament election.

The Convener: Thank you. The financial memorandum is obviously something that excites people potentially more than it needs to. If no one else cares to bring in the financial memorandum, I will do so and you may join in when it suits you. The financial memorandum allocates a £280,000 one-off payment to the Electoral Commission for the purposes of publicity, guidance and so on. We are told that

"£200,000 would be an appropriate estimate for the additional public awareness costs"

for the 2021 election, given that it will be the first planned one using the new franchise. Are the resources that are identified in the financial memorandum sufficient to support the necessary work for newly enfranchised voters?

Sarah Mackie: The sum in the financial memorandum is largely for work taking place around the annual canvass. We have a separate budget that sits outside the financial memorandum of usually around £1.5 million to run a public awareness campaign ahead of a poll, and that will kick in in 2021. The amount in the financial memorandum will just be for work that will take place up until our main public awareness campaign runs in 2021, which will also include elements for new voters.

Chris Highcock: As I read it, £200,000 has been allowed in the financial memorandum for the work that local authorities will do on the expansion of the franchise. How the financial memorandum phrases it is that that cost is small enough when spread across 32 local authorities that no additional funding will be required and local authorities will be able to cope with it. I would say

that, when it comes to the work of local authorities, £200,000 is still £200,000. Given that there are other pressures that they have to deal with at the moment, an additional £200,000 cost represents still more money that will come away from other services.

The Convener: Fair enough.

Neil Findlay: Chris Highcock is from the City of Edinburgh Council. I was speaking to some local authority people recently who said that they used to have around 40 or 50 staff for youth work but they now have eight. Those staff were the people who went out and engaged with young people and got them on the register and did the democracy workshops and all that kind of stuff. What capacity do you have in Edinburgh for that kind of outreach work?

Chris Highcock: That sort of outreach work is not just done by community education workers; it is done across the council. As Sarah Mackie said, a lot of it goes on through schools, where it is part of the curriculum to make sure that people are aware of the franchise and of the nature of the electoral events that they will be participating in. Even though there may be fewer community education workers than there used to be, there is adequate provision right across the council through a lot of different outreach methods. We do not work just in schools; we also work at citizenship events.

The EROs also have staff who engage with communities and who go out to events right across the community. There is a lot of engagement with black, Asian and minority ethnic community events. The EROs will be at citizenship ceremonies making sure that people have the relevant forms and understand what they have to do. Although there may be fewer specific outreach workers, the work is spread across all that councils do.

Peter Wildman: My area has good partnership working with the three education authorities. Sarah Mackie alluded to the toolkit that the Electoral Commission provides. That has been very effective and it would be good to see it not just in election years but in non-election years as well.

We get lists from the schools of all eligible pupils and, if those pupils have not registered themselves, we will personally write to them inviting them to register. It is a multistrand approach. It is not just education authorities, it is not just EROs and it is not just the Electoral Commission; there is a huge body of work. If there are community groups out there promoting registration, that is a good thing.

Chris Highcock: We often say that politicians, too, have a responsibility to make people aware of their responsibilities. We look at members of the

Scottish Parliament as stakeholders in the electoral event as well. MSPs will be knocking on doors and canvassing people, so they have an opportunity to ensure that people are on the register and know what they have to do to take part.

Mark Ruskell: Do you have any more comments on the extension of candidacy rights?

Chris Highcock: We are concerned with the practicalities, but the policy measure is a matter for you. We will apply the rules as they are given. In terms of candidacy rights, when someone fills in a nomination form, we take what they put on the form on faith and we do not check what they say is their address, their name or their citizenship. If that is wrong, they have provided false information and they can be held to account for that. We do not go beyond the four corners of the nomination paper. Whoever the candidate is and whatever their qualification, we take on good faith what they have told us. If that proves to be wrong, they will have to answer for that.

Andy Hunter: I fully agree with Chris Highcock on that. However, we get asked questions in the nomination process, so clear guidance that the potential candidates can check for themselves would be useful to make the process smoother for them.

Gil Paterson: I have a question on security regarding the administrative process in a prison. Are there any issues with security and secrecy?

Peter Wildman: We are working with the SPS to make sure that any communication that we send goes to the correct prisoner. We are exploring options for how we can ensure that that happens. Every prisoner has a number allocated to them, so that may form part of the communication to ensure that we get the right communication to the right prisoner.

Sarah Mackie: We will want to discuss with the SPS how we ensure that, when prisoners vote, they have a private secure area where they can fill in their vote independently and without any undue influence.

The Convener: Thank you. You have taken everything that we have given you and you have given us very strong answers. We may be in touch with you again at some future point. Andy Hunter, Sarah Mackie, Chris Highcock and Peter Wildman, thank you all very much indeed. I will let you go now.

10:26

Meeting continued in private until 11:00.

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