Local Government and Communities Committee

8th Report, 2009 (Session 3)

Stage 1 Report on the Scottish Local Government (Elections) Bill
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Local Government and Communities Committee

8th Report, 2009 (Session 3)

Stage 1 Report on the Scottish Local Government (Elections) Bill

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Local Government and Communities Committee

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CONTENTS

Remit and membership

Report
Introduction 1
Background 2
  Gould report 2
  Local Government and Communities Committee inquiry 3
Policy memorandum 3
  Aims of the Bill 3
  Effect of the Bill 3
  Consultation 4
Issues considered by the Committee 4
  Principle of decoupling elections 4
  Turnout 5
  Frequency of elections 7
  Voter information and awareness-raising 7
  E-counting 11
Overall costs 15
  Costs of decoupling elections 16
Delegated Powers memorandum 17

Annexe A: Extracts from the minutes of the Local Government and Communities Committee 18

Annexe B: Oral evidence and associated written evidence 19

Annexe C: Other written evidence 55

Annexe D: Reports from other Committees 62
Local Government and Communities Committee

Remit and membership

Remit:

To consider and report on (a) the financing and delivery of local government and local services and planning; and (b) housing, regeneration, anti-poverty measures and other matters falling within the responsibility of the Minister for Housing and Communities.

Membership:

Alasdair Allan (Deputy Convener)
Bob Doris
Patricia Ferguson
David McLetchie
Duncan McNeil (Convener)
Mary Mulligan
Jim Tolson
John Wilson

Committee Clerking Team:

Clerk to the Committee
Susan Duffy

Senior Assistant Clerk
David McLaren

Assistant Clerk
Ian Cowan

Committee Assistant
Fiona Sinclair
The Committee reports to the Parliament as follows—

INTRODUCTION

1. The Scottish Local Government (Elections) Bill (the “Bill”) was introduced to the Parliament by Alex Salmond MSP on 3 February 2009, supported by Bruce Crawford MSP. At its meeting on 10 February 2009, the Parliamentary Bureau agreed that the Local Government and Communities Committee should be designated as the lead committee to scrutinise the Bill.

2. The Committee issued an open call for written evidence on 13 February 2009 and received responses from five organisations. The Committee took oral evidence on the Bill at its meetings on 25 March 2009 and 1 April 2009.

3. On 25 March 2009 the Committee took oral evidence from:
   - Tom Aitchison, Society of Local Authority Chief Executives and Senior Managers (SOLACE);
   - Gordon Blair, Society of Local Authority Lawyers and Administrators in Scotland (SOLAR);
   - Andy O’Neill, Electoral Commission;
   - William Pollock, Association of Electoral Administrators; and
   - Dave Watson, UNISON.

4. On 1 April 2009 the Committee took oral evidence from Bruce Crawford MSP, Minister for Parliamentary Business.

5. The Committee would like to record its thanks to all those who provided written or oral evidence.
6. The relevant extracts from the minutes of these meetings are attached as Annexe A; the official reports of the oral evidence sessions, together with any associated written evidence provided by witnesses, are attached as Annexe B. All other written submissions received comprise Annexe C.

7. The Subordinate Legislation Committee considered the Delegated Powers Memorandum and the Finance Committee considered the Financial Memorandum and reported to the Local Government and Communities Committee. The reports from these committees are attached as Annexe D.

BACKGROUND

Gould report

8. Prior to 2007, the relationship between local government and Scottish Parliament elections was examined in a number of reports. These were: The Commission on Local Government and the Scottish Parliament ‘Moving Forward’: Local Government and the Scottish Parliament (‘the McIntosh Report) published in June 1999; the report of the Renewing Local Democracy Working Group (‘the Kerley Report’) published in 2000 and the report of the Arbuthnott Commission published in January 2006. More information on these reports is available at:


9. The combined Scottish Parliament and local government elections in 2007 involved three different types of voting system – the first past the post system and Additional Member System (AMS) for the Scottish Parliament election and the Single Transferable Vote (STV) for the local government elections. Following these elections and the subsequent events during the counts, when particularly high levels of rejected ballots and apparent voter confusion were evident, the Electoral Commission asked Mr Ron Gould, an international expert in electoral administration, to conduct an independent review of the electoral processes and problems experienced in 2007. The Electoral Commission published the Gould report on 23 October 2007. The report recommended that the Scottish Parliament elections should be decoupled from local government elections, stating that:

“If local issues and the visibility of local government candidates are viewed as a primary objective, then separating the Scottish parliamentary from the local government elections is necessary in order to avoid the dominance of campaigns conducted for the Scottish parliamentary contests. In addition, separating the two elections would result in minimising the potential for voter confusion. Yet combining the elections is not without benefits. Such an approach is less costly in terms of financial and human resources as electoral administrators, political parties and candidates and the voters are required to participate in one not two electoral processes. In addition, statistics suggest that a higher turnout can be achieved when local government elections are held at the same time as those for the Scottish Parliament.”
This recommendation does not mean that concerns about voter turnout should be set aside. Institutions that are concerned about voter turnout, including the Electoral Commission, political parties and other organisations, should continue with their efforts to encourage voters to exercise their right to vote. We recommend that initiatives in other countries – where there have been significant increases in advance voting while turnout at polling stations has diminished – are explored.”

Local Government and Communities Committee inquiry

10. Given the significance of the Gould report and the importance of the recommendations made on issues within the remit of the Local Government and Communities Committee, the Committee agreed on 7 November 2007 to undertake an inquiry into the issues raised by the 2007 Elections. The Committee published its report on 10 June 2008. The Committee endorsed the view that Scottish Parliament and local government elections should be decoupled and that if decoupling were to take place, the date of the next local elections should be determined by extending the current local government electoral term and the next term to five years each until the local elections were approximately equidistant from the Scottish Parliament elections. Thereafter, local elections should revert to a four year cycle.

POLICY MEMORANDUM

Aims of the Bill

11. In response to the difficulties experienced in the 2007 elections and to the Gould and Local Government and Communities Committee reports, the Scottish Government set out its intention to introduce the Scottish Local Government (Elections) Bill. The policy objectives of the Bill are twofold. The first objective is to decouple the Scottish Parliament and local government elections by moving local government elections to the mid point of the Scottish parliamentary sessions. The second objective is to make post election voter information available in greater detail.

Effect of the Bill

12. The Bill will initially extend the current and subsequent local government term of office to five years so that the next two local government elections in Scotland will take place in 2012 and 2017. After 2017 the local government term of office will revert to four years. The Bill will also give Scottish Ministers the power to make regulations to authorise the publication of polling information at polling station level: polling information is currently only made available down to ward level. The policy memorandum states that the secrecy of the ballot will not be compromised as the new power will be subject to a safeguard to ensure that Scottish Ministers cannot do anything which could disclose how an individual has voted.

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Consultation

Decoupling

13. The Scottish Government carried out a consultation exercise in which its stated preference was to hold the local government elections half way through the term of the Scottish Parliament. The Scottish Government considered that moving the local government elections to the mid point of the Scottish Parliamentary term had the advantage of emphasising that local government elections are distinct and separate from those of the Scottish Parliament. The consultation paper made it clear that although holding the local government elections half way through the term of the Scottish Parliament was its preferred option, the Scottish Government remained open to other views from respondents to the consultation.

14. A total of 33 individuals or organisations responded to the consultation. Of those, 32 supported decoupling; 29 favoured holding the local government elections half way through the term of the Scottish Parliament; and 4 favoured holding the local government elections one year after the date of the Scottish Parliament elections.

Release of information

15. In 2007 the Scottish Government sought views on the extension of the release of post election information. Responses to the consultation ranged from support for the status quo (i.e. specific information at ward level about the first and subsequent preferences of voters and how they were transferred during the Single Transferable Vote process) to the full anonymised disclosure of every ballot paper.

16. The majority of respondents favoured a move to release more information than was available at present, while recognising the need to maintain the secrecy of the ballot. The Scottish Government concluded that it should propose the release of voting information at polling station level subject to the introduction of measures designed to ensure the secrecy of the ballot.

17. The Committee notes the Policy Memorandum and is satisfied with both its content and the consultation carried out by the Scottish Government.

ISSUES CONSIDERED BY THE COMMITTEE

Principle of decoupling elections

18. Following the 2007 combined Scottish parliamentary Elections and local government elections the level of rejected ballot papers was considered to be unacceptably high and there was evidence of apparent voter confusion. In part this may have been contributed to by the combination of two elections on one day, utilising three different electoral systems of which one was entirely new to the electorate. The Gould report commented that the decoupling of elections would be a means of minimising the potential for voter confusion. In broader terms, Gould also considered that decoupling the elections would have wider democratic benefits, commenting that—

“we are convinced that combined elections are not only a disservice to local councils and candidates but also to the electorate as well. In essence, the
local government elections are not simply about ensuring a reasonable number of voters show up at the polls on polling day. More important is that they engage with the campaign in a meaningful manner and make a knowledgeable decision on their ballot paper. Therefore, we recommend separating the Scottish parliamentary and local government elections, preferably by a period of about two years.”

19. As is evident from the consultation responses to the Scottish Government, there is a high level of support for decoupling local government and Scottish Parliament elections to address voter confusion. An additional potential benefit of decoupling is seen to be an increased focus on local government issues as important local issues can be often be lost in consideration of wider national and parliamentary issues when combined elections are held. Dave Watson from Unison stated—

“We have long supported decoupling because we believe that local government requires greater focus. We reached the view that local government was losing out as a consequence of the Scottish Parliament and local government elections being held on the same day. That was our primary reason for supporting previous efforts to change the system. We welcome the bill in its current form.”

20. The Minister for Parliamentary Business stated that—

“decoupling will also give local government its rightful place. The view that we should do more to recognise the democratic role of locally elected leaders and put local government at the centre of governance in Scotland is widely supported…Running the two elections at the same time inevitably means that less attention is given to the local government elections. The media and the public invariably focus on national issues rather than on local candidates and local concerns.”

21. While there is broad support for the principle, some concerns were raised about potential disadvantages of decoupling elections – these related primarily to turnout at local government elections and the capacity of political parties and indeed, administrators to deal with a number of successive elections.

Turnout

22. Tom Aitchison from SOLACE remarked that pre 2007, returning officers and chief executives were “split right down the middle” as to whether elections should be decoupled. Some officers believed that decoupling would allow a focus on local issues while others believed that decoupling could lead to a low turnout and that there could still be a risk that there would be a focus on Scotland or UK-wide issues. He stated that in light of what happened in the 2007 elections that—

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“the weight of the argument is now in favour of moving to a mid-term point. However there is still a risk that there will be a low turnout and a concern that there might not be a genuine focus on local government issues because the election is captured by Scottish or UK issues if, for example, people want to register a protest vote against the incumbent Government.”

23. There was however, recognition that voter turnout was influenced by a number of factors and that it was a much wider and more fundamental issue that had to be seen beyond the context of decoupled elections. Dave Watson from Unison stated—

“Low turnouts do not help…we accept that all the evidence suggests that turnout would be lower. However, a higher turnout that is due to the parliamentary elections, frankly, just masks the problem. All of us – civic society, politicians, political parties and local authorities – need to focus on the reasons for low turnout by doing much more work to make people want to turn out in local elections.”

24. In its report on the 2007 Elections, this Committee examined the issue of voter turnout and signalled that it would like to discuss with the Scottish Government effective ways of increasing voter participation in the electoral process, including examining how local elections are carried out in other countries. The Minister for Parliamentary Business indicated that he would happy to engage in such a discussion with the Committee and that “we should discuss any ideas that we put in the pot that are robust enough to stand examination. I am more than happy for officials to talk to one another in the first instance and to come back to give further evidence on this issue.”

25. **The Committee looks forward to working with the Scottish Government on examining ways in which voter turnout can be increased.**

26. The Committee also raised the issue of the number of people who are registered to vote. While the Committee appreciates that registration is a reserved matter, it believes that increasing the number of people who are registered to vote is an important issue. The Committee notes the Cabinet Secretary’s comment that “through the electoral management board, we will try to put in our tuppenceworth about registration to ensure that we get as many as possible registered.”

27. **The Committee therefore calls on the Scottish Government to continue to work with the UK Government to improve levels of voter registration.**

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Frequency of elections

28. Concerns were also raised about the frequency of elections which could have the potential of further reducing turnout (although it was recognised that the notion of ‘voter fatigue’ might at times be overplayed) and additionally, could put a strain on the resources of political parties and administrators. It was noted that while it can be predicted when most elections will take place, the timing of UK elections cannot be predicted with any certainty.

29. The main reasons given for decoupling local government elections were to alleviate voter confusion and to focus on local government issues. Therefore, there was a concern that should another election coincide with local government elections, then the same confusion and lack of focus on local issues could arise (whether the elections are on the same day or even a couple of weeks apart).

30. However, Andy O’Neill of the Electoral Commission stated—

“Obviously, we do not know when the UK election will take place—we never know—but we have studied the dates of the fixed-term elections. The first occasion on which we will have two elections in one year is 2019, when we will have the European and Scottish parliamentary elections, and the next time is 2024, when the European and local government elections will be on the same day.”

31. However, it was noted that the issue of the unpredictability of the timing of a UK election would be an issue, regardless of the proposal to decouple local government and Scottish Parliament elections.

32. Witnesses were asked whether the potential for having a series of elections, as a result of decoupling, would place undue strain on the system. Dave Watson of Unison which represents staff in local government stated—

“At the moment we have a year in which there are no elections. Decoupling does not spread out the workload to the extent that it will be reduced…Decoupling means more work, but I am in no way suggesting that that is a reason for the committee not to support the bill. In our view, it is a price well worth paying to strengthen the focus on local government.”

Voter information and awareness-raising

33. The issue of voter information was raised in connection not only with increasing levels of turnout but also to alleviate voter confusion. Following the 2007 elections it was considered that the unusually high level of rejected or spoiled ballot papers was an indicator of confusion amongst voters on the mechanics of voting, given that different systems were in use at the joint elections.

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34. In a written submission, Fairshare acknowledged that the potential for voter confusion was likely to be greater when different voting systems were used in elections held on the same day. However, they also stated in their view the introduction of the Single Transferable Vote (STV) had not caused voter confusion and instead, the problems resulted from the Scottish parliamentary vote.\textsuperscript{10}

35. In evidence, the Minister for Parliamentary Business acknowledged that the number of rejected ballots was significantly higher for the STV election than for previous first-past-the-post elections.

36. In its report on the 2007 Elections, this Committee stated that the high level of rejected ballots in the Scottish parliamentary election “should not eclipse the issue of the high level of rejected ballots in the local government elections.” The report also raised a concern that the lower level of rejected ballots in the local elections compared with the Scottish Parliament elections might have been due, in part, to voters believing that they only had one vote and so marking their local election ballot papers with an “X” or with a “1”. These votes would be counted as valid ballot papers, but it may have been that some voters did not realise that they were able to vote for more than one candidate.\textsuperscript{11}

37. There is clearly a consensus that an information campaign is required to raise awareness of the importance of local government elections and help to increase turnout and to further educate voters on the STV system.

38. Under the Political Parties, Elections and Referendums Act 2000, the Electoral Commission has a statutory requirement to undertake public information campaigns for all parliamentary elections in Scotland, but there is no similar duty in relation to Scottish local government elections (as responsibility for these elections is devolved to the Scottish Government). Scottish Ministers can however ask the Electoral Commission to carry out functions on an agreement basis and the Act does allow for Scottish Ministers to extend the Electoral Commission’s responsibilities to local government in Scotland.

39. The Minister for Parliamentary Business was asked about the role of the Electoral Commission and he stated that—

“I am happy to examine the issue and to consider whether we should give the Electoral Commission a formal basis in statute in Scotland...However, we should not legislate just for the sake of it if the arrangements can be made informally, as it has been, or through a contract with the commission.”\textsuperscript{12}

40. While acknowledging the potential role for the Electoral Commission, Gordon Blair of SOLAR noted that returning officers should also work to promote

\textsuperscript{10} Fairshare Voting Reform. Written submission to the Local Government and Communities Committee

\textsuperscript{11} Scottish Parliament Local Government and Communities Committee. 8\textsuperscript{th} Report, 2008 (Session 3), Elections 2007

\textsuperscript{12} Scottish Parliament Local Government and Communities Committee. Official Report, 1 April 2009, Col 1892
Local Government and Communities Committee, 8th Report, 2009 (Session 3)

awareness and councils “have a duty to provide resources in that regard.” He added that—

“The net result of that is that each council has to have a promotion campaign….those campaigns will start with the approaching European elections. In 2012, we will all have local campaigns that can dovetail into any national campaign that is run by the Electoral Commission… We are moving towards a situation wherein returning officers and councils promote awareness, encourage voters to vote and inform them about the mechanics of how to cast their votes.”

41. While the Committee noted the intention for local campaigns to dovetail into any national campaign, the Committee questioned the need for 32 separate information campaigns, given the commonality of local authority services and functions. In response Andy O’Neill of the Electoral Commission said that—

“It is important that councils and returning officers undertake things locally because they are involved with their local areas and we are not. We can easily do the national stuff, but it is crucial that we use all the avenues that are available, and councils are well placed to do that locally.”

42. Tom Aitchison from SOLACE supported this view—

“I believe that there is still a local dimension whereby it is important to allow a returning officer at least some discretion to use a set of messages or techniques that are commensurate with the locality in which they live and work.”

43. The issue of how information campaigns should be handled was raised with the Minister for Parliamentary Business. He was asked whether it would be better to give the responsibility for a national information campaign on how to vote in local government elections, using STV, to a body such as the Electoral Commission and to co-ordinate local efforts through that body.

44. The Minister responded that one of the key proposals made by the Gould report was the establishment of a chief returning officer who would have powers to direct returning officers throughout Scotland and who would be involved in awareness-raising campaigns and in the structure and delivery of elections. An interim election management board for Scotland has been established which involves electoral management experts and the Electoral Commission and the Minister stated that the board would be the driving force to ensure a consistent
message and “processes more consistent in relation to not only awareness raising and education, but the detail of the delivery of elections.”

45. The Minister was also questioned over the funding of any information campaigns. In evidence, Tom Aitchison from SOLACE commented that the City of Edinburgh Council was allocated in the region of £15,000 to promote public awareness for the 2007 elections and the question was raised as to whether such sums would be adequate for a detailed information campaign. Tom Aitchison added that he would “strongly support any move towards making more resources available generally for election management in Scotland and specifically for public awareness to encourage people to vote and so get a better turnout.”

46. The Minister was asked to respond to concerns that, following decoupling, there would be insufficient funding for the running of local government elections and specifically for information campaigns. The Minister responded that—

“The Scottish Parliament elections are, of course, the responsibility of the Scotland Office, and the expenditure that would be committed for that purpose would come from there. I am saying that the £1.25 million that was spent on the local government and Scottish Parliament elections last time round came from the Executive specifically for that purpose. I am not saying that we will spend to that level – indeed, I am not saying what amount we will spend on the election campaigns – but there will inevitably need to be a centrally-funded awareness campaign from the Scottish Government in 2012.”

