Introduction 3

The Proposed Bill Explained 4

Local Government Elections - The Current Position 5

Why the De-Coupling of Elections is Necessary 6

1. To Increase Local Government Accountability 6

2. Aiding the Introduction of Single Transferable Vote (STV) 8

Delaying the Next Local Government Elections to 2008 10

Questions for Consultation 11
Introduction

I lodged my draft proposal for a member’s bill, to require local government elections to be held on different dates from Scottish Parliament elections, and to delay the next local government election until 2008, initially on 23 June 2004. I was prompted into action by the passing of the Local Governance (Scotland) Act on 23 June 2004, which introduced the system of Single Transferable Vote (STV) for local government elections in Scotland.

I have always held the view that separate elections for local government and the Scottish Parliament would allow for real local accountability by increasing the focus on the real issues of local government which are currently overshadowed by the policies of the Scottish Parliament.

However, with the introduction of STV for local elections I believe the need for separate elections is greatly increased, as the Scottish voter will, in 2007, be required to vote for two different bodies with two different electoral systems using three ballot papers. As I will discuss later, evidence shows that a combination of voting systems on any one day can cause significant voter confusion and lead to an increase in spoilt or inadmissible votes.

I believe that by moving local government elections away from the Scottish Parliamentary elections local democracy will be increased and strengthened and we will find it easier to use the new voting system.

To inform the drafting of my Bill, I would greatly appreciate the opportunity to hear your opinion on my proposal to separate the two elections from each other, with the next local government election delayed until 2008, before I introduce the Bill to the Scottish Parliament. Please note that all responses to this consultation will be made public unless you request otherwise. Confidential responses will nevertheless be included in any summary or statistical analysis, which does not identify individual responses.

Please have your replies to me by Wednesday 1 June 2005.
The Proposed Bill Explained

The proposed Bill will provide for an amendment to existing legislation to require local government elections to be held on different dates from all other elections and to delay the next local government election until 2008.

When I initially lodged the proposal under the previous Scottish Parliament procedures, I quickly gained 26 signatories from the Scottish Conservative Party, Scottish National Party, Green Party, Senior Citizens Unity Party and one independent. I will re-submit my proposal now simultaneously to holding this consultation and I hope to gain the same support from members. The consultation will last for three months, after which the responses will be collated and analysed before any further progress is made.

The MSP signatories are:

Mr Brian Monteith (Scottish Conservative Party), Mr Jamie McGrigor (Scottish Conservative Party), David McLetchie (Scottish Conservative Party), Murdo Fraser (Scottish Conservative Party), Alex Johnstone (Scottish Conservative Party), Mrs Nanette Milne (Scottish Conservative Party), Mr Ted Brocklebank (Scottish Conservative Party), Margaret Mitchell (Scottish Conservative Party), Miss Annabel Goldie (Scottish Conservative Party), Alex Fergusson (Scottish Conservative Party), Lord James Douglas-Hamilton (Scottish Conservative Party), Mr David Davidson (Scottish Conservative Party), Bill Aitken (Scottish Conservative Party), Mary Scanlon (Scottish Conservative Party), Phil Gallie (Scottish Conservative Party), Mr Mark Ruskell (Green Party), John Scott (Scottish Conservative Party), Mark Ballard (Green Party), Eleanor Scott (Green Party), Robin Harper (Green Party), Patrick Harvie (Green Party), Shiona Baird (Green Party), Chris Balance (Green Party), Tricia Marwick (Scottish National Party), Dennis Canavan (Independent), John Swinburne (Scottish Senior Citizens Unity Party)

In addition, I am pleased to announce that in a discussion at its December 2004 meeting the Convention of Scottish Local Authorities (COSLA) agreed to support the main provisions of this, my proposed Bill.
Local Government Elections - The Current Position

At present local government elections are held on the same day as Scottish Parliament elections following the passing of the Scottish Local Government (Elections) Act 2002 during the first Scottish parliamentary session.

The 2002 Act moved local government elections to a four-year cycle. Local government elections were previously held on a three-year cycle under section 5(3) of the Local Government etc (Scotland) Act 1994, whilst Scottish Parliament elections are held on a four-year cycle under section 2 (2) of the Scotland Act 1998. The 2002 Act amended the Local Government etc (Scotland) Act 1994 to link the timing of elections to the years in which ordinary elections of the Scottish Parliament occur.

