

Parliamentary Bureau – Referral of Bill at Stage 1

Scottish Elections (Representation and Reform) Bill

Introduction

1. The Scottish Elections (Representation and Reform) Bill was introduced in the Parliament on Tuesday 23 January 2024 by the Deputy First Minister and Cabinet Secretary for Finance, Shona Robison MSP. The Minister for Parliamentary Business, George Adam MSP has been designated as the member-in-charge of the Bill.
2. The provisions in the Bill include:
 - Extending candidacy rights at Scottish Parliament and local government elections to foreign nationals with limited leave to remain.
 - Extending the Elections Act disqualification order to bar those who are found guilty of intimidating campaigners, candidates and elected representatives from being MSPs and councillors. Creating a new Scottish disqualification order which will apply to anyone found guilty of offences involving intimidation of electoral workers. These offences can be found in the Schedule.
 - Changes to how much money can be spent during an election campaign, especially in relation to third-party campaigners. The Bill would require the Electoral Commission to publish a code of practice for third-party campaigners.
 - The Bill gives power to the Presiding Officer to delay Scottish Parliament elections to 8 weeks with one further 8-week extension. The Bill also gives the PO the power to rearrange by-elections by up to 3 months. The Bill also gives similar powers to the Convener of the Electoral Management Board and Returning Officers. The Convener can postpone the entire national election and each Returning Officer can postpone elections and by-elections in their area.
 - The Bill makes it easier for election pilots to happen, including giving Scottish Ministers the power to provide funding. Election pilots have the purpose of increasing voting engagement and could include a pilot to increase accessibility.
 - Amending existing Scottish regulations on digital imprints. This requires an imprint on unpaid for material posted by an organisation other than a regulated campaigner to apply to materials relating to Scottish devolved elections. The Bill also provides for an offense for those who do not follow these rules.
 - Boundaries Scotland are due to report on local government boundaries and the number of councillors in those boundaries. The Bill changes the deadline date of this report from 31 December 2028 to 30 April 2031 to match 5-year election cycles.

- Facilitating improved scrutiny by the Scottish Parliament of the activities of the Electoral Commission in relation to Scottish Parliament and local government elections.
- The Bill makes the Electoral Management Board for Scotland a legal entity in Scotland and creates the post of Deputy Convener.

Discussion

3. The Bill appears to engage the remits of the Standards, Procedures and Public Appointments Committee and the Local Government, Housing and Planning Committee.
4. The remit of the Standards, Procedures and Public Appointments Committee is to consider and report on matters falling within the responsibility of the Minister for Parliamentary Business and matters relating to public appointments in Scotland. The provisions of the Bill pertain to electoral law in Scotland. The Minister for Parliamentary Business is responsible for local government elections as well as Scottish Parliament elections. Accordingly, the Standards, Procedures and Public Appointments Committee's remit is engaged.
5. The remit of the Local Government, Housing and Planning Committee is to consider and report on matters relating to the Local Government Boundary Commission and local governance review and democratic renewal within the responsibility of the Deputy First Minister. The Bill has a provision relating to the Boundaries Scotland review of local government wards and number of councillors. As such the remit of the Local Government, Housing and Planning Committee is engaged.
6. It would appear that the Standards, Procedures and Public Appointments Committee has the primary interest in the Bill. Designation of one committee as lead committee does not preclude any other committee whose remit is engaged from considering the Bill if it wishes to do so.

Recommendation

7. **The Bureau is invited to consider recommending to the Parliament by motion that it agrees, under Rule 9.6.1, to designate the Standards, Procedures and Public Appointments Committee as lead committee for consideration of Scottish Elections (Representation and Reform) Bill at Stage 1.**
8. A draft motion can be found below.
9. **Draft Parliamentary Bureau motion on the Scottish Elections (Representation and Reform) Bill:**

Designation of Lead Committee – That the Parliament agrees that the Standards, Procedures and Public Appointments Committee be designated as the

lead committee in consideration of the Scottish Elections (Representation and Reform) Bill at Stage 1.

Parliamentary Business Team

February 2024