47. The Minister went on to say—

“We will need to discuss with local authorities what amounts they are prepared to commit to the 2012 elections. The Government will certainly make a commitment to expenditure on public information, but I cannot say at this stage what the expenditure level will be, because it will be subject to the next spending review.”

48. The Committee believes that public information campaigns are vital to ensure voter engagement with the process and to educate voters about the STV voting system and that such campaigns should be adequately funded and co-ordinated. The Committee recommends that the Scottish Government give further consideration to the role of the Electoral Commission in such campaigns and further recommends that there should be meaningful discussion with local authorities over the funding required and that this funding should be reflected in the next spending review.

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17 Scottish Parliament Local Government and Communities Committee. Official Report, 1 April 2009, Col 1895
19 Scottish Parliament Local Government and Communities Committee. Official Report, 1 April 2009, Col 1894
E-counting

49. The counting method used for STV elections to local government in Scotland, known as the ‘Weighted Inclusive Gregory’ method, requires e-counting. Moreover in order to provide electoral data to polling station level, as set out in Section 2 of the Bill, and discussed later in this report, it will be necessary to use e-counting. In 2007, e-counting was used to determine both the Scottish Parliament and local government election results. The cost of procuring the e-counting system was shared between the then Scottish Executive and the Scotland Office. The Financial Memorandum to the Bill summarises the cost of e-counting upon the Scottish Government as follows:

“The cost of an e-counting system for 2012 will fall in the next spending review period. The bulk of the costs – for the delivery of the count itself – will fall in 2012-2013. Development and testing costs will fall in 2011-2012.

The cost of the e-counting system for the 2007 elections was met jointly by the Scottish Government and the Scotland Office because the system covered both local government elections and elections to the Scottish Parliament. The Scotland Office is responsible for meeting costs associated with the Scottish Parliamentary elections. Under the funding agreement with the Scotland Office, the Scottish Government contribution to the cost of e-counting in 2007 was approximately £4.8m. £1.25m of this was to meet the cost of developing and testing the system and associated training costs.”

50. The Scotland Office has stated that it does not intend to use e-counting for the Scottish Parliament elections in 2011. Therefore the costs of procuring an e-counting system will fall solely upon the Scottish Government and local authorities at the next local government elections. The Financial Memorandum notes that the costs of the e-counting system cannot be determined at this stage as they will result from a ‘competitive tendering process’. As voting information to polling station level was provided in 2007, the Financial Memorandum considers that this provision will be ‘marginal’ to the cost of the e-counting system.

51. The issue of how the costs of de-coupling will be apportioned given that the Scotland Office will not be contributing to the cost of the system was raised in evidence by witnesses. For instance William Pollock, of the Association of Electoral Administrators, commented—

“It is likely that the costs would increase because the economies of scale that are achieved with a combined election would not be achieved with decoupling. Under the current arrangement, the costs will fall on the local authority if the matter is not addressed.”

52. In response to further questioning on the cost of de-coupling Tom Aitchison, from SOLACE, stated—

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“There are two issues...there will be an additional cost from decoupling because we will lose some economies of scale...the cost of an e-counting election is substantial compared with that of a traditional election...a big decision will have to be made about who will pay the bill. Will it be paid by Scottish Government colleagues, or will local councils be expected to pay it? ...there is recognition at professional civil service level that there will have to be at least some sharing of costs in the future. The exact composition of the division has not yet been determined.”  

53. Tom Aitchison added—

“Those costs [e-counting] are substantial for Scotland as a whole and for individual councils. We should seek early clarification on that. Our view is the same as Billy Pollock’s [Association of Electoral Administrators] view: there will be additional costs.”

54. The Committee sought assurances from the Minister on how the e-counting system will be financed whilst recognising that specific funding figures would not be known until the tendering process had been completed. The Minister for Parliamentary Business commented—

“...the Government is committed to ensuring that the e-counting system works. We will need to await the outcome of the tendering process before we know the final cost. We will then enter into discussion with the local authorities on what element Government and local government will pay. Given my knowledge of the discussions so far, I see no reason why the process will be anything other than constructive...What I am saying clearly is that the Government is committed to funding e-counting. We then need to have a discussion with the local authorities on what that means for them, including on the amount in their baseline budgets for the delivery of the elections. That discussion needs to be had. We will not know the specifics of the costs until we have gone through the tender process and the final tender price is in front of us. It is difficult for me to say more than that. We are committed to delivering the elections and to ensuring that they are properly resourced.”

55. However, the Minister went on to say—

“I can probably go a bit further with e-counting and say that, once we have the tender information, I will try to ensure that we nail down as soon as possible the costs that will be allocated to Government and to local government and try to pre-commit the money before we get into the next

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spending review. I understand the necessity for assurance in this area, and I hope that those comments help.”

56. **The Committee welcomes the Minister’s stated commitment to the funding of e-counting.** The Committee also welcomes the commitment to ‘nail down’ costs as soon as possible. The Committee would therefore expect the Scottish Government to provide information on how the costs will be apportioned between the Scottish Government and local authorities, at the earliest possible date.

57. **The Committee also raised issues regarding the tendering process, given the experience of its inquiry into the 2007 elections and, while it appreciates that procurement rules must be adhered to, it would ask the Scottish Government to include in the specification and criteria that the successful company must be prepared to appear before a parliamentary committee, should that be deemed necessary.**

**Voting information**

58. **Section 2 of the Bill proposes the insertion of a new section into the Local Governance (Scotland) Act 2004 on the level of voting information which will be made publicly available following a local government election.** At present, a returning officer must publish a range of electoral information to ward level. The Bill would permit Scottish Ministers, via a Scottish Statutory Instrument (affirmative procedure), to allow returning officers to publish information to polling station level. The Scotland Office published electoral data, from the 2007 Scottish Parliament elections, to polling station level in April 2008.

59. As noted previously in this report, the Scottish Government consulted on the proposal to release more detailed voting information during 2007 and following the consultation, the Scottish Government concluded that voting information should be released to polling station level, whilst ensuring the secrecy of the ballot.

60. **In evidence to the Committee, Andy O’Neill commented—**

“The Electoral Commission supports the release of post-election data—we understand that the parties find it helpful and that it oils the wheels of democracy—but we would be concerned about the loss of the secrecy of the ballot and about any personal information being released. Votes for the Scottish Parliament have to be parcelled up to 200 votes. It seems appropriate to use the same figure for local government elections.”

He went on to say, in relation to a point that there can be ballot boxes with one or two votes that—

“In the recent Glenrothes by-election, I saw a ballot box with one vote. The secrecy of that person’s vote could be endangered if that information was released, because someone could go to the marked register and discover...”

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whose vote it was. It is crucial that votes are parcelled to a level at which there is anonymity.”

61. As noted by Andy O’Neill ensuring the secrecy of the ballot was an issue raised with the Minister. In evidence, he described the approach of the Scottish Government on this issue as follows—

“The bill will provide for the release of more detailed information, including the number of preferences cast and votes transferred between candidates at each stage. As I said earlier, having that information at a local level should allow our political parties to be much more involved in voter turnout activity.

One of the points that were made last week was about whether a voter could be identified. When we draw up the regulations and guidance, providing for a threshold of around 200 votes will be the appropriate way to deal with the matter. That will ensure that, in rural communities where there are fewer than 200 ballot papers in a box, the information cannot be made available and the rights of the individual and the secrecy of the ballot are protected. Otherwise, we might find ourselves in some difficulty …This is a balancing act, which we must get right. We need to provide as much information as we can. We will be able to do that to a level that has never been achieved in Scotland before. On the other hand, there are the rights of the individual and the secrecy of the ballot. As far as I am concerned, the one thing that people want to be absolutely assured of regarding the democratic process—when politicians knock on their doors or at any other stage—is that their vote will be secret, and that that secrecy will be maintained. If we get below the level of 200, it starts to put that secrecy in jeopardy. That is why the Electoral Commission has pegged that level—it is to ensure that people are protected.”

62. The Committee also raised the issue of whether voting information to polling station level would be made available for by-elections prior to, and post, the next local government election. The Committee received evidence that electronic counting at by-elections would be required in order to provide voter information at polling station level. Gordon Blair from SOLAR commented on this issue as follows—

“I want to emphasise that it is only through an e-count that the information can be distilled down to the level of each individual polling place – that cannot be done through a manual count. It is currently at the discretion of the returning officer whether there is an e-count or a manual count, but you are saying that, if the bill is passed and requires that we drill down the information to that level, even the by-elections will need to be e-counted. That is the reality in practical terms, which we have perhaps not fully realised until now.”

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63. The Minister for Parliamentary Business commented that—

“Polling-station level information could still be produced without e-counting, but it might be difficult. At its previous evidence session, the committee heard from one witness that it would not be possible, but we are trying to get to the bottom of how accurate that evidence was.

The STV system will certainly require the advent of e-counting. The system is complicated, and e-counting will be an absolute prerequisite if we are to continue with it.”31

64. The Committee seeks urgent clarification from the Scottish Government on whether polling station level voter information from by-elections will be available both prior to and following the next set of local government elections.

65. In terms of the implications upon local government staff dealing with elections of providing more detailed information, Dave Watson of UNISON commented—

“Staff in the area might be tempted to see producing additional voter information, for example, as a burden on registration staff, requiring them to churn out another pile of statistics, but that was not their response. Unison members told me to be sure to point out the additional cost and effort of producing the information. However, we recognise that political parties are a key part of the process and that they are made up mostly of volunteers, who do most of the work. If the provision of additional information stimulates greater activity and more campaigning and work on the doorstep, it will raise the profile and improve the functioning of local government, which is good. As others have indicated, provided that voter secrecy is maintained, our members should provide the political parties with the maximum amount of information, to help them to do their work.”32

66. The Committee concludes from the evidence taken that the proposal to publish voter information at polling station level is welcome, provided that adequate measures to ensure the secrecy of the ballot are maintained.

OVERALL COSTS

67. Earlier in this report, the Committee examined funding issues related to public information campaigns and to the potential costs associated with e-counting. This section of the report looks at the other financial implications arising from the Bill.

31 Scottish Parliament Local Government and Communities Committee. Official Report, 1 April 2009, Col 1896
68. In assessing the costs of the Bill, the Committee took into account the report produced by the Finance Committee on the Financial Memorandum. This report is attached in Annexe D.

Costs of decoupling elections

69. The Financial Memorandum outlines two options to estimate the additional costs to local authorities of decoupling as between £4.5m and £5m. This estimate is based on the cost of the combined Scottish Parliament and local government elections in 2007 which was £6.6m. It should be noted that this figure covers staff costs and ‘facilitation’ costs, such as the renting of polling stations and transport costs. It does not include the cost of e-counting systems.

70. The Scotland Office is responsible for meeting the costs of the Scottish Parliament elections and therefore, paid £4.7m towards the total cost of the 2007 elections. The remaining £1.9m was met by local authorities from the allocation for elections they received from the Scottish Government. Following decoupling, the total cost of the elections in 2012 and 2017 will be met by local authorities.

71. In addition, the Financial Memorandum estimates that £0.3m should be added to the cost of decoupled local government elections to take account of the potential additional cost from the introduction of absent voter identifiers.

72. The Finance Committee’s report notes that while £1.9m – the total amount paid by local authorities for the 2007 elections – has been allocated to local authorities in this spending review, officials stated that discussions on the future allocation of money will take place at the right time in the context of the next spending review.

73. The Finance Committee’s report makes clear the concern from local authorities over the level of funding that will be made available to them to fund the decoupled elections. Moreover, the Finance Committee is concerned about what funding will be made available in the next spending review period.

74. As mentioned earlier in relation to the funding of information campaigns, the Minister for Parliamentary Business made it clear that no final decisions have been taken on the funding split between the Scottish Government and local government. In addition, apart from the Minister’s commitment to ‘nail down’ costs for e-counting and to attempt to pre-commit that money before the next spending review, the funding issues for all other aspects of decoupling will not be resolved until the next spending review.

75. The Committee notes the concerns raised in evidence that the decoupling of elections and election management generally should be adequately funded and recommends that the Scottish Government takes account of these concerns in determining local government funding requirements for the next spending review.

Potential savings from decoupling elections

76. The Finance Committee raised concerns about the validity of assumptions that savings could be derived from reducing the number of polling clerks and the
number of polling stations (which are rooms within a polling place, rather than the polling place itself). Concern was raised about whether such savings could cause practical difficulties for the management of the election process in 2012.

77. The Committee recommends that the Scottish Government respond to these concerns raised by the Finance Committee.

DELEGATED POWERS MEMORANDUM

78. There are provisions in the Bill which will confer delegated powers to make regulations and as with all Bills containing such powers the Subordinate legislation Committee considered these provisions.

79. The Subordinate Legislation Committee considered the powers to be delegated to Scottish Ministers as proposed in the Delegated Powers Memorandum that accompanied the Bill and reported that it approved without comment, the delegated powers. This report is attached in Annexe D.

Conclusion

80. There have been various concerns raised over issues such as voter turnout, information campaigns and the level of funding that will be made available to local authorities and the Committee has made recommendations and requests for clarification in those areas.

81. However, there is broad agreement over the aim of the Bill to decouple local government and Scottish Parliament elections and to publish voting information to polling station level and on that basis the Committee recommends to the Parliament that the general principles of the Bill be approved.
ANNEXE A: Extracts from the minutes of the Local Government and Communities Committee

5th Meeting, 2009 (Session 3), Wednesday 11 February 2009

1. Decision on taking business in private: The Committee agreed to take item 4 in private.


9th Meeting, 2009 (Session 3), Wednesday 25 March 2009

Scottish Local Government (Elections) Bill: The Committee took evidence on the Bill at Stage 1 from—

Tom Aitchison, Chief Executive of City of Edinburgh Council, Society of Local Authority Chief Executives;

Andy O'Neill, Head of Office, The Electoral Commission;

William Pollock, Chairman, Association of Electoral Administrators;

Gordon Blair, Chief Legal Officer, West Lothian Council, Society of Local Authority Lawyers and Administrators Scotland;

Dave Watson, Scottish Organiser (Policy), UNISON.

10th Meeting, 2009 (Session 3), Wednesday 1 April 2009

Scottish Local Government (Elections) Bill: The Committee took evidence on the Bill at Stage 1 from—

Bruce Crawford MSP, Minister for Parliamentary Business, Stephen Sadler, Head of Elections and Local Governance Team, and Andy Sinclair, Senior Policy Officer, Referendum and Elections Division, Scottish Government.

Decision on taking business in private: The Committee agreed that its consideration of a draft report on the Scottish Local Government (Elections) Bill at future meetings should be taken in private.

11th Meeting, 2009 (Session 3), Wednesday 22 April 2009

Scottish Local Government (Elections) Bill (in private): The Committee considered a draft Stage 1 report and agreed the report subject to specified changes being made.
Annexe B: Oral evidence and associated written evidence

Submission From The Electoral Commission

Introduction
1. The Electoral Commission welcomes the opportunity to provide written evidence on the Scottish Local Government (Elections) Bill to the Local Government and Communities Committee of the Scottish Parliament.

2. The Electoral Commission was established in 2000 with the enactment of the Political Parties, Elections and Referendums Act 2000 (PPERA) and is an independent UK wide public body. As the Committee may be aware, the Commission’s remit in Scotland under PPERA only extends to Scottish Parliamentary, UK Parliamentary and European Parliamentary elections. Local government elections are a devolved matter to the Scottish Parliament. Section 10 of PPERA, however, allows the Commission to provide advice and assistance to relevant bodies, including the Scottish Parliament, on any matter in which it has skill and expertise. It is in this spirit that we offer our evidence to the Committee.

3. The bill seeks changes to the date of the local government elections in Scotland so they are no longer held in the same year as the Scottish Parliament elections. It also allows Scottish Ministers to make regulations relating to the publication of information concerning votes at local government elections.

Background
4. On 3 May 2007 combined elections were held in Scotland, a general election to the Scottish Parliament and full elections to all 32 of Scotland’s councils. The election date was fixed in law and the conduct of the elections was fully combined under electoral law.

5. During the election itself, and during the counting process on 3-4 May, several issues relating to the administration of the election were of concern to the Commission, political parties and observers. These were covered extensively by Scottish, UK and international media. Following internal discussion, the Commission announced on 4 May that it would expand its planned statutory report to include a full, independent review of the elections in Scotland.

6. The Commission appointed Mr Ron Gould to head the review and to provide a definitive view of the problems experienced and propose remedies for the future. The terms of reference given to Mr Gould included consideration of the ‘decision to combine the Scottish Parliamentary and local government elections’. The Gould report on the 2007 Scottish elections was published on 23 October 2007.¹ The Commission published its response on 29 November 2007.²

¹ www.electoralcommission.org.uk/templates/search/document.cfm/20316
² www.electoralcommission.org.uk/templates/search/document.cfm/20468
7. With respect to combined elections, the review recommended ‘separating the Scottish parliamentary and local government elections, preferably by a period of about two years’, although no supporting analysis was provided for favouring the two year break.

Decoupling the elections
8. The Electoral Commission agreed with the decoupling of the Scottish Parliamentary and local government elections and in November 2007 said ‘in the Scottish context, early consideration should be given to the timing of the next Scottish Parliamentary and local government elections, with a view to decoupling them.’

9. We also urged governments across the UK to consider the interests of the electorate when proposing to combine different elections, or referendums with elections, and to re-examine the legislative rules for combination. This would still apply in Scotland after these elections are separated, as a UK Parliamentary election or European Parliamentary election could be combined with local government elections, as could a referendum.

Identifying a suitable term of office for Scottish councils
10. The normal term of office for local councillors across the UK is four years and, in Scotland the whole council has been elected once every four years since local government reorganisation in 1974. The Commission believes that terms of office should not be changed during the term of a particular council or set of councils, but we do recognise the need to make transitional arrangements when election cycles are reordered or when boundary arrangements change. Once the desired cycle is achieved, we expect to see Scottish local authorities elected for four year terms.

Section 1 - Year of local government elections
11. The Commission on the Scottish Parliament and Local Government, chaired by Sir Neil McIntosh, recommended that local government elections be held halfway through a session of the Scottish Parliament. This would reflect the electoral arrangements in place in Scotland for the regional and district councils between 1974 and 1996. At the time the McIntosh report was written, local authorities were elected for three-year terms which was a departure from the established four-year terms of the regional and district councils. This arrangement did not enjoy the support of those within Scottish local government. It was envisaged by the McIntosh Commission that local government elections would have been held in 2002 and 2005 with legislation to extend the term of office to four years being in place from 2005.

12. The review of the 2007 elections by Ron Gould also concluded that Scottish Parliamentary and local government elections should be separated preferably by two years. The report also said that ‘the degree of chronological separation would be a matter for further debate’.