Consequently, the next local government election is due on the first Thursday in May 2007.

In June 2004, the Scottish Parliament passed the Local Governance (Scotland) Act 2004. This Act, among other changes, introduced the system of Single Transferable Vote (STV) to be used at all future local government elections in Scotland. This represents a radical change in how electors will be choosing their councillors in the future.

Under this proposed system of STV, electoral wards within local government areas are grouped together, and people vote for three or four members for each ward. Voters are presented at the polls with a list of all the candidates standing for the ward. The voter marks “1” on the ballot paper against their first choice, a “2” against the second choice and so on, making as many choices as the voter wishes until all the candidates have been given a preference. The voter may cast only one, or any other number of preferences.

In marking their preferences, voters are not confined to one party but can select, for example, a Green candidate as first preference, an independent for second, a Conservative for their third, and so on. This allows the voter to give a preference for the individual candidates rather than their parties, although the candidates’ party allegiances will most likely be listed, and as such may form the basis for a voter’s chosen preferences.
Why the De-Coupling of Elections is Necessary

1. To Increase Local Government Accountability

I wish to see local democracy and accountability flourish. The de-coupling of local elections will increase local government accountability as people vote for their local councillors according to their performance at the council and, I believe, will greatly strengthen local democracy as more people become aware of local elections and so become engaged in local politics.

In their official report on the 2003 local government and Scottish Parliament elections, the Electoral Commission concluded that in the media “the council elections were overshadowed by the Parliament elections”\(^1\). Stand alone local elections will allow the focus of the election campaign to centre on local issues, so creating a real debate on local priorities that really matter to people, like council tax levels, housing, planning, licensing, local transport, road and pavement maintenance, litter, and refuse collection. Therefore as local councillors’ work receives more publicity, people will begin to vote for councillors according to their record at local government and hold them to account for that record.

The McIntosh Commission, a working group of experts set up before devolution in 1998 to make recommendations on the relationships between Local Government and the Scottish Parliament, concluded that: “We do not however think that local government elections should be held at the same time as the parliamentary elections: although that might produce a higher turnout, it does also mean that the local elections would tend always to be held under the shadow, as it were, of the parliamentary election and that national issues will dominate local elections even more than they tend to do whenever those elections are held. The result is to weaken the democratic mandate of local government”.\(^2\)

In addition, I believe that separating the elections will strengthen the institution of local government, because by increasing its transparency by allowing it more time in the media spotlight, the role of a councillor will become more fully understood. This may have the added bonus of making the post of local councillor more attractive to more people from different backgrounds, which can only serve to make local government more representative of Scottish society as a whole. More empowered, democratic and accountable councils will deliver a more focused local governance, one geared towards local solutions for local problems.

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Supporters of combined elections argue that by keeping local government together with higher profile elections a higher turnout can be maintained. This is, however, only hiding the problem of a disengaged local electorate, not solving it. The real solution lies in local politicians that respond to local issues, delivering specific solutions to the specific problems in their community.

The Kerley Commission, the Renewing Local Democracy Working Group set up in 1999 to consider electoral systems for local government, concluded in 2000: “We recognise the attractions that coincident elections would bring to local government: a share in the increased turnout that a national election brings; and, from a wider perspective, a rationalisation of the voting demands on the electorate. However, the higher turnout could not be claimed as an increased democratic mandate for local government: it would not bring additional voters to the polls because of their involvement in local government issues. In fact, coincident elections would tend to reduce the electorate’s focus on local government issues. Conversely, separate elections would ensure that local government issues are at the heart of local government elections: this seems to us an essential part of democracy and democratic renewal”.3

1. Aiding the Introduction of Single Transferable Vote (STV)

The introduction of STV for the local government elections in 2007 will mean that voters will be faced with two different voting systems on election day, with STV being a completely new electoral system for the large majority of Scots.

The Scottish Parliament is elected under the Additional Member System (AMS) which requires voters to put two crosses on two separate ballot papers, one for their constituency member and one for a list member. At the same time we will be using the STV system for the first time and marking 1, 2, 3 etc. to indicate our candidate or candidates of choice.