13. Holding Scotland’s local government elections two years apart from the Scottish Parliamentary elections would provide a suitable amount of time for the administration of the elections to be successfully planned and delivered. This time will be required in order to educate the electorate about the different voting system used at each election.

14. In addition to planning and pre-election activities, it is equally important that sufficient time is given to reviewing each election, learning the lessons and implementing changes for the future. In some instances, this would require legislative changes that may also be necessary for other elections. Separation of Scottish Parliamentary and local government elections by two years would give governments sufficient time to reflect on the lessons learnt, identify an appropriate solution and pass any necessary legislation before a six month cut-off point proposed by the Gould report.

15. The Commission considered carefully the four options proposed in the earlier Scottish Government consultation paper. Whilst we saw no overriding evidence to support any of the options over the others proposed we felt that the preferred transitional arrangements should both provide clarity for electors and for those involved in local government, and should do so within a relatively short period of time. The Commission therefore supported the decoupling of the local government and Scottish Parliamentary elections by the use of two five-year terms, with local government elections taking place in 2012, 2017 and every four years thereafter i.e. the proposals which are now detailed in the bill.

Transitional arrangements to achieve the desired cycle

16. Any transitional period needs to be carefully designed. The Scottish Government has chosen to make amendments to the term of existing councils by extending the current term of Scottish local councils elected in 2007 to five years, and holding council elections in 2012 and 2017 and then reverting to a 4 year term in 2021. There has, of course, been change to the cycle of local elections in Scotland before. The first elections to regional and district council elections were held in 1974, and regional councils were thereafter elected at four-year intervals. The district councils were elected for a three-year term to 1977, then a further three-year term to 1980. From then on the district councils were also elected for four year terms.

17. These arrangements were laid down in advance of the 1974 elections, and candidates and councils were clear about the process. The current councils were elected for four years in 2007, which has become the accepted norm in Scottish local government, and they will have developed programmes to be delivered in that timeframe.

18. Whilst the Commission is not aware of any precedent for a five-year term of office for local government in Scotland it was used successfully as a transitional measure when moving the electoral cycle for Welsh local government away from that of the National Assembly for Wales. In addition, other elections in Scotland operate on a five year cycle. European Parliamentary elections are held every five years during a prescribed period.
UK Parliamentary elections must be held at least every five years but may be held earlier.

19. Extending the term of office of councillors elected in 2007 by one year would be a relatively straightforward legislative task, and would be straightforward to explain to electors. In our view if the Scottish Parliament approves such a change it would provide certainty for electors and all others involved.

20. To conclude, the Commission supports the use of two five-year terms to achieve a mid-point 4-year cycle between the Scottish Parliament electoral cycle as it would enact the recommendation of the McIntosh Commission, and reflects a pattern of electoral cycle familiar in Scotland under the former structure of regional and district councils. It also has advantages in that it allows candidates and political parties more time to prepare their resources for an election campaign than would be the case if the campaigns were separated by a single year.

21. Additionally, any lessons learnt from either a Scottish Parliamentary or local government election could then be identified, reported upon and given due consideration with any necessary legislative changes enacted prior to a six-month cut-off point as recommended by the Gould report. This will enable a more considered approach than would be possible if both sets of elections took place within a year of each other.

22. A transition by means of two five-year terms allows the Scottish Government adequate time to introduce the necessary legislation. It would also allow Electoral Registration Officers, Returning Officers and political parties to plan effectively their approach to the first rescheduled elections in 2012 and take account of any processes they need to implement due to the changes in legislation.

23. The midpoint option provides the most distance between the Scottish Parliamentary and local government elections. This separation would allow for the clear demarcation of election campaigns and enable candidates and political parties to concentrate on communicating their policies for each level of government to the electorate. Public information campaigns will also be able to focus on explaining a single voting system in respect of either Scottish Parliamentary or local government elections.

**Conclusion**

24. The Commission supports the decoupling of the local government and Scottish Parliamentary elections being achieved by the use of two five-year terms, with local government elections taking place in 2012, 2017 and every four years thereafter.

**Section 2 - Voting information from local government elections**

25. This section allows Scottish Ministers to make orders concerning the publication of information about votes cast at the election of councillors.
26. The Commission understands that parties and candidates find non-personal additional information released post election useful for future campaigning. We further recognise that facilitating the work of parties is vital if our democracy is to be vibrant and effective. However, we would stress that whatever electoral purpose it serves the availability of such information must be provided in the context of ensuring the paramount principles of ballot secrecy and voter confidence in the process.

27. The Commission has recognised the Scottish government's intention to change primary legislation to allow the release of post election voter information. Release of this type of information is allowed at other elections, namely the 2008 GLA election rules, and the Commission is content therefore to support such a release under legislation. We would expect any orders made under this section to ensure that the secrecy of the ballot is maintained at all times and welcome the provision that requires an affirmative procedure in terms of Parliamentary scrutiny.

The Electoral Commission
March 2009
Introduction

1. UNISON Scotland welcomes the opportunity to respond to the call for views from the Scottish Parliament’s Local Government and Communities Committee regarding the above legislation.

2. UNISON is the main local government trade union in Scotland and we also represent the staff involved in administering elections.

Decoupling the Scottish Parliament and Council Elections

3. UNISON Scotland has a long standing position in favour of decoupling parliamentary and local government elections and we supported a previous Non-Executive Bill tabled by David Mundell MSP and then taken up by Brian Monteith MSP on this issue. Having the local government elections on the same day as the parliamentary elections means that the focus of the elections, both in the media and with political parties, is on the national rather than the local. In the long run this can only damage local government with less scrutiny exercised.

4. Although supporters of combined elections argue that keeping local government together with higher profile elections a higher turnout can be maintained, this is 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.

5. 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 housing, planning, licensing, local transport, road and pavement maintenance, litter, and refuse collection.

6. More empowered, democratic and accountable councils will deliver a more focused local governance, one geared towards local solutions for local problems.

Four Year Cycle for Council Elections

7. UNISON Scotland supports the position that local government elections should be held on a four year cycle at the mid point of the Scottish Parliament.

8. We have no general concerns with the process reached to achieve this, i.e. two five year terms until the elections fall into the mid point of the Scottish Parliament. From then on a four year cycle for local government elections would be held.
Post-Election Information

9. UNISON Scotland supports the proposals for post-election information. We believe they represent a reasonable balance between the legitimate needs of the political parties and administrative effort as well as maintaining voter confidence in the process. However, we would support the further disclosure of information that can readily be provided consistent with voter secrecy and greater consistency across local authorities.

Staffing and Funding Implications

10. In decoupling local government elections from the Scottish Parliamentary election, UNISON Scotland is aware that this will increase the total costs of each election as set out in the financial memorandum. In addition to the one off costs for each election there will be additional workload placed on the permanent staff. However, as mentioned above, it would provide greater scrutiny on local government issues and we believe this is a price worth paying.

11. UNISON Scotland would seek assurances that these extra costs come from the Scottish Government and are not taken from local government’s budgets. Local government is under considerable financial strain at present and this is unlikely to get better in the coming years.

Reducing the Voting Age

12. UNISON Scotland also believes that the age limit for voting and candidates in local government elections should be reduced to 16 years. This Bill would be a good opportunity to introduce this change. However, we understand that this is covered by the franchise exemption in Schedule 5 of the Scotland Act 1998.

Summary

13. UNISON Scotland generally supports the provisions within this bill to decouple local government elections from the Scottish Parliamentary elections. We support the local government elections being held on a four year cycle at the mid-point of the Scottish Parliamentary term. UNISON Scotland would like some clarification on the increased costs of separate elections and that this would not come from local government budgets.

UNISON Scotland
18 March 2009
Scottish Parliament
Local Government and Communities Committee
Wednesday 25 March 2009

[THE CONVENER opened the meeting at 10:00]

Scottish Local Government (Elections) Bill

The Convener (Duncan McNeil): Good morning and welcome to the ninth meeting in 2009 of the Local Government and Communities Committee. I ask members and the public to turn off all mobile phones and BlackBerrys.

Under item 1, I welcome our first panel: Tom Aitchison, chief executive of the City of Edinburgh Council, of the Society of Local Authority Chief Executives and Senior Managers; Andy O’Neill, head of office at the Electoral Commission; William Pollock, chairman of the Association of Electoral Administrators; and Gordon Blair, chief legal officer of West Lothian Council, of the Society of Local Authority Lawyers and Administrators in Scotland.

I propose to go directly to questions, but if anyone wishes to make a short introductory statement I will allow that.

Tom Aitchison (Society of Local Authority Chief Executives and Senior Managers): We are content to go straight to questions, convener.

The Convener: Great. Thank you.

Alasdair Allan (Western Isles) (SNP): David McLetchie and I have been muscling each other out of the way to ask this first question. I realise that Fairshare is not represented on the panel, but we were all intrigued to see from its submission that there was an election under the single transferable vote system in Scotland in 1928. Anyone who could enlighten us on that would gain a lot of brownie points.

Tom Aitchison: Was that a rhetorical question?

Andy O’Neill (Electoral Commission): It was the Scottish Education Board elections.

Alasdair Allan: Is that right in thinking that, when information was released after the Scottish Parliament elections, a smaller threshold was used? What level did districts have to be merged to before information could be released?

Andy O’Neill: The figure is 200 votes. I have a prompt at the back—my colleague is sitting behind me.

The Electoral Commission supports the release of post-election data—we understand that the parties find it helpful and that it oils the wheels of democracy—but we would be concerned about the loss of the secrecy of the ballot and about any personal information being released. Votes for the Scottish Parliament have to be parcelled up to 200 votes. It seems appropriate to use the same figure for local government elections.

The Convener: Is a different number used for local government elections as against the Scottish Parliament elections?

Andy O’Neill: One assumes that that will be set out in the regulations supporting the bill. Tom Aitchison makes the point that there are ballot boxes, particularly in rural areas, with only one or two votes. In the recent Glenrothes by-election, I saw a ballot box with one vote. The secrecy of that person’s vote could be endangered if that information was released, because someone could go to the marked register and discover whose vote it was. It is crucial that votes are parcelled to a level at which there is anonymity.

Jim Tolson (Dunfermline West) (LD): A lot of the discussion this morning will focus on decoupling. I do not want to go into the details of or a level below that? Do the witnesses have any views on that?

Tom Aitchison: We discussed that downstairs while we were waiting to join you. We all understand the importance of the secrecy of the ballot, so there has to be an accumulation of votes to avoid any individual being identified. This might sound like a slightly random comment, but we were thinking of using the figure of 1,000 voters. If you allow for a turnout of around 40 per cent, you would be talking about fewer than 500 voters. In rural parts of Scotland in particular, the numbers of voters going through individual polling places are relatively small.

I do not think that we can give you a definitive answer to the question this morning, but we can certainly get back to you with additional evidence if that is helpful. I presume that, in due course, all the detail on that will go into the regulations that support the bill. We acknowledge that the question is perfectly proper and valid and that the level that is set has to be assessed against the experience in different parts of Scotland.

Alasdair Allan: Am I right in thinking that, when information was released after the Scottish Parliament elections, a smaller threshold was used? What level did districts have to be merged to before information could be released?
that, but there seems to be broad consensus in both the written evidence and the political representation in the Parliament that we should go ahead with decoupling. We will later take evidence from Unison, which has raised an interesting point on which I would like to hear your views. The bill does not contain an option for reducing the minimum voting age to 16, although many of us think that it would be beneficial to add such a provision to the bill. What are your views on including a provision in the bill to reduce the minimum voting age to 16?

Tom Aitchison: The various professional associations in local government have tried to stay away from the rights and wrongs of giving people the vote at 16. If the Parliament is determined to reduce the voting age to 16, it is our job to ensure that the policy is administered properly.

We are aware that the health board election pilots will take the voting age down to 16, which is perhaps the start of a trend. For us, it is a matter of ensuring that, both from an electoral registration point of view and a returning officer's point of view, the elections are administered properly, efficiently and effectively. If the Parliament decides to reduce the voting age, we will do our level best to make it work for you.

William Pollock (Association of Electoral Administrators): We have supported the reduction of the voting age to 16, but we are concerned that, if parliamentary general elections were held on the same day as local government elections, 16 and 17-year-olds would be eligible to vote in one election but not the other. That would lead to confusion and bewilderment for the electors, which is something that we have been striving to avoid over the past few years. There is a danger that, unless the voting age is 16 for all the elections, people could get muddled up if local authority elections are held on the same day as parliamentary elections.

Tom Aitchison: There is also a mathematical point to be made. If those aged between 16 and 18 do not vote in the same numbers as the rest of the population, the overall turnout percentage will be reduced even if more people vote. That is a matter for you parliamentarians, rather than us professionals, to consider.

Andy O'Neill: The Electoral Commission considers that the franchise age of voting is a matter for politicians and legislators, not us, to comment on. Nonetheless, if you reduced the voting age, we would be able to comment on how the policy was implemented.

Jim Tolson: I appreciate those comments and return briefly to Mr Pollock's point about the need to reduce the voting age across the board. We have systems that cause confusion and, rightly or wrongly, there are differences in the electoral systems—we do not use the same one across the board in Scotland, and there are also the United Kingdom and European elections to throw into the pot. Therefore, I appreciate your point although I might not agree with it. I think that we should reduce the voting age. Mr Aitchison mentioned the trials that are being run for health board elections, and it will be interesting to see how useful they are.

The Convener: Is anyone of the view that we can amend the bill to reduce the voting age to 16? That was part of Mr Tolson’s question.

Gordon Blair (Society of Local Authority Lawyers and Administrators in Scotland): The voting age takes us back to the issue of who is on the electoral register, which is part of the franchise. From memory, I think that the matter is reserved to Westminster. Health board elections are a different matter, as health is a devolved issue and the elections are not covered by the franchise. However, the power to reduce the voting age to 16 for local authority or, indeed, Westminster elections is reserved. To minimise confusion, it would be better to have the same franchise for the same type of elections across the board.

Tom Aitchison: I was going to make that point. The four professional associations have argued long and hard for consistency in elections in the UK and in Scotland, and I have heard the same point through the Scottish Parliament political parties panel. We have quite a diverse system at present.

I hope that, the more we can make changes that are consistent with one direction of travel, the closer we will get to the point at which there is less confusion and ambiguity, and a broadly similar set of principles and practicalities for local government, the Scottish Parliament, the UK elections and any other elections—for example to health boards. It is a complex landscape, and it causes difficulties for our staff if they have to adjust to different times for different elections, particularly when there is the possibility of two different types of election on the same day. This is just a plea for consistency in future.

The Convener: I do not know whether anyone wants to comment about the capacity of political parties and perpetual elections. Elections are, in the main, a voluntary pastime and rely on voluntary contributions. Has any thought been given to how the political parties can sustain that?

Tom Aitchison: Exactly that point has emerged in my discussions both in Edinburgh and around Scotland. I suppose that it depends on the prospects of the political parties at different times in the electoral cycle, but by and large they are
dependent on volunteers. If there is a heavy programme of one, two or three elections in a one or two-year period, it puts a lot of strain on the party’s volunteers and, I guess, on its finances. With the exception of Westminster, the timing of most elections is predictable. It is the Westminster election that can come at fairly short notice and raise issues for political parties throughout the UK.

The Convener: I introduced the issue of capacity because I think that the minister’s view is that it is the responsibility of the parties to engage on turnout. I would have thought that it is not just a concern for the political parties as capacity is linked. Does anyone else have a comment on capacity?

Gordon Blair: Turnout is primarily an issue for the political parties and candidates. The rest of us can assist, but the major responsibility for turnout rests with the democratic process and political engagement. If you are asking whether decoupling will affect the capacity of administrators, I can say that it is probably better from a logistics point of view if there is an election once a year that people can gear up for. The combined elections in 2007 resulted in confusion in Mount Everest terms as opposed to just Mont Blanc or Ben Nevis terms. The logistics are more manageable with decoupled elections, and I would say that capacity is not an issue for administrators.

Andy O’Neill: From the Electoral Commission’s perspective, we accept that it is for politicians to drive the turnout and make themselves interesting so that people come out and vote. We spend a lot of time on public awareness campaigns and ensuring that people are on the register and know the date of the election and how to fill in the ballot paper. That assists the political parties in getting people out on the day.

It is interesting that you are talking about the capacity of political parties. I would turn it around and talk about putting the voter first, in that decoupling the Scottish Parliament and local government elections will allow us and others—much more than was the case in 2007—to increase awareness of how to fill in the ballot paper and to explain more simply how to vote under the additional member system for the Scottish Parliament and STV for local government. From the voter’s perspective, decoupling the Scottish Parliament and local government elections would be a good thing.

The Convener: But we have the European election this year, followed by the UK election, the Scottish Parliament election and the local government election—all virtually year after year after year. Is turnout for those elections not a concern because political parties will sort that out?

Andy O’Neill: Obviously, we do not know when the UK election will take place—we never know—but we have studied the dates of the fixed-term elections. The first occasion on which we will have two elections in one year is 2019, when we will have the European and Scottish parliamentary elections, and the next time is 2024, when the European and local government elections will be on the same day.

The Convener: You have such faith in politicians and political parties. We will sort it out: Gordon Brown phoned me last night, and we were chatting about the issue as he knew about this morning’s committee. [Laughter.]

Patricia Ferguson (Glasgow Maryhill) (Lab): I return to the data that will be available after the election. If you bring the data down to polling station level, depending on numbers, will it be necessary to have an e-counting system?

William Pollock: Yes.

Gordon Blair: Yes.

Tom Aitchison: The working assumption for future local government elections under STV is that they will be e-counted. If I may digress from the question slightly, the next local government elections—in three years’ time—will coincide with the Greater London Authority elections. The capacity of e-counting suppliers across the UK to deal with both elections may be an issue, so the sooner we start planning the Scottish local government elections, the better.

We have already started to do preliminary work, and the working assumption for the future is that the elections will be e-counted. Decoupling helps with that in many respects, because it means that we will not have to grapple with Scottish Parliament and local government elections on the same day or night. Members have already taken decisions nationally about the future design of the ballot paper, and the announcements that have been made to date should help the conduct of the local government elections in three years’ time.

Patricia Ferguson: Presumably, an additional cost is associated with e-counting. Is work being done to calculate that cost?

Tom Aitchison: There are two issues. First, I cannot give you a precise figure, but there will be an additional cost from decoupling because we will lose some economies of scale. Some work has been done on that, and the cost of an e-counting election is substantial compared with that of a traditional election. Secondly, in due course a big decision will have to be made about who will pay the bill. Will it be paid by Scottish Government colleagues, or will local councils be expected to
I cannot recall the number of elections in three years' time. Officers will be required for the local government necessary. However, I suspect that information and the general expectation is that they will not be country, but it is unlikely that there will be many some at the busiest stations in certain parts of the Scotland whether information officers will be providing information officers at the next local government elections? Tom Aitchison: I will make a couple of observations before handing over to colleagues. We are discussing with colleagues across Scotland whether information officers will be provided at the European elections. There may be some at the busiest stations in certain parts of the country, but it is unlikely that there will be many and the general expectation is that they will not be necessary. However, I suspect that information officers will be required for the local government elections in three years' time.

That takes me back to the issue of cost. I have made this argument locally and nationally for a number of years, so I may as well make it again: we believe that there is a high degree of cross-subsidisation on elections. I did some work on the issue in Edinburgh two or three years ago, and we reckoned that the local authority was spending a couple of hundred thousand pounds to support parliamentary elections. You may say that that is fine, but we need to be open and transparent about it whenever we can.

I ask members to cast their minds back to 2007. Who could forget 2007? I have scars on my back from those elections. The public found it easier to deal with the local government ballot paper than with the parliamentary ballot paper. A number of by-elections have taken place since then, including one here in Edinburgh, which went smoothly. A combination of measures is required: as one or two members have suggested, we need to raise public awareness as much as possible in advance to help voters understand how the system works; and, as you indicated in your question, we must provide assistance at the polling place via information officers. If we get all of that right, the elections should be fairly smooth and well conducted.

Patricia Ferguson: But that takes us back to the issue of cost. It is fairly obvious that e-counting will be needed. Presumably, any by-election that is held in the period between the bill being passed and the next local government elections will be manually counted, so information at polling station level will not be available.

Tom Aitchison: I cannot recall the number of by-elections that have taken place since 2007—Andy O'Neill, sitting on my left, tells me that it is about 15. About two thirds of those were conducted electronically, and one third manually, so there has been a mixed pattern to date.

You make an interesting point about the information that will be released between now and when the legislation kicks in. The election that I conducted in Edinburgh last autumn was intensively scrutinised, and all those present felt that they had sufficient information from observing the election on the day in addition to post-election information. We can take that issue away and give it some more thought.

The Convener: We will pause at that point—the induction loop is being checked.

That seems to have helped with the sound. I ask Patricia Ferguson to continue.

Patricia Ferguson: I will continue unless the witnesses want to add anything else—I was only going to thank them for their contribution.

Gordon Blair: I want to emphasise that it is only through an e-count that the information can be distilled down to the level of each individual polling place—that cannot be done through a manual count. It is currently at the discretion of the returning officer whether there is an e-count or a manual count, but you are saying that, if the bill is passed and requires that we drill down the information to that level, even the by-elections will need to be e-counted. That is the reality in practical terms, which we have perhaps not fully realised until now.

Patricia Ferguson: That is what I was checking.

The Convener: It is worth pointing out that the committee had some questions about how smooth the local government voting system was. We attempted to get further information on that, but we could not get it. We were concerned that in certain areas of Scotland there was a big difference in participation between the Scottish parliamentary elections and the local elections.

David McLetchie (Edinburgh Pentlands) (Con): It is interesting to observe how opinions change on decoupling. Mr Tolson spoke earlier about the political consensus in favour of...
decoupling, which has existed only post-2007, following the publication of the Gould report and the experience of the joint elections.

For the eight years prior to that, the idea of decoupling was fiercely resisted by the previous Scottish Executive and was a matter of political controversy, despite the fact that it had been recommended by the three independent commissions that were chaired by Mr Kerley, Sir Neil McIntosh and Sir John Arbuthnott. Did any of the bodies that you represent have a stated public opinion on the decoupling issue pre-2007?

Tom Aitchison: It is fair to say that returning officers and chief executives were split right down the middle. Half of us thought that a local government election halfway through the Scottish Parliament’s session would enable a focus on local government issues. Others feared that that might lead to a low turnout, which might create a concern over the validity of local government elections, and argued that having the elections on the same day as the Scottish Parliament elections would encourage turnout. That would also allow a focus on local government issues, but there would still be a risk that the focus was on Scotland-wide or UK-wide issues. Between the mid-1990s and 2007, SOLACE debated the issue and, every time that we had a show of hands, the split was roughly 50:50.

David McLetchie: Has the position of SOLACE changed as a result of the Gould experience?

Tom Aitchison: Oh, yes.

David McLetchie: Does that mean that you are no longer as concerned about turnout as previously?

Tom Aitchison: It is a question of balance. From the way that I read the tea leaves in Parliament, I can see that nobody wants to go through the situation that occurred in 2007 ever again. As a result of a risk assessment, the weight of the argument is now in favour of moving to a mid-term point. However, there is still a risk that there will be a low turnout and a concern that there might not be a genuine focus on local government issues because the election might be captured by Scottish or UK issues if, for example, people want to register a protest vote against the incumbent Government.

David McLetchie: I am all in favour of protest votes against incumbent Governments, of course.

Tom Aitchison: I thought that you might say that.

Andy O’Neill: Prior to May 2007, the Electoral Commission did not have a position on whether the elections should be decoupled—we were working in the reality that existed at that time. In the period following the elections, we accepted Gould’s recommendation in November 2007 that the local government and Scottish parliamentary elections should be decoupled.

We do not accept decoupling for all elections as a principle. We have called on Governments throughout the UK to carry out major research on the effects on the voter of coupling elections—and there are dozens of variants of coupling across the UK. That research has not yet been undertaken, but we are still pushing for it.

Mr McLetchie pointed out that McIntosh, Arbuthnott and Kerley all supported decoupling in various forms. The commission used to have an electoral commissioner called Sir Neil McIntosh, so we can possibly claim some credit in that sense.

Gordon Blair: SOLAR has been in favour of decoupling for a long time, even before the 2007 elections. I think that, given what the voter faced in those elections, decoupling is now even more supportable.

The question of turnout is not best addressed simply by combining the elections as turnout is influenced by many other factors. Personally, and speaking on behalf of SOLAR, I do not think that voter fatigue has much substance in reality.

David McLetchie: I agree that the issue of voter fatigue is overstated. However, I think that there is a genuine concern about turnout.

That brings me to the issue of information, with regard to informing people about what councils do and the important role that councils play, as well as informing them about how to vote in an STV election.

Who do you think should have the responsibility for communicating information about how to vote and raising awareness of the importance of councils and council elections? Looking ahead to 2012, should the public information campaigns around those areas be taken forward?

William Pollock: The local authority can publicise its own elections and highlight the areas of responsibility for which it is accountable. As has been mentioned elsewhere, that element sometimes got lost when the local government elections were combined with the Scottish Parliament elections. I realise that I might not have a sympathetic audience for this point, but I think that, often, the Parliament’s issues superseded those of the local authorities in those elections. It is much easier to concentrate on what the local authority does, how important it is to take part in the elections and how the voting process works if there is a stand-alone election.
10:30

Andy O'Neill: With regard to the Scottish Parliament elections, the Electoral Commission has a duty to undertake public awareness information campaigns. The situation is not quite the same with regard to Scottish local government elections, as we do not formally exist in that context. That said, under the Political Parties, Elections and Referendums Act 2000—the act that set up the Electoral Commission—the Scottish Government is allowed to seek our assistance in that context, which it has done in relation to the previous two elections. Also, as Billy Pollock said, local authorities have a power to promote participation in elections, which we assist them with.

The European elections that are coming up this June are a good parallel. We will run a national campaign that will encourage people to register and will be targeted at underregistered groups. Later stages of the campaign will focus on how to fill in the ballot paper, which is a particularly important element, given what happened in 2007. At a level below that, we are working with the councils to run campaigns in local media. I think that we can build on that model for the 2012 elections.

Gordon Blair: Nationally, the responsibility lies with the Electoral Commission.

Andy O'Neill: But not for local government elections.

Gordon Blair: Not for local government elections, but that is easily cured.

Andy O'Neill: Yes.

Gordon Blair: The jurisdiction can be extended informally to cover council elections in Scotland. However, returning officers should also work to promote awareness, and councils have a duty to provide resources in that regard. The net result of that is that each council has to do a promotion campaign. As Mr O'Neill said, those campaigns will start with the approaching European elections. In 2012, we will all have local campaigns that can dovetail into any national campaign that is run by the Electoral Commission. That is enforced—actually, I will not use that word, as Mr O'Neill does not agree with its use. Performance standards rest with returning officers, and one such standard involves public awareness. That will be audited and reported on by the Electoral Commission after the elections.

We are moving towards a situation wherein returning officers and councils promote awareness, encourage voters to vote and inform them about the mechanics of how to cast their votes.

David McLetchie: I must admit that I am slightly concerned to hear that there will be 32 different promotional campaigns, although I note what you said about those dovetailing into the national campaign and so on. Most successful public campaigns in Scotland have a common brand and theme across the country, which involves a common message, common television commercials and radio advertisements and common promotional material in local newspapers. Rather than having 32 local promotional campaigns, would it not be better to have a Scotland-wide promotional campaign that says what the councils do—as far as I am aware, all councils have the same functions—and how the local government voting system works? Would it not be better if the Scottish Government and the Electoral Commission—or whoever—could take charge of the matter and lay out a plan of action leading up to 2012? Why do we need 32 campaigns?

Andy O'Neill: You make a valid point. If you look at what we did in 2007 around the vote Scotland campaign, much of what you are talking about was achieved. Along with the Scottish Government, we ran the national campaign and the local authorities bought into that campaign and could download the branding and so on from closed parts of the Electoral Commission's website. That ensured that there was a commonality between the national television adverts and local events that were held in supermarkets and so on.

It is important that councils and returning officers undertake things locally because they are involved with their local areas and we are not. We can easily do the national stuff, but it is crucial that we use all the avenues that are available, and councils are well placed to do that locally.

Tom Aitchison: If we are promoting belief in local democracy at local government level, why would the Scottish Government have the main responsibility for driving the programme forward? That seems slightly odd to me. Each council should be left to work on the programme through the Convention of Scottish Local Authorities or the Electoral Commission. I take Mr McLetchie’s point about the commonality of some of the messages, but what my council may want to say locally in Edinburgh about encouraging people to vote would perhaps be an entirely different message from that in Orkney, the Western Isles or Dumfries and Galloway, for example.

David McLetchie: Why would it be different? Can you give an example of what the City of Edinburgh Council would say to encourage people in Edinburgh to vote as opposed to what Shetland Islands Council would say in that regard to people in Shetland?
**Tom Aitchison:** If you go back a half-step, you will acknowledge that there has been a lot of discussion over many years, much of it academic, about the underrepresentation of certain parts of the community because people will not register to vote. Generally, there is a correlation between that and the extent of poverty in a community. We can get into interesting areas of debate here. For example, how legitimate is it to target resources at getting more people in underrepresented areas to register to vote as opposed to encouraging the general franchise? Step one is being on the voting register in the first place, and step two is the commonality of all councils having, by and large, the same range of functions. However, beyond that, I believe that there is still a local dimension whereby it is important to allow a returning officer at least some discretion to use a set of messages or techniques that are commensurate with the locality in which they live and work.

**David McLetchie:** I have no problem with having a localised approach to encouraging registration in areas in which registration rates are relatively low. However, I come back to my point that all councils exercise the same functions and are elected on the same day. It is an election day for Scotland’s councils—plural. It strikes me that, because we have a common voting system and councils have common functions, we should promote that.

I want to move on from that issue, but you might not think that my idea is a good one. Bearing in mind what has been said about resource implications and the potential cost to local authorities of the bill, and assuming that it would be competent for the bill to do this—we can check that—would it be helpful if the bill placed some duty or responsibility on the Scottish Government to provide information for campaigns, such as we have discussed? That would mean that there was a clear line of responsibility for co-ordinating efforts to provide information about voting and the functions of councils—it would perhaps be more helpful if that was done from the standpoint of councils—and therefore a national budget for doing that kind of work.

**Tom Aitchison:** Certainly, as I said earlier, there has been concern for a long time about the resources that are available for election administration in Scotland. From memory, I think that, when the new provisions were introduced in 2007, the allocation for me to promote public awareness in Edinburgh was £15,000. We do not need a long discussion about whether that sum will go far in a city with a population of half a million.

I would strongly support any move towards making more resources available generally for election management in Scotland and specifically for public awareness to encourage people to vote and so get a better turnout. We are all aware of the choppy waters that we are now in—and heading further into day by day—regarding the future of local government finance or public finance generally in Scotland. However, the public awareness issue is important because it is about democracy and getting people out to use their vote. If you can use your good offices to encourage more resources to be made available, that would undoubtedly be welcomed by the professional associations in Scotland.

**Gordon Blair:** On the bill’s technicalities, it would be worth considering widening the Electoral Commission’s role to include dealing with council elections in Scotland. That would close the gap and enable the commission to have authority over, and use its resources for, council elections in Scotland as well, rather than the Scottish Government having a duty in that respect. Such a duty is not placed on the Westminster Government. If the Electoral Commission covered council elections in Scotland, we would then have consistency and an authoritative national message on council elections from the commission. Each local council area could lend support to the message and disperse it, as appropriate to local needs.

**Andy O’Neill:** Gordon Blair is right that the Political Parties, Elections and Referendums Act 2000, which set us up, requires us to undertake public information campaigns for all parliamentary elections in Scotland, but that we do not have a similar duty in relation to Scottish local government elections. However, the 2000 act makes provision for Scottish ministers to make an order to make us the Electoral Commission for Scottish local government. If that happened, we would undertake an independent public information campaign.

**David McLetchie:** But that power has not been exercised.

**Andy O’Neill:** To date, it has not been exercised.

**William Pollock:** The AEA identified that anomaly and asked for it to be resolved so that the Electoral Commission can have a proper remit for Scottish local government elections rather than having that as an add-on responsibility, which is what it is at present.

**David McLetchie:** When you talk about an order, you are saying that the Scottish ministers—or would it have to be UK ministers?—could lay an order before the UK Parliament.

**Andy O’Neill:** Scottish ministers could make an order and lay it before the Scottish Parliament.
David McLetchie: And that would give you that responsibility for public information.

Andy O’Neill: Yes.

The Convener: That would do on an all-of-Scotland basis, but how would we address the pick-and-mix approach among local authorities? One local authority might take the issue seriously but another might take it less seriously, and councils might not have the money to spend. Is there a minimum standard?

Andy O’Neill: I think that local authority colleagues have a responsibility to undertake promotional work under the Local Electoral Administration and Registration Services (Scotland) Act 2006. Nationally, we have produced a suite of options; we have also produced activities that they can undertake in the coming weeks. That includes things such as, believe it or not, a very large map of Europe and an 8ft blow-up X, which can be used for local media activities. They will know what to do with those things—we could not possibly know that.

The vote Scotland campaign in 2007 cost approximately £2 million. Local authorities are never going to have that amount of money to pump into a public awareness campaign. Nevertheless, we would be reluctant to see public information being run solely from the centre. It is important that people in the locality are involved in that.

The Convener: I am not suggesting that it should be run from the centre; I am trying to establish the baseline for local authorities. They have a power to engage in that, but they do not have an obligation to carry out any of that work. I am thinking of the information that we have available to us now. In my constituency, 11 per cent of ballot forms were spoiled. It is an issue for you, for the local authority and for us all to engage those people in the political process and in elections. What will your work and the work of the local authorities do to target that sort of problem? How will the money flow? How will the Government ensure that there are additional funds to target that significant problem? Indeed, how will it recognise it as a significant problem and ensure that local government uses the powers that it has? What is there to ensure that all that happens?

Gordon Blair: The council has a duty to support the returning officer in carrying out their duty to encourage participation in the electoral process. That duty is wide enough to cover the points that you have made. In the first two years after the Electoral Administration Act 2006, which was passed at Westminster, came into force, funding was ring fenced for precisely that area, and that funding is now built into the local government settlement. Therefore, money is made available to councils to deal with the issue.

On the question of consistency in what is happening on the ground across Scotland, there are two points to make about how effectively that money is spent and what it is spent on. First, one of the seven statutory performance standards that the Electoral Commission will now report on covers that area. Secondly, in preparation for elections, the interim electoral management board will, no doubt, pending any parliamentary decision on a chief returning officer for Scotland, develop an informal role in encouraging all local authorities to promote key messages and in co-ordinating that work. Tom Aitchison will be able to say more about that.

The Convener: Who monitors and evaluates that work? Who measures its outcomes? Who can push best practice?

Andy O’Neill: The Electoral Commission does that, under the performance standards regime. Gordon Blair is correct in saying that public information is covered in one of the standards. However, I should point out that the performance standards are only for parliamentary elections in Scotland. Local government elections are not covered by the performance standards regime. The local government work would have to be brought into the orbit of the current standards.

10:45

The Convener: Do you have an audit of all the best-performing and worst-performing areas, and information about where best practice takes place and where you would encourage better practice?

Andy O’Neill: The performance standards were published 10 days ago, so we are at the very beginning of the process. Our first report on the activities of the returning officers will be included in the statutory report on this June’s European elections, which will be published in October this year.

The Convener: Okay. We may want to consider that information before we speak to the minister.

Mary Mulligan (Linlithgow) (Lab): We have talked about the costs of democracy and of promoting people’s participation in the process, but I want to look at the other side of the costs—the administrative costs. I think that Mr Aitchison referred to the burdens on local authorities. I want to be clear about whether costs will increase or decrease as a result of decoupling the elections and where the burdens might fall, whatever the arrangement is.

William Pollock: It is likely that the costs would increase because the economies of scale that are achieved with a combined election would not be
achieved with decoupling. Under the current arrangement, the costs will fall on the local authority if the matter is not addressed.

Mary Mulligan: What does that additional burden mean in real terms? How much are we talking about?

Tom Aitchison: I mentioned the biggest single cost in response to Patricia Ferguson’s question about meeting the costs of e-counting. Those costs are substantial for Scotland as a whole and for individual councils. We should seek early clarification on that. Our view is the same as Billy Pollock’s view: there will be additional costs. I cannot give a precise figure at this point, but we could certainly try to do further research on the matter and supply that to the committee if that would help.

Gordon Blair: I think that costs will vary from council to council— the figures will depend on the costs of hiring premises. Some councils have to use large premises because their electorate is large. If the elections are decoupled, large premises are hired for the occasion and there is e-counting, the whole lot will fall on the council.

Tom Aitchison: I return to what has been said. Two or three different factors are in play, such as the costs arising from the decoupling itself and the issue of who will meet the costs of e-counting. Andy O’Neill has reminded me about absent voter identifiers, which have a technological dimension and a cost. Perhaps we need to do some more research on the matter, but we have a figure.

Andy O’Neill: The figure is from the financial memorandum to the bill.

Tom Aitchison: There is the possibility of an additional cost of £5 million.

Gordon Blair: I understand that the £5 million excludes the cost of e-counting.

Mary Mulligan: What was the figure for e-counting in 2007? Can we get it at some stage?

Tom Aitchison: It is on the record, but I do not have it in my head.

Mary Mulligan: I am not trying to trip anyone up. If we are to proceed with the bill as it currently stands, we need to do so with our eyes open and ensure that if we choose to decouple the elections, the process is fully resourced. It is clear that if there is an additional burden, it will need to fall somewhere, and we will need to ensure that money is provided to facilitate the change. This is your opportunity to tell us what the costs might be. We can then consider those as we examine the bill further.