Evidence shows that the number of spoilt votes increases dramatically where two different voting systems are used simultaneously. For example, when STV and AMS were used in elections to the Belfast City Council and the Northern Ireland Assembly in 2001, 3.3 per cent of the people who voted for candidates in the Belfast City Council elections failed to exercise their votes correctly. That would approximate to 62,388 spoiled ballots in the 2003 Scottish council elections, which would be 5 times the actual 2003 spoilt ballot number (12,803).

Professor John Curtice from the Department of Government, University of Strathclyde argued at the Local Government Committee that: “There is no doubt that a somewhat higher number of invalid votes will be cast under the new system (STV) than are cast under the current system (FPTP).”

The recent elections in London again showed that being confronted with different systems on the same day creates difficulties. At the elections in May, 56,862 (2.9%) votes for mayor and 167,071 (6.7% constituency member & 2.53% London-wide party choice) assembly ballot papers were ruled inadmissible. To put this into context the total number of spoilt ballots in the 2003 Scottish Parliamentary elections was only 0.65%.

I believe it is important for voters to be able to vote quickly and easily and for them to know how their vote will affect the overall result in order to attract them to the polling booth in the first place. There is a danger that a combined election with STV will increase voter apathy due to the complexity of having three voting systems running side by side, the time it will take to vote and possibly the need to queue to cast their vote.

Separating the elections will avoid this by allowing people more time to learn exclusively about the new STV voting method and voting without the distraction of the other systems.

4. Local Government and Transport Committee Meeting on Tuesday 2 December 2003

5. BBC online – Monday 14 June 04
A study carried out by the Electoral Commission revealed that: “Opinion polling following the 2003 elections in Scotland also suggested that 13% of non-voters claimed that confusion over the voting systems being used led them not to vote.” Additional evidence collected indicated that some electors “felt unsure as to how their vote would influence the election of the regional list MSPs”.6

Furthermore, the Single Transferable Vote Working Group concluded in their Final Report on 14 December 2004, “The Group recognises that the next local government elections are due to take place on the same day as the elections to the Scottish Parliament. It notes that the majority of councils and election practitioners favour decoupling the elections and that this approach would ease the burden of administering the elections and also reduce the potential for voter confusion.”

6. Written evidence to the Local Government and Transport Committee
Delaying the Next Local Government Election to 2008

My proposal seeks to separate local government elections from Scottish Parliamentary elections. Currently the next election is due on the first Thursday in May 2007. However I propose that the local government elections should be de-coupled from those of the Scottish Parliament.

I know some supporters of de-coupling would like to see the election moved to a year earlier than currently scheduled, to 2006, and I hope to hear these arguments as part of my consultation. I do not think, however, that this proposed legislation can progress in time, neither can the new rules and systems pertaining to STV be in place in time, nor might the boundaries be determined early enough for candidates to be selected and elections held.

Voter fatigue may occur if voters are asked to vote too often, too close together, so in order to avoid this, I consider the best option available to us is to delay the local elections for a year until 2008. While this is extending the Councillors’ mandate without checking with the electorate I think it will be more beneficial in the long-term, both for local government accountability and to minimise the number of wasted votes at both elections.
Questions for Consultation

I would very much appreciate as many views as possible relating to my Bill including the matters I have previously discussed. I would, however, particularly value your comments on the following questions. Please note that all responses to this consultation will be made public unless you request otherwise. Confidential responses will nevertheless be included in any summary or statistical analysis, which does not identify individual responses.

1. What do you think are the problems that are currently generated by holding elections on the same day?

2. What new problems do you think will be created as a result of the introduction of the single transferable vote for local government elections?

3. To what date would you like to see the local government elections moved, if at all?

4. What benefits, if any, do you think separate local government elections will create?

5. What are the financial consequences of holding local government elections separately?

Please feel free to add any additional comments or views you may have with regard to my proposal.

Thank you for taking part in my consultation, it will be very beneficial to receive your opinions before going any further with the development of my Bill and I appreciate the time you have taken to do so.

Please have your replies to me by Wednesday 1 June 2005 at:

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