Tom Aitchison: We can certainly send the clerk a note within days on the factual position from the 2007 elections if that would help the committee.

The Convener: The explanatory notes to the bill state:

“Under the funding agreement with the Scotland Office, the Scottish Government contribution to the cost of e-counting in 2007 was approximately £4.8 million.”

I do not know whether that was the total cost, a contribution or additional money.

Andy O’Neill: That was not the total cost. From memory, the total cost was around £10 million.

Gordon Blair: From memory, I think that you will find that the Scottish Government and the Scotland Office shared the cost of e-counting, so, in effect, that doubles the figure that the convener just mentioned.

Mary Mulligan: We have a note on that, but it is also useful to have your take on it. Any further information with which you can provide the committee would be useful.

The bill is about decoupling the Scottish Parliament and local government elections. However, you have acknowledged that there is a risk that those elections will run into other elections, which can have an impact on turnout. Within living memory, there were occasions when Westminster held two elections in a year and in the 1990s, there were occasions when it held elections quite close to local authority elections. Have you assessed the risks presented by that and how they would be managed, given that we would be using two different electoral systems, or do you think that we will just approach such situations as they arise?

Tom Aitchison: In the past—and certainly in the post-2007 era—returning officers and electoral administrators have tried hard to carry out risk assessments. I rather scared my colleagues in Scotland recently by saying that we cannot entirely rule out the possibility of a Westminster election in June this year. The Prime Minister might phone the convener tomorrow to confirm the date of the election. I have said to colleagues in the past few months that we must think about the implications of that in making our project plans at individual local authority level and for Scotland as a whole. For example, the boundaries are different and we must think about how we will do Westminster elections in comparison with how we will do Westminster elections. The issues of postal voting, additional voter identifiers and public awareness all kick in.

The Westminster situation is always the hardest to deal with, because things could happen almost overnight. Something dramatic could happen in Parliament, and the PM could go to the Queen and Parliament would be dissolved. All we can do is ensure that our colleagues are aware of that, think about it in advance and carry out some contingency and risk planning. If that happens, the
machine has to kick in and we have to make it work.

Mary Mulligan: Have you identified anything specific that would need to happen?

Tom Aitchison: Are you talking about the possibility of a Westminster election running into a local government election?

Mary Mulligan: Yes.

Tom Aitchison: I do not think that we have got beyond the generality of principles and broad planning, as opposed to the specific issues that might arise in such a situation.

William Pollock: One concern that we have is that in 2012 the first Thursday in May might be designated local authority elections day, but the Prime Minister of the day might decide to hold the general election two weeks before that date or two weeks after it. The elections would not be in sync but would overlap. A lot of work would have to be done to ensure that everything that had to happen happened. That would not be a desirable situation from the point of view of the elector. However, that would have to be addressed nearer the time.

Mary Mulligan: I was suggesting that a Westminster election and local authority elections might be run on the same day, but, in fact, it would be equally difficult if one election was held two weeks before the other.

William Pollock: Yes. A Government could lose a vote of confidence unexpectedly and a Prime Minister could suddenly go to the country. The dates for the two elections might not gel as we would hope.

Mary Mulligan: You are giving that some consideration.

William Pollock: Yes.

John Wilson (Central Scotland) (SNP): I want to follow up the questions on the costs of decoupling. One of the reports that we have shows the fees for the 2007 elections as £2.1 million. That is broken down to give us a figure of £660,000 for clerks. However, there is no further breakdown of the figures to show the cost of information officers. In previous discussions in this committee and elsewhere, we have discussed the role and use of information officers during the 2007 election and whether there were too many or too few at the polling stations. It would be useful to know whether the panel members think that we would need as many information officers—or, indeed, any information officers—if we decoupled the elections.

In the May 2007 elections, it was clear that people understood the local government ballot papers. It was only when they came to the Scottish Parliament ballot papers that there was a great deal of confusion, which led to 11 per cent of the papers being spoiled, as the convener said.

Andy O'Neill: From the Electoral Commission’s point of view, the role of information officers is an interesting one that the electoral management board will have to consider between now and the next election, which we assume will be in 2012. Mr Wilson mentioned the local government ballot papers, which had a lower invalid rate, if we can call it that. We all saw the ballot papers at the count centre. A number of them contained single Xs. They were never totalled up, but we in the profession were left thinking that a job remained to be done in explaining to people how to fill in the papers. We think that information officers will still be necessary, because in some areas people struggle with the idea of using preferentialism as opposed to a single X.

Mr Wilson is right about information officers. I was out and about in Edinburgh, Glasgow and other places on election day, and I saw some wonderful information officers. However, I also saw some who were less wonderful. Selection and training are important, and the Electoral Commission will want to work with returning officers to improve training in particular.

William Pollock: I think that my colleagues would wish the retention of the opportunity to consider having information officers. On the issue that Andy O’Neill has just touched on, I think that it was inevitable that the first-time venture in 2007 was not going to be perfect. We acknowledge that, but it worked much better than might have been expected, given the short time that we had to appoint and train information officers. Where the system worked well, it was well received; where it did not work well, there was negative feedback. We can work on that. However, in larger polling stations, there is still a place for information officers. We would like to have a system built in to ensure that that is possible in 2012.

Gordon Blair: There is a role for an information officer in all polling stations, but the question whether you can have separate information officers is a question of logistics. As Billy Pollock suggested, the bigger stations will need information officers in 2012. Andy O’Neill is absolutely right: the most important issues will be how well we train those officers and, on the day, how well they do the job, depending on whether they have listened to the training and taken it on board. We will be working on that between now and 2012. For any election, we have to improve the information that is given to voters.

We have to minimise the number of rejected votes. There are some interesting rejected ballot papers from council by-elections; they are being considered as part of an effort to create clear advice for returning officers and their staff as to
what is a good paper and what is a bad paper. That advice could be used in turn to train information officers or polling staff on how papers should be filled in. For example, the officers might say, “Don’t put a 5 in column 5 for a candidate, and nothing else, because your vote may not be counted. If you don’t want to vote for anyone else, make sure you put a 1 in and nothing else.” That is the kind of advice that people need, and there will be ways and means of providing it.

Tom Aitchison: It seems to me to be a simple truism that, if we take the Gould principle of putting the voter at the heart of all that we do, ergo, we will try to provide an information officer with as much information as possible to help the voter. Resources and money will be required; there will be the cost of employing and training people. I encourage committee members to acknowledge the financial underpinning of the bill and of election management generally.

11:00

John Wilson: In May 2007, we presented the electorate with three different voting systems on the same day. If we decouple the elections, people will be presented with at most two different ballot papers—unless there is a Westminster election on the same day as the Scottish Parliament election. I hope that we have all learned from what happened in 2007, and that we will know how to get the message over to the electorate before they go to the polling station, so that people are clear about how to cast their vote.

I want to go back to the point that was made earlier about people refusing to register to vote. My understanding was that every resident in an area has to go on the electoral register, and I am quite surprised to hear not only that people are refusing to register but that the percentage of those people is increasing. How can we resolve the problem? Percentage turnouts are based on the number of people who are registered to vote, but the 3, 4 or 5 per cent of people who have not even registered will simply not be counted at all. As a result, the low levels of turnout and therefore the number of people not participating in the electoral system might be greater than we first thought.

Tom Aitchison: Much of this tracks back to the time of the poll tax, when people were disinclined to put their names on official forms in case they were pursued for non-payment. At that time, the numbers on the electoral register certainly dipped from what they had been.

Although there has been a long, slow recovery since then, a section of society is still proving very difficult to reach and we are finding it hard to encourage those people to register year after year.

None of us is an electoral registration officer per se, but we work very closely with our ERO colleagues, who are very frustrated with the situation and have tried hard and used all kinds of different techniques to encourage people to register.

You are quite correct to say that the arithmetic for the turnout figure is based on the electoral register. The fact is that a section of people is being missed out. I remember the images from last year’s American presidential election of people queuing up to register to vote and then queuing up to vote. I would like to think that something like that or what happened in South Africa could happen in our country, with people taking a keen interest in being on the register and wanting to exercise their democratic right to vote.

William Pollock: There are two points to make in response to that question. First, under the current system of householder registration, a householder might well omit younger or more transient household members through neglect rather than through any intentional refusal to register. Secondly, the Westminster Government has announced its wish to move to the kind of individual registration system that Northern Ireland has, which means that registering will become an individual’s personal responsibility. Given that registration will be optional for the first five years until 2015, such a move will obviously not address the problem by 2012, but it will go some way to moving the focus on to the individual and making registration his or her own personal responsibility.

Gordon Blair: As a result of performance standards that are already in force, electoral registration officers have to consider best practice and take certain expected steps to maximise registration in their area. They will have target groups, such as young voters and ethnic minority groups, that they will be expected to reach and they will be reported on in that respect by the Electoral Commission.

In my area, there has been a drive to maximise registration among 18 to 25-year-olds. As Billy Pollock said, the figures, which have just come back, showed that 200 people who would have been eligible to vote on 4 June were not included in the householder return. However, because one of the services in my council and the ERO went round all the secondary schools, just over 200 people have been picked up who would not otherwise have been registered. That is just a snapshot, but it is that sort of approach that EROs and returning officers are beginning to take to maximise registration.

Andy O’Neill: There are two aspects to your question. As far as people who refuse to register are concerned, I point out that it is an offence not to provide information to electoral registration officers.
officers, so those people can be pursued through the courts.

However, providing public information on electoral registration is a reserved matter, so the Electoral Commission is involved in all elections in that regard. We have spent a lot of time on campaigns targeting the unregistered who, as Gordon Blair said, tend to be students, home movers, people in the private rented sector and soldiers. Indeed, we and electoral registration officers work with the Ministry of Defence and suchlike to target the underregistered, and that work will kick off again on 17 April for the European elections.

Bob Doris (Glasgow) (SNP): I have listened to the discussion with interest. The idea of individual registration, rather than household registration, has been suggested. I take on board the point that there may be omissions when household forms are returned to local offices. However, if we move to individual registration, is there not a danger that some of the people whom householders currently put on the electoral register may not bother to register? Has a scoping exercise been conducted to establish whether one approach is better than the other? Do we not need a combination of both?

Andy O’Neill: For some years, the Electoral Commission has argued for individual electoral registration. We believe that voting is a right and that people have a right to be registered. The current system of head of household registration belongs in the 19th century. Studies of the experience in Northern Ireland, which has individual electoral registration, indicate that there was a dip initially, but the system is considered to have worked. We can implement the lessons from Northern Ireland once the Political Parties and Elections Bill has been passed at Westminster. We are confident that individual electoral registration will work when it is introduced in six years’ time.

Bob Doris: Would it be duplication to give the householder the right to continue to register all those in the family household? I am thinking specifically of students, who may be registered in more than one location. If they do not register to vote when they go away from home to a university or college of further education or when they get their first job away from home, the householder can register them at their home address. Is it possible to knit together the two systems? Does it have to be either/or?

Andy O’Neill: It may be possible to knit the systems together. The Political Parties and Elections Bill is currently in the House of Lords, but we do not yet have the amendments that are to be tabled. The system may be set up as you suggest. There will certainly be a period during which individual registration will be voluntary and will be run in tandem with the current system. We can take up the matter outwith the meeting.

The Convener: Thank you for the helpful evidence that you have given this morning. We hope to take up some of your questions with others who may be able to help you with the financial issues that you have raised.

I welcome Dave Watson, the Scottish policy organiser for Unison, and invite him to make some brief introductory remarks before we move to questions.

Dave Watson (Unison): Our written submission to the committee makes clear that Unison is a long-standing supporter of decoupling—we supported the previous proposal for a non-Executive bill on the issue. We are the main local government trade union and represent the staff who are responsible for electoral administration. We have long supported decoupling because we believe that local government requires greater focus. We reached the view that local government was losing out as a consequence of the Scottish Parliament and local government elections being held on the same day. That was our primary reason for supporting previous efforts to change the system. We welcome the bill in its current form.

Alasdair Allan: Gould and many others have commented on what they see as the fragmented nature of the administration of aspects of elections in Scotland. Can you comment on that issue from the point of view of staff who have been involved in administering elections in the past?

Dave Watson: We conducted a fairly detailed survey of a range of members and their representatives who are involved in the administration of elections. Those who took part felt that there was no focus but, to be honest, the driver was policy. People felt that local government was squeezed out of the election process and that local issues were little debated. Local government staff felt that services did not have the focus that was needed. Election campaigns have become increasingly personalised and tend to have a more presidential style, which marginalises local government even more. That is why we strongly supported the earlier proposals to decouple the elections.

Alasdair Allan: Was that reason a stronger motive for decoupling than simply making life easier administratively?

Dave Watson: As we represent the staff who administer the system, we must take that into account. However, changing for that reason would be the tail wagging the dog. The view of our members who administer elections is not dissimilar to that of more senior colleagues who are responsible for that: it is their job to do what
the democratic structures require, and they will do that. If we can make that a little easier and spread out the work, that is welcome, but that is not the primary driver for decoupling.

Patricia Ferguson: One submission that we received suggests a problem with the date of elections. Legislation stipulates that elections must be held on the first Thursday in May, so the count and all the rest of the work often run into a bank holiday weekend. Have Unison members raised that problem? Are they concerned about the impact that counts—particularly if they are like the one that we had last time around—have on their working, family and social lives?

Dave Watson: The issue has been raised. Staff who are involved in elections recognise that they are pretty disruptive. Elections do not happen every month. When I gave evidence on the issue to another body, it was suggested that working in electoral administration is a nice job, because those who do so must be twiddling their thumbs between elections, as not much is going on. My members’ response to that suggestion would not be printable. An awful lot of things—not just electoral registration—go on between elections. People forget that the staff who work on electoral registration have other administrative functions in local authorities, which plug any gaps.

Anything that would spread the workload would be welcome. To be honest, we would all feel that it would be nice not to mess up the bank holiday weekend, but staff recognise that running an election sometimes involves working 24-hour days—it is a period of intense work. They recognise that that is part of the job of working in electoral administration.

Patricia Ferguson: We discussed the information officer’s role at the previous election. Have Unison members—particularly those who worked in polling stations—given feedback on how they interacted with information officers? Do your members have a view on the information officer’s role?

Dave Watson: The views were mixed. Members think that the role is a good idea but that some areas did not have enough joined-up training. Information officers had training that was not always carried over to staff in polling stations. An information officer can be placed in a polling station, but the public will still ask the polling clerk, “What do I do now?” Polling staff still advised the public, even when information officers were present.

Given the new system, it was important to have better training. Comments were made about training for officers, but it was certainly important for clerks to have more detailed training, particularly on the range of questions, as the system was being used for the first time. Many polling staff have worked on elections for years—members will all recognise some of the people who work on elections time and again. However, when systems change, detailed training is needed, as it is for new staff.

Not all election staff are from local government—they come from all sorts of backgrounds—so they might not have become familiar in the run-up to the elections with the training and the new systems that were being introduced. The feedback was that training should be better and that roles should be clear. Some clerks were not clear about how far they could go. The matter is delicate—people ask all sorts of questions, such as, “I want to vote for Mrs Smith—how do I do that?” Clerks tread a fine line in helping someone to vote and are concerned to avoid crossing that line.

11:15

Patricia Ferguson: Unison’s written submission talks about the cost of elections and the implications of that cost having to be borne by local government. You will have heard the earlier witnesses agree to supply the committee with information about that. Has Unison done any work on the cost of elections? Would you like to add to what you say on that in your written submission?

Dave Watson: No, we have not done any number crunching on the additional costs. Certainly, there are additional costs and the financial memorandum sets out some ballpark figures for the costs that decoupling will incur. What has not been picked up in the financial memorandum or in the evidence that you have heard this morning is that there are other costs to the permanent staff who work in the area. We think that it is a good idea to spread the elections out, but you must recognise that that in itself will have a cost, as other things that might be done in electoral registration departments will not get done there and will have to go elsewhere. There is a workload issue that will have to be managed by staff in other departments. There will probably need to be some reorganisation of the functions of the electoral registration department, as electoral registration staff will spend more time, spread out over the years, working in those areas.

It is difficult to put a cost on that, as every local authority does things slightly differently. The additional functions that are carried out by electoral registration staff are not the same in every authority. Therefore, it is difficult to say which of those functions might move, where they might go and what the cost of that would be. The cost would not be great but, in the current financial climate in local government, which colleagues have talked about, any additional financial burden
will be difficult to meet. We do not know the numbers, but we know that there are going to be cutbacks in local government over the coming years and we do not want additional burdens from central Government that are not funded.

Patricia Ferguson: I entirely accept that decoupling will help to spread the load over a longer timeframe. Nevertheless, although there will be a core of staff within the electoral registration department, their number is often augmented by staff from other departments in the weeks preceding the election and, possibly, even thereafter. Given that an election will now be held almost yearly, I wonder whether, as the burden changes and is spread out, those people in other departments, who will be called on more regularly, are going to be resourced or whether local authorities will need funding to establish electoral registration departments that can carry out their role without needing to be augmented by staff from other areas.

Dave Watson: In our view, the way to do it would be to ensure that electoral registration departments have the strength and function, which might be supplemented on that basis, and to plug any gaps when there is not a large amount of electoral registration work to be done with other projects and work that might not be so urgent.

As Billy Pollock hinted earlier, electoral registration staff are passionate about getting people registered, and that is the main function of an electoral registration department. Our members believe passionately in democracy and local government, which work only if people are registered. They would like to spend more time getting out into communities, talking to community groups and getting people registered, but some of that work inevitably gets put to one side when they have to concentrate on the essentials of organising for an election, undertaking training and understanding the new systems. In those circumstances, registration work is inevitably put on the back burner, although we think that that function needs to be strengthened.

Jim Tolson: I am grateful to Unison for submitting a written submission. I would like to pick up on a couple of points that are made on the final page of that submission. Patricia Ferguson has touched on the workload of the Unison staff. Your submission states that you believe that decoupling would increase their workload. However, we saw the increased workload that they had to deal with in the various election counts that we attended on 3 and 4 May 2007. I am sure that we all remember the images of people with their heads in their hands in the early hours of the morning, coping with the stress of the count. Surely decoupling would result in a lighter workload for each election rather than the increased workload that you talk about in your written submission.

Dave Watson: You are absolutely right—it was a stressful event for everyone concerned, but it was a concentrated workload at the time. We are not saying that decoupling should not happen because of that, but it is inevitable that if elections are going to be run every year, which is the way in which we are heading, there will be that workload. At the moment, we have a year in which there are no elections. Decoupling does not spread out the workload to the extent that it will be reduced. There are departments that might be unable to carry out registration work or other functions because they are having to organise the elections. Decoupling means more work, but I am in no way suggesting that that is a reason for the committee not to support the bill. In our view, it is a price worth paying to strengthen the focus on local government—decoupling is good for that reason. We make the point that our members make about workload. We want the plans to be funded, but no one is suggesting that that would be the tail wagging the dog. Although we think that you should bear in mind the additional costs and the workload issues, it should not be a reason for not decoupling.

Jim Tolson: Thanks for that answer. Not surprisingly, the second point that I want to put to you is a point that I touched on earlier, on reducing the voting age to 16. Although I am in favour of that, according to the previous panel and colleagues, that may be a reserved issue. However, in your evidence, you point out a franchise exemption in schedule 5 to the Scotland Act 1998. I must admit that that act is not my bedtime reading. I would be grateful if you would clarify for the committee whether you feel that an exemption could still be in place or whether is it a reserved matter.

Dave Watson: Unfortunately, sad lawyers such as me tend to have to pore over the Scotland Act 1998 and its schedules, particularly for the Calman commission. Our policy position is that we have always been in favour of extending the franchise to 16 and 17-year-olds. We sponsored Bill Butler's earlier bill on health board elections. With his support, we built into the bill the issue of 16 and 17-year-olds. It was a great opportunity.

The franchise is an exemption under schedule 5 to the act. In about 2002, when we first asked the question, the answer from officials in the Scottish Executive was ambivalent. Later on, the law officers said to the minister—I forget which one—that in their view the voting age was a reserved matter because it is to do with the franchise and is covered by the Representation of the People Acts 1983 and 1985, which is another exemption in that part of schedule 5.
The issue is not black and white. I do not know whether the current law officers have reached a different view—you might want to ask them—but the last opinion that I received from the law officers was that, in their view, the voting age was a reserved matter and that therefore we could not change it, even for local government. It is one of the anomalies in the act—the Scottish Parliament runs local government elections, but there are bits of it that it cannot change. That does not seem very sensible to us. We made the point to the Calman commission that that is an area that is probably due for some reform.

Jim Tolson: That comprehensive answer was very helpful and has saved me some bedtime reading of schedule 5.

Mary Mulligan: On the issue of reducing the voting age, you will have had the opportunity to hear the earlier panel’s concerns about confusion. What would be your response to that?

Dave Watson: The confusion would be resolved if all elections were open to 16 and 17-year-olds. With the Health Boards (Membership and Elections) (Scotland) Bill, the Parliament has made a bold and correct move. We ought to consider every opportunity to change the voting age. Given the range of different elections, though, the reality is that it does not work that way—that Parliaments will work together and make the changes, nice though that might be. Our members always like consistency. They would like one set of rules for everything. That would be great, but life ain’t like that. You only have to look at the history of electoral reform in this country, which has always been incremental. Votes for 16 and 17-year-olds will be an incremental move. I think that we will get there, but it will take us a fair way to get there through different Parliaments.

Mary Mulligan: Do you foresee that the fact the process is incremental and there is uncertainty about the stage at which people are eligible to vote will cause confusion?

Dave Watson: Yes, there will be some confusion. Some of those points have been made in relation to the Health Boards (Membership and Elections) (Scotland) Bill, in evidence from electoral registration staff. There will be some difficulties when we have the two-stage process, particularly if elections are held on the same day, which is an obvious area of confusion.

To be honest, however, the confusion will not be that great. We currently have the star system on the electoral registers for those who are coming up to 18, and it seems perfectly reasonable that we could adapt that system to ensure that any confusion is minimised.

Alasdair Allan: You talked about how the franchise is reserved, and you are concerned to ensure that there is a level of consistency between council and Scottish Parliament elections. In your view, would that be aided if legislative competence for arranging parliamentary elections was devolved to this Parliament?

Dave Watson: Yes. I was asked that question in giving oral and written evidence to the Calman commission. Our view is that it should be devolved—Unison’s position on the devolution of a number of functions is well known. The principle of subsidiarity should be used: we should start from the assumption that this Parliament should deal with matters unless there is a very good reason for them to be dealt with at a higher level. The subsidiarity principle also works the other way, in that more functions should move from central Government to local government. We have argued that point consistently, and it runs all the way through our submission.

John Wilson: Based on some of the evidence that we have heard today, and the number crunching that I have done with regard to the years in which elections could be held, if the UK Government decides to hold an election in May 2010—the convener may have some inside information on that—an incoming Westminster Government could hold office until May 2015. That would bring UK elections into conflict with Scottish Parliament elections in 2015.

What is Unison’s, or your own, view on elections being decoupled completely? One issue that has come up this morning is that we are potentially at the mercy of the actions of a Westminster Government once we have decoupled local government and Scottish Parliament elections—another electoral system could kick in and upset the apple cart, causing confusion in relation to the issues that arose from the May 2007 elections.

Dave Watson: Even without decoupling, the same objection that we have to Scottish Parliament elections being held on the same day as local government elections would apply if there was a general election. The difficulty is that there is nothing that we can do about that unless Westminster moves towards fixed terms, for which there is not much political support—I do not think that will happen in practice. The reality is that we will just have to live with that situation—it may happen on the odd occasion. We can, however, do something about the Scottish Parliament and local government elections, and our view is that we should focus on what we can do.

That is why we were not too hung up about the timing of the elections, because we recognised that a number of circumstances might knock out that timing. We originally favoured option 3 on the timing issue, because it offered the one-year-after option. We were concerned about the mid-term protest vote argument, which could take the focus
away. After we reached that view, however, we had a third debate as a result of the Calman commission, and we received a lot of representations from our members who work in electoral administration. They said that it would be more sensible to go for the mid-point, because that would give more time to plan and to make the necessary changes.

The view was expressed that all the timescales could be knocked out by general elections or even extraordinary Scottish Parliament elections. Those events are unlikely, but there is always a what-if element, because they might happen. Our view is that we should tackle the issues on which we can do something. The Parliament can tackle those issues, and it should do so. If other places do something different, and the benefits that the bill aims to bring about do not materialise, there is nothing we can do about that—we will just have to live with it.

11:30

John Wilson: As a trade union that is actively involved in the local government arena and which has run campaigns on particular issues to coincide with elections, would Unison be of the mind that such decoupling would make it easier for the union and for other organisations to get over points of view about any dissatisfaction at either local government level or Scottish Parliament level?

Dave Watson: Clearly, as one of the relatively few organisations that are registered with the Electoral Commission as a third party in elections, we do a lot of campaigning around all elections. Our problem is that putting resources, effort and time into a local government campaign that will, frankly, just be swamped by the more presidential-style debate that happens in Scottish Parliament elections is possibly a waste of resources. Obviously, if we had separate local government elections, we could focus attention on the key local government issues that our members feel passionately about. Those issues would then feature in our campaigning and public information work.

The Convener: Those are what-if questions, as you say. We are sacrificing turnout for focus, but we have all acknowledged in today’s discussion that we cannot control that focus. In the new situation—in which local government sees itself as a partner of Government such that it has no control over the raising of any of its own finances—what is the point of all this?

Dave Watson: As you know, we are in favour of local government having control over much more of its finances. We are not in favour of ring fencing. Essentially, the council tax currently involves the ring fencing of money and leaves local authorities without that control. We are also in favour of returning business rates to local authorities and of giving local authorities the ability to raise even more of their income. In our view, more than 50 per cent should be raised at local level. We argue that that would be a good thing. However, such matters are a political decision rather than a constitutional issue—there is always a risk that people will mix up the two issues.

In essence, having separate elections would put a greater focus on local government. Clearly, other changes are needed too, but having separate elections would enable that debate to take place. We need a structure in place that would allow local government to make its case more clearly without being swamped by the Scottish Parliament elections or any other parliamentary elections.

The Convener: Do you agree that there should be parity of esteem between the different levels of government?

Dave Watson: We agree with parity of esteem and we believe in having a strengthened constitutional position for local government within the current constitutional arrangements. We have argued for that point for many years. We do not necessarily see local government as a broad partner with central Government, because we think that tension between the two can sometimes be a good thing. We are not hung up on that point either. Again, such tension can help to bring focus on the functions of local government.

The Convener: Are those functions and the standing of local government—its parity with central Government—helped or hindered by a 23 per cent turnout?

Dave Watson: Low turnouts do not help. In our submission, we accept that all the evidence suggests that turnout would be lower. However, a higher turnout that is due to the parliamentary elections, frankly, just masks the problem. All of us—civic society, politicians, political parties and local authorities—need to focus on the reasons for the low turnout by doing much more work to make people want to turn out in local elections. As the previous witnesses said, one could not fail to be impressed by the queues of people waiting to vote in the presidential election in America, which is a country that traditionally has low registration rates. We need to focus on raising people’s interest in local government—a big job, which will not be easy—but it should be possible to do that by focusing people’s minds on local government issues during the elections and over a longer period.

The Convener: Should we revisit the issue if the turnout is disastrous?

Dave Watson: No, I do not think that we can revisit the issue. Running both elections at the
The same time might give us a higher turnout on paper but would not achieve the objective. Again, that would just mask the reality that people were not putting the right focus on local government. In essence, we would need to consider why people did not turn out and redouble our efforts to motivate the electorate to focus on local government issues.

The Convener: So we would just need someone to blame.

Dave Watson: It is not a matter of blaming people—we need to look at what works. Holding the elections on different days is not the reason for the failure of campaigns and other work to improve turnout. If turnout does not improve, it will be because all of us have not managed to motivate people to vote.

The Convener: So the issue is simply motivation.

Dave Watson: It is about motivation and relevance—people seeing the importance of local services to them. We conduct various information campaigns and are planning others to give people an understanding of what local government does for them. You will see some of those in the months to come. We have examined the interesting campaigning work that some of our colleagues in Australia, New Zealand, America and Canada have done to flag up the role of public services, especially local public services. We have spoken to them about how effective that work has been in their areas and will try to roll out some of it here. That can be done, and we will try it. Let us see whether it works.

The Convener: Is there a higher turnout among Unison members than among any other group?

Dave Watson: I have no idea. We hope so.

The Convener: You spend all that money on political campaigns, but you do not know whether turnout is higher among your members.

Dave Watson: We certainly do a lot of work on the issue. It is impossible for someone to open a Unison journal without being urged to vote and to play their role in the local government function. We do not know whether that works, as there is no marker for Unison members on the ballot paper; even with increased voter information, we will never know whether turnout is higher among our members. The academic work that has been done on the issue suggests that turnout is higher among those who work in local government, but that is only sampling—there are no hard data to back it up. The answer to your question is probably yes, but I cannot prove that.

The Convener: As you heard, we spoke earlier about the capacity of local government to administer elections. We have not spoken about voluntary activity, of which there is little mention. We are the privileged ones who are paid for our political involvement at this time, but we are all supported by people who do not get paid. We need to sustain them through the process. Do you agree that we need to consider what can be done to sustain the work of all political parties? It is not good enough for us to say to people that they need to do more. The voter may not get weary, but holding elections year after year places considerable demands on those who are involved in voluntary activity.

Dave Watson: Staff in the area might be tempted to see producing additional voter information, for example, as a burden on registration staff, requiring them to churn out another pile of statistics, but that was not their response. Unison members told me to be sure to point out the additional cost and effort of producing the information. However, we recognise that political parties are a key part of the process and that they are made up mostly of volunteers, who do most of the work. If the provision of additional information stimulates greater activity and more campaigning and work on the doorstep, it will raise the profile and improve the functioning of local government, which is good. As others have indicated, provided that voter secrecy is maintained, our members should provide the political parties with the maximum amount of information, to help them to do their work.

That position is consistent with the line that we have taken on freedom of information. We have argued consistently for freedom of information laws that are stronger even than the current Scottish legislation. We argue that freedom of information provisions should be better than those that are proposed in the Scottish Government’s current consultation on the issue. That reflects the view of our members, for whom freedom of information is a burden, as it requires them to do more work, but who regard it is a right and proper function in a democratic structure. If we believe in democracy for public services, rather than their being run in a market setting, we must support it. Democracy costs, but it is a price worth paying to ensure that there is a focus on local services.

The Convener: Thank you for your attendance and your helpful evidence.
SUPPLEMENTARY SUBMISSION FROM SOLACE

Cost of e-counting at 2007 Elections

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<tr>
<th>Description</th>
<th>Cost</th>
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<tr>
<td>Funding to local authorities for electronic counting services supplied by DRS</td>
<td>£7.12 million (SG share £3.56 million)</td>
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<tr>
<td>Payments to DRS Data &amp; Research Services for testing, development and training</td>
<td>£1.26 million</td>
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<tr>
<td>Electronic counting software verification</td>
<td>£13,000</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>£8.51 million</strong></td>
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Release of Information

1. The secrecy of the ballot is paramount. Any information published must be done in such a way that there is no way in which individual electors could be identified. For example, where polling districts are small it is our view that they should be merged with neighbouring ones to enable anonymity to be assured. In the release of information, the Scotland Office has previously used a figure of 200/250 voters in this regard. It would therefore seem appropriate to use a similar number in future legislation.

Release of information at any elections before Bill is enacted

2. Data at a polling district level can only be made available if a by-election is counted electronically. Such information is not otherwise available at that level.

3. It is the view of Returning Officers that legislation needs to be retrospective to allow the legal publication of election information from 2007 and indeed any subsequent by-elections where electronic counting has been used.

4. The professional associations have consistently argued for the central publication of data. This would ensure that all information would be available at the same time and in a consistent format across the country. It would also give parties easier access for their researchers; instead of having to refer to 32 separate web-sites, all set up differently there would be a single source. Again, this would make the transparency of the process paramount, contributing to upholding the basic Gould principle of putting the voters interests first.

SOLACE
23 April 2009
Scottish Parliament
Local Government and Communities Committee

Wednesday 1 April 2009

[THE CONVENER opened the meeting at 10:00]

Scottish Local Government (Elections) Bill

The Convener (Duncan McNeil): Good morning and welcome to the 10th meeting in 2009 of the Local Government and Communities Committee. As usual, I ask members and the public to turn off their mobile phones and BlackBerrys.

Agenda item 1 is stage 1 of the Scottish Local Government (Elections) Bill. I welcome the Minister for Parliamentary Business, Bruce Crawford MSP; Stephen Sadler, who is head of the Scottish Government’s elections and local governance team; and Andy Sinclair, who is a senior policy officer in the referendum and elections division of the Scottish Government.

I invite the minister to make some opening remarks before we move to questions.

The Minister for Parliamentary Business (Bruce Crawford): Thank you very much, convener. I am grateful to be in front of the committee to discuss such an important issue.

The committee published its comprehensive report on the 2007 elections in June 2008. At that time, I was pleased to put on the record my thanks for its detailed consideration of the important issues that arose from the elections in 2007. The report was debated in the Parliament in October 2008; there was widespread agreement on the many issues that were raised and the proposed solutions. The committee endorsed Ron Gould’s recommendation that local government elections in Scotland be decoupled from Scottish Parliament elections. It also recommended that we make post-election voting information available at polling-station level. I am pleased to say that, if it is passed, the Scottish Local Government (Elections) Bill will give effect to those recommendations.

The Government’s consultation paper on decoupling the elections was issued in March 2008. Responses showed overwhelming support for our plan to separate the elections. There was equally strong support for our preferred option of moving the local government elections to the mid-point in the Scottish Parliament session.

We want to decouple the elections, as Mr Gould recommended. That should help to begin the process of reducing the voter confusion that we witnessed in the combined elections in 2007. Decoupling will also give local government its rightful place. The view that we should do more to recognise the democratic role of locally elected leaders and put local government at the centre of governance in Scotland is widely supported. By moving to separate national and local elections, we intend to strengthen the democratic mandate of local government. Running the two elections at the same time inevitably means that less attention is given to the local government elections. The media and the public invariably focus on national issues rather than on local candidates and local concerns. Important local issues are not given the consideration that they deserve, and local campaigns are, unfortunately, sometimes left in the shadow of the parliamentary candidates and parties. As Unison said in its written evidence to the committee:

“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”.

We know that there is strong support for decoupling, but we also know that decoupling will bring turnout challenges. Committee members have previously suggested that we need to focus on voter engagement and public information. I agree and look forward to working with the committee on those important issues. We need to encourage greater public participation across the board, and we specifically need to raise the profile of local government issues and candidates and find ways of enhancing voter interest in and understanding of the democratic process. If we get things right, the increases in voter turnout that we are all looking for could follow.

Public information campaigns for elections should cover two bases. We should look to voter education to tell people about the election date, explain the election’s aims and motivate individuals to register to vote and take part in the election. We also need voter information to explain the voting methods that are to be used. It is crucial that we find ways to identify harder-to-reach groups and better ways of engaging with them. Groups that are less motivated to vote and are less likely to be bothered about voting deserve to be included in the democratic process. The Government does not have all the answers, but we have time before the next local government elections to consider how we can achieve those aims, and I would be happy to discuss with the committee and others how we can do so.
The bill will also give ministers the power to make regulations to allow voting information in local government elections to be analysed in greater detail. Currently, after a result has been declared, the returning officer is required to publish certain information at ward level, including the number of votes cast and transferred at the various stages of the process. The introduction of the single transferable vote system and electronic counting give us access to far more voter information than we used to have. Candidates and parties can use the information to analyse where their votes come from, plan future strategy and focus efforts on increasing turnout. The proposed new regulations will make more detail available at polling-station level. The additional polling-station level data, which will include the number of votes cast and transferred, should increase confidence in the electoral system and the method of counting.

The secrecy of the ballot remains the underlying principle. The level of information and aggregation that will be in place will ensure that secrecy is maintained. Provision is made in the bill to ensure that ministers cannot introduce arrangements that would reveal the manner in which an individual voted.

The bill will implement a key recommendation of the Gould report. It can be argued that local government is the level of government that most impacts on ordinary people’s day-to-day lives. Local government services are vital. Decoupling will present us all with the challenge of increasing turnout in local elections, but the work will be worth it. The Government believes that local elections should be prominent, that they should be held separately from other elections, and that they should focus on local issues such as schools and services and not be overshadowed by the theatre of national politics. I hope that the committee will support the bill when it makes its report.

Alasdair Allan (Western Isles) (SNP): An issue that Gould raised, to which the Government responded, was the fragmented nature of elections in Scotland. Will the measures that you outlined address that issue?

Bruce Crawford: They will begin to address it, although they are not the whole solution. Gould identified many issues, which involved 32 local authorities, 15 electoral registration officers, three Government departments and at least 18 pieces of legislation, so there is a fair job of consolidation to be done.

The Government always argued that it would be more appropriate for the Scottish Parliament to be responsible for administering elections, and the Parliament accepted that. Such an approach would have brought everything under one roof, and we would have made a better fist of it. However, we must deal with what we have and move on as positively as we can.

The Gould report introduced the concept of a chief returning officer. We are engaged in discussions on the issue with the interim elections management board for Scotland and we are prepared to discuss whether the title of CRO should itself live on or whether the proposed role should live on in another shape, for example in the person of the convener of the interim elections management board. Issues to do with the ballot paper and other administrative issues also need to be considered and we will consult on such matters in the summer. The bill is part of the package but is not the whole answer.

Alasdair Allan: Gould talked about the extent of voter confusion. What role do you envisage for the Electoral Commission in educating voters before the next elections?

Bruce Crawford: The Electoral Commission is about to undertake detailed work on the ballot paper in Scotland. In the summer, we will also undertake work on the structure of ballot papers. The commission has an important role in that regard.

When the committee took evidence during its inquiry into the 2007 elections, it discussed whether the commission should have a formal, contractual role and whether the Government should place a legislative responsibility on the commission. The Political Parties, Elections and Referendums Act 2000 provides that the Scottish ministers may extend the commission's formal remit to include carrying out tasks for the Scottish local government elections.

During the 2007 elections, the then Scottish Executive spent £1.25 million on the centrally based VoteScotland campaign, which was run primarily by the Electoral Commission. There was, therefore, a central campaign the last time round, in which the Executive quite rightly involved itself, and which was able to be delivered without a legislative framework in place.

I am happy to examine the issue and to consider whether we should give the Electoral Commission a formal basis in statute in Scotland, which would need to be done through either an act or regulation. However, we should not legislate just for the sake of it if the arrangement can be made informally, as it has been, or through a contract with the commission. I am happy to take further evidence from the committee on whether the arrangement can be strengthened.

The Convener: I recollect that the Electoral Commission witnesses who appeared before the committee seemed to be saying that the commission had a role in the Scottish Parliament elections and in the United Kingdom elections, but
that it had no similar role in local government elections, and it was therefore necessary to extend its role.

**Bruce Crawford:** The commission has no statutory role in local government elections.

**The Convener:** But it has a statutory role in the Scottish Parliament elections.

**Bruce Crawford:** It has such a role in the Scottish Parliament elections and in other elections in the UK, because it is a UK-based body. The PPERA, when it was introduced in 2000, did not extend the commission's powers to Scottish local government elections.

**The Convener:** Was the £1.2 million that was spent on the VoteScotland campaign allocated for the Scottish Parliament elections?

**Bruce Crawford:** It was for both elections—it was a combined effort and a combined election.

**The Convener:** Would there be a financial implication for the Scottish Government if the commission's involvement was put on a statutory footing? Would additional funding be necessary?

**Bruce Crawford:** There is already a financial implication for the Scottish Government. As I explained, the Scottish Executive committed £1.25 million during the 2007 elections to help fund the surrounding publicity campaign. I cannot imagine that, in 2012, the Scottish Government will not want to be involved in providing expenditure from a central base for education and raising awareness.

I do not think that putting the Electoral Commission's involvement on to a statutory footing would in itself create a requirement for additional resources. It was what we asked the commission to do during the 2007 elections that created such a requirement in that case. Have I got that right?

**Stephen Sadler (Scottish Government Constitution, Law and Courts Directorate):** Under the current arrangements, the Scottish ministers can ask the Electoral Commission to carry out functions on an agreement basis, but the commission does not have a statutory duty to do that. The information campaign in 2007 came about at the Scottish Executive's request.

**The Convener:** I am confused. We are talking about decoupling. It is our responsibility to fund and promote the Scottish Parliament elections, and in 2007 there was, as a consequence of that, some benefit for the local government elections. We are concerned that if we split the elections, the money will not be available for local government elections, and the campaigning, the potential turnout and everything else will therefore not be the same. If the elections are split, the activity around the Scottish Parliament elections will disappear from local government elections—there seemed to be a worry among the witnesses last week about what would be put in its place.

**Bruce Crawford:** I understand the reason for your question. The Scottish Parliament elections are, of course, the responsibility of the Scotland Office, and the expenditure that would be committed for that purpose would come from there. I am saying that the £1.25 million that was spent on the local government and Scottish Parliament elections last time round came from the Executive specifically for that purpose. I am not saying that we will spend to that level—indeed, I am not saying what amount we will spend on the election campaigns—but there will inevitably need to be a centrally-funded awareness campaign from the Scottish Government in 2012.

**The Convener:** Does anyone else have a question on that specific point?

10:15

**David McLetchie (Edinburgh Pentlands) (Con):** I will follow that line of questioning. One theme is the responsibility for public information campaigns to increase awareness and, as a secondary aspect, to ensure that people know how to cast their vote properly under an STV system once we have got them to the polling station. Last week, we heard evidence from Tom Aitchison—the City of Edinburgh Council's chief executive—that funding for his council's public awareness campaign for the previous election was £15,000. If one extrapolates that, approximately, across the 32 authorities, relative to their size, it is difficult to see that local authorities in Scotland spent more than £200,000 or £300,000 to encourage participation in the election. That sum of money seems inadequate to achieve our objectives and meet the challenge that you were right to identify of increasing turnover at stand-alone local authority elections. Do you have a view on that?

**Bruce Crawford:** I will talk about the principles first. It is important that local authorities are involved in how we encourage people to turn up to vote and inform them about the voting process, because local authorities know their areas best. Particular parts of Scotland have particular challenges, so it is appropriate that local authorities should commit expenditure to that purpose. It is also important to have a national message or brand—whatever we want to call it—to encourage people to turn up to vote.

We will need to discuss with local authorities what amounts they are prepared to commit to the 2012 elections. The Government will certainly make a commitment to expenditure on public
information, but I cannot say at this stage what the expenditure level will be, because it will be subject to the next spending review.

David McLetchie: We established that the 32 local authorities had a responsibility to promote information and awareness about what councils do and to encourage people to vote, and that the Electoral Commission was invited by the Scottish Government to supplement that effort nationally. Would it be better to fix the responsibility for a national information campaign on the role of councils and how to vote in STV elections on a body such as the Electoral Commission and to coordinate all the local efforts through that? I am concerned about the fractured responsibilities among the Scottish Government, the Electoral Commission and the 32 local authorities. You said that the Electoral Commission is doing work on ballot papers, as is the Scottish Government. The arrangement is fragmented. Unless we sort it out, will we replicate some of the errors that Gould identified in his report?

Bruce Crawford: You could be exactly right. However, the Electoral Commission is considering advice on ballot papers for the whole UK—for UK elections, Scottish Parliament elections and European Parliament elections; it is not concentrating just on local government elections. Our consultation will focus on local government elections.

As for fragmentation, the key proposal that Gould made was on the establishment of a chief returning officer, who would have powers to direct returning officers throughout Scotland and who would be involved in awareness-raising campaigns and in the structure and delivery of elections.

I am pleased by the development of the interim election management board for Scotland, which involves electoral management experts and the Electoral Commission. Scotland now has an organisation that can pull together all the threads that are required and understand the tensions and constraints. I hope that we will deliver elections much more successfully through the interim election management board, which is an important development for electoral processes. The board will be the driving force to ensure that the message is not so much unified—that is the wrong word—as more consistent, and that processes are more consistent in relation to not only awareness raising and education, but the detail of the delivery of elections.

Patricia Ferguson (Glasgow Maryhill) (Lab): Good morning, minister. The Scottish Local Government (Elections) Bill outlines a move towards the availability of information at polling-station level. Will that require e-counting?

Bruce Crawford: Polling-station level information could still be produced without e-counting, but it might be difficult. At its previous evidence session, the committee heard from one witness that it would not be possible, but we are trying to get to the bottom of how accurate that evidence was.

The STV system will certainly require the advent of e-counting. The system is complicated, and e-counting will be an absolute prerequisite if we are to continue with it.

Patricia Ferguson: When we discussed the issue last week, the general feeling among witnesses was that e-counting would be necessary. Another issue that we discussed was the interim period between now and the next round of local government elections. What will happen in by-elections? As you know, some recent by-elections have been STV and some have been first-past-the-post. Between the passing of the bill and the first round of elections in 2012, will e-counting have to be introduced for any by-elections?

Bruce Crawford: No. Because of what happened in 2007, the e-counting process will require a fairly lengthy time for testing, assurance building and confidence raising. We will need at least 15 to 18 months of testing before we will be absolutely confident that we can tick all the boxes for the system.

A meeting was held yesterday between officials and members of the interim election management board. A procurement process will have to be gone through, and that was discussed at the meeting. The procurement process and the tender process will begin in the summer, once all the specifications have been worked out. A tender document should be issued some time towards the end of the year, so we will begin to receive information by early 2010.

It will be difficult to insist that e-counting should be used for every by-election. Of the 15 by-elections since 2007, I think that two thirds have been e-counted—but forgive me if that figure is not quite correct. I am not aware of any problems arising either through e-counting or through the manual process, except in one by-election, in which a particular issue arose. We will require further discussions with electoral administrators on how much information can be released. That information cannot be released until the bill has been passed, and cannot be available until 2012, when the next elections take place. However, when the bill takes effect, information all the way back to 2007 will be opened up.

Patricia Ferguson: If I understand you correctly, during the interim period information at
polling-station level will have to be available at by-elections.

Bruce Crawford: I do not think that that will be the case.

Stephen Sadler: We will have to discuss commencement arrangements with local authorities. At the moment, the returning officer has discretion over whether he or she counts electronically or manually.

As the minister says, our aim in procuring a new e-counting system is to have it in place for the 2012 local government elections. Interim arrangements will have to be agreed with returning officers.

Patricia Ferguson: Last week’s witnesses pointed out that the local government elections in 2012 will be on the same day as the elections to the Greater London Authority, which will also use e-counting. Concerns were raised about the ability to procure the right equipment in time. I presume that the Government is aware of such concerns and that that is why it is considering the issues early.

Bruce Crawford: We are well aware of the concerns and of the resource implications. We have to be ready for 2012, and you are right—that is why we are starting as early as we can. We need to ensure that we have all the ducks in a row so that we can have a successful election. We acknowledge the challenges, but we are confident that we can overcome them.

The Convener: I have a question about the procurement process. The committee has discussed with you the company that carried out the e-count in the previous Scottish parliamentary elections and its refusal to come before the Parliament. Will that company be involved in the procurement process?

Bruce Crawford: That depends on whether it submits a tender. I do not want to get into the details of which companies might be involved in the tendering process. I do not want to put myself in jeopardy by colouring that process before it starts. Stephen, am I right in that regard?

Stephen Sadler: It would be difficult to preclude any company from bidding in a competitive tendering process. However, in drawing up the specification and criteria, we will consider carefully the sort of things that we want the successful contractor to deliver.

The Convener: That is what I was aiming at. As I recall, the minister took on board the committee’s views and said that he would keep them under consideration. The committee has strong views on that company. However, we obviously do not want to threaten the process.

Bob Doris (Glasgow) (SNP): My question perhaps reiterates the convener’s point, and it might have been answered by Stephen Sadler. When the Government draws up the criteria for the tenders, can it write into the provisional contract a requirement that the successful company must come before a parliamentary committee to answer reasonable questions that it might have, accepting the requirements of commercial confidentiality?

Bruce Crawford: I need to be careful about what I say. The criteria that are drawn up with regard to any contract in which the Government is involved need to be robust and defendable. Any criteria that we use in the tendering process will need to satisfy the fit-for-purpose requirement. I know the committee’s views on the matter and I will ensure that, when we draw up the tender document, we do so in a way that means that we get the best possible company to deliver the outcomes that we require.

Bob Doris: You probably cannot answer my next question either, but I want to put it on the record. Will there be penalty clauses if the successful company does not meet certain benchmarks? Might that involve working constructively with the Parliament on post-election scrutiny?

Bruce Crawford: The Government is involved in a normal contract tendering process. We will deploy that as required.

Jim Tolson (Dunfermline West) (LD): The minister confirmed that the move to e-counting for local government elections is pretty much essential. I agree with that, given the complexity of an STV count. However, leaving aside Patricia Ferguson’s point about the conflict with the Greater London Authority elections, I am concerned about the potential additional cost of the hire or purchase of equipment. We have conflicting figures on that, so I seek clarity from the Government. For example, it has been suggested that the cost could be circa £5 million, which could go down to £4.5 million if we reduced the number of polling stations, although that might have other implications. Can we have clarity from the Scottish Government about the potential costs to the public purse of e-counting in a decoupled election?

Bruce Crawford: There will not necessarily be additional costs. The costs had to be borne previously in the combined elections. Delivering those larger combined elections required many more scanners, more technical equipment and more personnel. In itself, the use of e-counting will not give rise to additional costs. However, the available figures, which are pretty robust, show that the previous local government and Scottish parliamentary elections, which were funded jointly by the Scottish Executive and the Scotland Office, cost about £8.5 million. Of that, the Scottish
Executive provided £4.8 million, of which, as I said, £1.25 million was for developing, testing and training.

10:30

At this stage, we cannot know for sure what final cost the tender process will deliver. We can go on previous expenditure and make assumptions on the likely impact of having less equipment and fewer polling officers. I think that the costs will be lower, but we can never be sure of the exact costs until the tender process is complete. In the current economic environment and the difficult trading conditions for many people, we may find that costs are driven down even further. We will not know that until we have been through the tender process.

Jim Tolson: I appreciate that. I think that I have the same figures that you have given, which were put forward in evidence last week. A figure of circa £8.5 million was given as a potential cost, not the £5 million that is given in other papers from the Scottish Parliament information centre.

You said that less equipment would be required. At the last elections, we had polls on the same day with the first count being held in the evening and early hours of the morning and the local authority count being held on the following afternoon. The same machines were used for both counts. Surely the only way in which to reduce the number of counting machines is to reduce the number of polling stations. The public would be concerned if that were to be the case, as many people would have to travel further to get to a polling station. That is of particular concern for those who are elderly or infirm.

Bruce Crawford: I am not aware of where that suggestion has come from or in which ether it developed. I am not aware of any such suggestion.

Jim Tolson: You can confirm that the Government has no plans to reduce the number of polling stations.

Bruce Crawford: I am sure that, as a former councillor, you are aware that local authority returning officers, not the Government, are responsible for the location and number of polling stations. I am not aware of any drive in that direction.

Jim Tolson: That is helpful. There are intimations in papers that we have seen that a cost saving of £500,000 could be made by reducing the number of polling stations. We would be concerned if cost savings were driving the process at the expense of quality.

Bruce Crawford: You may have had evidence in that regard, but that is new to me. I will bring in Stephen Sadler to address the question on equipment.

Stephen Sadler: Before I do so, I can answer the question on the potential cost saving of £500,000. The figure may have come from the financial memorandum, which estimates that the overall additional cost of decoupling will be between £4.5 million and £5 million. Returning officers suggested to us that, if we run a single local government election in 2012, it might be possible to have fewer polling stations within polling places. Technically and legally, two rooms that are set aside within a building that is used as a polling place, such as a school or a local community building, may be called polling stations. There is no question of asking people to travel a greater distance. The same building will be used, but perhaps only one room will be used instead of two, and the potential management savings arise from that.

Bruce Crawford: But no suggestion has been made at any stage that the number of polling places needs to be reduced.

Jim Tolson: That clarification is welcome.

The Convener: You would create savings in terms of the fees that are paid to run polling stations. Fewer people would be paid to take our votes.

Bruce Crawford: That is certainly an expectation.

I turn to the question of expenditure. Obviously, the Government is committed to ensuring that the e-counting system works. We will need to await the outcome of the tendering process before we know the final cost. We will then enter into discussion with the local authorities on what element Government and local government will pay. Given my knowledge of the discussions so far, I see no reason why the process will be anything other than constructive.

The Convener: What assurance can you give that the negotiation on overall costs will have no unintended consequences? I assume that local authorities will pay a significant part of the costs—more than they paid at the last elections. If so, local authorities will need to make savings either through more efficient management or by other means.

Bruce Crawford: What I am saying clearly is that the Government is committed to funding e-counting. We then need to have a discussion with the local authorities on what that means for them, including on the amount in their baseline budgets for the delivery of the elections. That discussion needs to be had. We will not know the specifics of the costs until we have gone through the tender process and the final tender price is in front of us.
It is difficult for me to say more than that. We are committed to delivering the elections and to ensuring that they are properly resourced.

**The Convener:** Do you know how much has already been spent from baseline budgets—presumably, for the European elections? Last week, we heard that the money is not ring fenced but is included in baseline budgets.

**Bruce Crawford:** Following discussions with the electoral management board for Scotland and the Convention of Scottish Local Authorities, it has been agreed that there is about £1.9 million in existing local authority baselines to pay for elections. Obviously, we are aware of that. When we find out the final tender cost, we will know what the starting point is.

**The Convener:** If local authority A decides that it can make savings—not by reducing the number of polling stations but by providing fewer advice and support workers in and around them—what will happen to the money that it does not spend on elections? Can it reallocate the savings to other parts of its budget? Can it spend the money down the road on a community hall or other facilities?

**Bruce Crawford:** I am not aware of the budget for elections ever having been ring fenced, either by this Government or by previous Governments.

**The Convener:** In evidence that we took last week, reference was made to ring fencing of elections budgets.

**Bruce Crawford:** I do not think that they were.

**The Convener:** We can check the *Official Report* of the meeting.

**Bruce Crawford:** I will check the matter. If I am wrong, I will write to the committee to say so.

**The Convener:** A witness raised the issue at last week’s meeting.

**John Wilson (Central Scotland) (SNP):** You said that 15 by-elections have been held since May 2007. The fact that the technology and counting systems that were operated in 2007 were new to us may have led to many of the problems that arose. Are you aware of any advances that have taken place in the use of e-counting technology? In 2007, the technology was fairly new and was quite costly to operate. Are there indications from the procurement process that costs may be reduced by advances in technology?

**Bruce Crawford:** Advances in technology could be a double-edged sword. Advances that cut the production costs of the company concerned are welcome, as they will probably cut overall costs, but advances that involve a leap forward—the introduction of new technology to improve the process—could put up costs. That is why the tender process is vital to establishing the final costs.

We have fairly strong evidence of the success of the electronic voting system that was used in the GLA elections. The number of spoiled ballot papers in those elections was no greater than would have been expected in normal circumstances. In fact, the percentage of rejected ballot papers in the local government elections in Scotland was only 1.83 per cent. In Northern Ireland, the rejection rate was 2.1 per cent. Last time around, performance on rejected ballot papers was much better in the local government elections than in the Scottish Parliament elections.

**David McLetchie:** Perhaps we should put on record that the number of spoiled ballot papers in the last local government elections was three times the number in first-past-the-post elections. Clearly, the introduction of the STV system had a significant effect on the compilation of papers and the number of valid votes.

**Bruce Crawford:** Yes—the figure is higher.

**David McLetchie:** It is three times higher.

**Bruce Crawford:** Yes—I was making a comparison with other areas that have STV elections. The percentage of spoiled ballot papers in the STV elections that were held in Scotland, using electronic counting, was 1.83 per cent, whereas in Northern Ireland it was 2.1 per cent. If I recall correctly, the figure for the GLA elections was of the same order. I understand your point, but I was making a comparison with other systems.

**David McLetchie:** Other STV systems, you mean. We need to debunk the myth that the STV election in 2007 was somehow a great success as far as spoilt ballot papers are concerned. It most certainly was not in comparison with what went before.

**Bruce Crawford:** You have successfully debunked it, Mr McLetchie.

**The Convener:** The evidence that we received last week suggested that more work has to be done. For example, Andy O’Neill from the Electoral Commission talked about people at polling stations seeing STV ballot papers going through with only one X on them. The committee tried to investigate some of those papers but, as the minister will recall, we were unable to do so. We take our job seriously and will debunk comments not just from you, minister—although I am sure you did not intend this—

**Bruce Crawford:** Thank you.
fact there were, as the committee has discovered, questions to answer.

Mary Mulligan (Linlithgow) (Lab): In response to previous questions, you said that you will know more about costs once you have issued tenders. What is your proposed timetable for that?

Bruce Crawford: Officials and the interim electoral management board for Scotland are discussing the specifications, which will be drawn up over the summer. The tender documents will be issued before the end of the year and by spring or summer next year we will be in a position to provide the exact costs and announce the successful tender. Thereafter, we will have 15 to 18 months to test the system and ensure that it is as robust as possible. I feel that that 15 to 18-month period in which we test the system to destruction will be vital in getting us down to the kinds of figures that I hope will make Mr McLetchie smile.

Mary Mulligan: I am not sure that we will ever get there.

Bruce Crawford: And I include STV in that.

Mary Mulligan: We will definitely never get there.

As my colleagues’ questions have made clear, we are concerned about how the decoupled election will be funded, even though we accept that, if we buy into decoupling, it will cost additional money. Last week’s witnesses seemed to suggest that they had struggled in the past and would feel more vulnerable if they had to fund themselves, so your comments about discussing the costs with them have been helpful. Are you able to say a little more about how those costs might be overcome to an extent that might reassure our previous witnesses?

Bruce Crawford: All I can do is repeat as strongly as I can that the Government is committed to the successful delivery of the e-counting system. We will enter into discussions with local authorities, given that there will be something in their baseline. Unlike with issues such as education and awareness raising, I can probably go a bit further with e-counting and say that, once we have the tender information, I will try to ensure that we nail down as soon as possible the costs that will be allocated to Government and to local government and try to pre-commit the money before we get into the next spending review. I understand the necessity for assurance in this area, and I hope that those comments help.

Mary Mulligan: That is helpful.

In your opening remarks, you talked about encouraging voter registration and participation. In that respect, last week’s witnesses felt that the numbers not just for turnout but for registration were still low. What support has the Scottish Government been giving to electoral registration officers to increase the number of people who are registered?

Bruce Crawford: I will need to ask Stephen Sadler what we have done previously on registration.

Stephen Sadler: Registration is reserved.

Bruce Crawford: Right enough—I had forgotten that. That is a nice easy get-out for me. [Laughter.] Of course, I wish it were not.

Mary Mulligan: The Scottish Government has had no involvement in that.

Bruce Crawford: Through the electoral management board, we will try to put in our tuppencworth about registration to ensure that we get as many people as possible registered. I hope that any awareness campaigns that we run will focus on registration, getting the vote out and explaining to people exactly what the technicalities are of voting. Obviously, we will have to ensure that all that works in synergy. I wish that I had control over registration, Mrs Mulligan.

10:45

The Convener: Do local authorities have statutory responsibilities in that regard?

Bruce Crawford: Through the UK Government.

The Convener: There might have been some confusion about that. Last week, Gordon Blair, of the Society of Local Authority Lawyers and Administrators in Scotland, said:

“That duty is wide enough to cover that points that you have made. In the first two years after the Electoral Administration Act 2006, which was passed at Westminster, came into force, funding was ring fenced for precisely that area, and that funding is now built into the local government settlement.”—[Official Report, Local Government and Communities Committee, 25 March 2009; c 1867.]

I assume that the only money that local government has for that comes directly from the Scottish Government. Although that money was ring fenced previously, it is no longer ring fenced and is now all wrapped up in the local government settlement.

Bruce Crawford: Mary Mulligan’s point was slightly different—it was about encouraging people to register. It is true that councils get their cash support directly from central Government, but I do not know off the top of my head whether it is ring fenced; we will need to check that and then write to you.

The Convener: We ask you to do that, but my point was that, for councils to meet their statutory obligation, it is not as simple as saying that
registration is reserved. The money that councils need to pick up registration, target voting and turnout comes from the Scottish Government—councils have a statutory responsibility that they can fulfil only if the money is allocated to them.

Bruce Crawford: I am happy to write to confirm whether that money is ring fenced; I just do not know the answer off the top of my head.

Mary Mulligan: I would appreciate clarification on that point because, if the responsibility comes from one body and the finance comes from another, you can understand why there is some confusion. I look forward to your correspondence.

Bruce Crawford: I understand fully the confusion. In my reply to the convener, perhaps I will let you know about how the confusion can be sorted.

Mary Mulligan: I suspect that I know already.

John Wilson: Would it be appropriate to issue guidance or incorporate rules in the bill to set out what type of information should be provided after elections by the returning officers? There is some confusion about that at present. We know from the 2007 election that different rules seemed to be applied by different returning officers.

Bruce Crawford: The bill will provide for the release of more detailed information, including the number of preferences cast and votes transferred between candidates at each stage. As I said earlier, having that information at a local level should allow our political parties to be much more involved in voter turnout activity.

One of the points that were made last week was about whether a voter could be identified. When we draw up the regulations and guidance, providing for a threshold of around 200 votes will be the appropriate way to deal with the matter. That will ensure that, in rural communities where there are fewer than 200 ballot papers in a box, the information cannot be made available and the rights of the individual and the secrecy of the ballot are protected. Otherwise, we might find ourselves in some difficulty. That provision will not be in the bill but in regulations and guidance that will follow. Any regulations that emerge will have to be considered by the committee.

John Wilson: The figure of 200 was the one that the Electoral Commission gave us last week. Below that, it becomes possible to extrapolate who voted which way? People would have been knocking on doors and asking who the residents were voting for, and there is potential for some of the secrecy to be lost in such circumstances. We should not lose that element of the secrecy of the ballot.

The Convener: We are all agreed about the direction of travel on decoupling the elections, but there are persistent concerns about how that will affect turnout and about the objective being blown off course by national events, a general election or a protest vote at any time in the future, which could undermine the measures, as well as about political parties’ capacity to sustain election campaigns year after year.

You said that you would be happy to work with the committee. I am not asking you to commit to anything now, but the committee has expressed an interest in the past in working with the Scottish Government and other interested parties to establish where best practice lies and to ensure that we deliver our objectives in the bill and maintain turnout and the integrity of local government. I do not know whether officials can speak to officials about how best to do that and who could be involved, but we would be interested to consider examples from other countries, which might do things better and which might offer us a focus on how elections are carried out in local government and other areas of government. I will leave that with you for your response.

Bruce Crawford: I am more than happy to be involved in that discussion with the committee on an on-going basis. Some of the material that you
have produced in your report is very useful in that regard—and I do not think that the issues to do with turnout would be any different.

It fascinates me that, in 1974, we got a turnout of over 50 per cent in the district and regional elections, which is higher than what we got for the combined unitary authority and Scottish parliamentary elections in 2003. Why was that? What were the conditions then that made the difference? What were the politics that were going on? Was something different happening then? Was the campaigning to get people out to vote different? Was the standing of local government higher? There are many questions there.

Can we be more imaginative in how we get information across by way of publicity? Would the trade unions, for instance, be prepared to send notices round all their members to encourage them to go out and vote? Can we put up screensavers on all public servants’ desks to say “Go and vote today” or “It’s voting day”?

There are lots of things that we have to think about. I am not saying that we should definitely do all those things, but we have to use our imagination more. We should discuss any ideas that we put in the pot that are robust enough to stand examination. I am more than happy for officials to talk to one another in the first instance and to come back to give further evidence on this issue.

The Convener: I thank the minister and his colleagues for their evidence this morning, which was very helpful.
SUPPLEMENTARY SUBMISSION FROM THE SCOTTISH GOVERNMENT

1. Thank you for your letter seeking clarification of the points raised during the Committee evidence session on 1 April.

2. The Scottish Government is providing local government in Scotland with record levels of funding over the period 2008-10. The vast majority of the funding, including the funding for electoral registration, is being provided by means of a block grant. It is the responsibility of each local authority to allocate the total financial resources available to it on the basis of local needs and priorities having first fulfilled its statutory obligations and the jointly agreed set of national and local priorities including the Scottish Government’s key strategic objectives.

Bruce Crawford MSP
Minister for Parliamentary Business
Scottish Government
8 April 2009
ANNEXE C: Other written evidence

SUBMISSION FROM CONSERVATIVE COUNCILLORS

1. I confirm that Conservative Councillors support the suggestions to de-couple local government elections from national elections, to have two 5 year local government terms and to provide a greater level of voting information.

Cllr Hugh R Hunter
Leader South Ayrshire Council
3 March 2009
1. Fairshare welcomes the introduction of the Scottish Local Government (Elections) Bill and is broadly in favour of its various provisions.

**Decoupling the local government and Scottish Parliament elections**

2. We favour the proposed decoupling of the local government elections and the elections to the Scottish Parliament. This decoupling will have two distinctly different advantages. Firstly, it would provide an opportunity for local government issues to be considered without being overshadowed by Scottish Parliament issues. Secondly, it would deal effectively with the practical problems that can arise with combined elections, especially when two different voting systems are used for the two sets of elections.

3. The question of whether the Scottish Parliament and local government elections should be held on the same day has been discussed endlessly since the first combined elections were held on 6 May 1999. Thereafter local government elections would have been held on a three-year cycle [Local Government etc (Scotland) Act 1994: section 5] and the Scottish Parliament elections held on a four-year cycle [Scotland Act 1998: section 2]. The McIntosh Commission recommended that local government elections should revert to a four-year cycle and should be held at the mid-point of the Parliament electoral cycle [McIntosh Commission Report, June 1999: paragraphs 70 & 72].

4. The Scottish Executive did not accept that recommendation, but issued a consultation paper which invited comment on holding the local government elections on the same day as the Scottish Parliament elections [Scottish Executive’s Responses to Report of the Commission on Local Government and the Scottish Parliament, 27 September 1999]. The consultation paper addressed several issues: turn-out, voting on local rather than national issues, voter confusion and administrative issues, implications for political parties, and voter fatigue. The Executive ‘published’ its analysis of the responses to that consultation on 21 June 2000 when it recorded that the responses were “finely balanced” between same day elections and mid-tern elections. The Renewing Local Democracy Working Group also considered the question of timing of the two sets of elections, but did not add anything new to the discussion or make any recommendation [Kerley Report, June 2000].

5. The Scottish Executive issued a consultation on a Draft Local Government (Timing of Elections) (Scotland) Bill on 30 March 2001. After the full Parliamentary process, when all the arguments were rehearsed again, this culminated in the passing of the Scottish Local Government (Elections) Act 2002 on 22 January 2002 which synchronised polling at future local government and Scottish Parliamentary elections.

6. The issues relating to combined elections were also reviewed in detail by the Arbuthnott Commission. That Commission, in line with the majority of the views submitted to it, recommended that the elections should be decoupled, with a heavy emphasis on reducing voter confusion [Report: paragraph 4.92].
In making this recommendation, the Arbuthnott Commission was particularly mindful that the Scottish Parliament had decided in July 2004 that the Single Transferable Vote (STV) system of proportional representation should be introduced for future local government elections while the Additional Member System (AMS) would still be used for the Scottish Parliament elections.

7. The Scottish Executive and the Scottish Parliament rejected this recommendation of the Arbuthnott Commission and the two sets of elections were again held as combined elections on the same day in May 2007, when there were unprecedentedly high numbers of rejected ballot papers in the Scottish Parliament elections. These problems were caused by the use of a combined ballot sheet for the two AMS votes in the Scottish Parliament elections. There is no evidence that the introduction of STV for the local government elections contributed to these problems as only very small proportions of the STV ballot papers were spoilt or rejected even though this was the first use of STV for public elections in Scotland since 1928.

8. The subsequent Scottish Elections Review (Gould Report) recommended separating the Scottish Parliamentary and local government elections, preferably by a period of about two years, as would be provided by this Bill. This recommendation was made to address a range of issues identified in the review. There is, however, no doubt that the potential for voter confusion is likely to be greater when two different voting systems are used in elections held on the same day. This is especially the case when completion of the respective ballot papers requires conceptually different judgements by the voter: selection of one winner, marked with an “X”, in AMS; placing an array of candidates in order of preference, marked with the numbers “1”, “2”, “3”, etc, in STV. Holding combined elections with different voting systems also adds to the complexity of the elector education programme, as two quite different targets have to be covered simultaneously. The proposed decoupling of the two sets of elections should allow more focussed elector education campaigns in future.

9. One of the practical considerations that has been advanced in favour of decoupling these two sets of elections relates to timing and staff availability to undertake the two sets of counts. The current legislation requires polling for the combined elections to be held on the first Thursday in May. In four years out of seven, this means that the counts run into the main spring bank holiday weekend, the first Monday in May (but in practice, including the preceding Friday for many people). There is thus a strong argument for moving the polling days to the second Thursday in May, or to the first Tuesday in May, even if these two sets of elections are decoupled.

10. The biggest problem that could arise from holding the local government elections mid-term between elections to the Scottish Parliament is the risk that the electorate would misuse the local government elections to record a protest vote either against the Scottish Government of the day or against the UK Government of the day. This is a well-established phenomenon in the UK and in different political systems around the world.
11. The only practical solution is continually to emphasise the different and distinctive roles of local government, the Scottish Parliament and the Scottish Government. It has to be said, however, that this is not helped by the current practice on the part of both politicians and the media of blurring the very important distinction between the Scottish Parliament and the Scottish Government. The role of local government is distinctive from both and should be given due recognition.

Publication of post-election information
12. The provisions in the Bill relating to the post-election publication of voting information from local government elections are enabling provisions and as such, we support them.

13. Fairshare wishes to see the release of anonymous full ballot data at ward level for every ward in Scotland, but we would not support any proposal to release the ballot data at polling station or polling district level. We do not believe that the publication of such data at any level below the whole ward will in any way increase the transparency of the counting process. The ballot data have validity only at the ward level because that is the only level at which the votes are counted and the result determined.

14. Electronic counting of the preferential votes recorded in STV elections is, unavoidably, a “black box” operation. However, the integrity of the counting process would be confirmed if the full anonymous ballot data were made available after the elections as preference profiles for anyone to process with other computer programs designed to count STV votes in accordance with the rules in the relevant Scottish Local Government Elections Order. There could be no better way of giving the electorate confidence in the counting procedure and the validity of the results. The release of ballot data at any level below the whole ward could not in any way contribute to the achievement of that objective.

15. In the Scottish Executive consultation paper issued on 30 March 2007, much was made of the possibility of tracking individual voters who had numbered the candidates in “unusual” sequences of preferences. We recognise the theoretical possibility of this. If there are 5 candidates, the number of possible unique preference profiles is 325, rising to 13,699 for 7 candidates, to 986,409 for 9 candidates and to 108,505,111 for 11 candidates. Thus the numbers of possible unique preference profiles in many wards greatly exceed the numbers of electors in those wards. These risks would, of course, be exacerbated if the full ballot data were published by polling district or polling station.

16. However, the penalties for the offences that would be committed in any such tracking are severe. For secrecy offences in local government elections, Section 66 of the Representation of the People Act 1983 specifies a fine not exceeding level 5 on the standard scale (currently £5,000) or a term of imprisonment not exceeding six months. These penalties provide an effective deterrent because they far outweigh any benefit that could be obtained by a voter who marked an “unusual” sequence of preferences or anyone who attempted to track such a voter.
17. We recommend that the ballot data should be published as preference profiles and not as records from every individual ballot paper. Not only would this condense the published data very greatly, it would concentrate attention on the preference profiles and not on the individual ballot papers. The eSTV program used to count the votes at the local government elections in 2007 automatically produced a report of this kind for each ward, formatted as a BLT file (see: http://stv.sourceforge.net/Help.html).

18. The suggestion is made in the Policy Memorandum accompanying this Bill that candidates and parties could use sub-ward data to analyse the way in which their total vote had been compiled as this could be important in planning their future electoral strategy. For this purpose, we recommend they should be provided with a “Preference Summary Report” and not ballot data or a sample of the ballot data. The Preference Summary Report shows the numbers of first and subsequent preferences recorded for each candidate. Such reports were generated automatically at ward level by the eSTV program used to count the votes in the 2007 elections and these reports could easily be generated for each polling station or polling district. Examples of such reports at ward level may be seen on several Councils' websites.

19. Rule 55(c) of the Scottish Local Government Elections Order 2007 requires the Returning Officer “to give public notice of”, inter alia:

“(i) the name of the candidates elected;
(ii) the number of first and subsequent preference votes for each candidate;
(iii) the numbers of ballot papers transferred and their transfer values at each stage of the count;
(iv) the number of votes credited to each candidate at each stage of the count;
(v) the number of non-transferable ballot papers at each stage of the count; and
(vi) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.”

20. Rule 55(c)(v) deals with non-transferable ballot papers, but, strangely, does not include a requirement to publish the numbers of non-transferable votes at each stage of the count. Unless information about the numbers of non-transferable votes is provided, a full reconciliation cannot be made to confirm the accuracy and integrity of the counting procedure. We trust this omission will be remedied in future Elections Orders for STV elections in Scotland.

21. Although it is not specific to the provisions of this Bill, we would draw the Committee’s attention to the wide variation in the information that was made available after the 2007 elections by different Returning Officers around Scotland, despite the very clear and precise instructions in Rule 55(c) as set out above. Some Returning Officers did not provide the candidates or “give public notice of” full reports of the election counts such that the procedure could be checked and validated.

22. There is also great variation in the information that is currently available on the various Local Authorities’ websites. Six of the 32 Authorities appear to give no
vote count information at all. Two give only the candidates’ first preference votes, which is of course useless for an STV election. Twenty-four Authorities provide a complete result sheet (or the equivalent in stages) for every ward – this shows the complete STV count but does not allow a full check of the vote transfer calculations. Only seven of the 32 Authorities provide the result sheet and the audit report that allows full validation of the calculations and fully meets the requirements of Rule 55(c); these Authorities also provide at ward level the ‘preference summary report’. These variations among the 32 Authorities are both undesirable and difficult to understand because the same processing system was used at all 32 counting centres and it produced the same complete set of reports for every ward count.

Fairshare Voting Reform
17 March 2009

FAIRSHARE - Scotland's Campaign for a Better Democracy
Fairshare Voting Reform is a cross-party and non-party organisation set up in February 2001 to campaign for the introduction of the Single Transferable Vote system of Proportional Representation (STV-PR) for local government elections in Scotland. In January 2005 Fairshare extended its objectives to promote reform of the voting systems used for public elections in Scotland and specifically, to reform the voting system for elections to the Scottish Parliament through the adoption of STV-PR. Fairshare is constituted as a not-for-profit company limited by guarantee and maintains a network of Registered Supporters.
1. I am writing on behalf of the independent council members represented within Cosla in relation to the above Bill, following letter Duncan McNeil's letter of 25 February 2009.

2. In relation to the main proposals within the Bill, our views are as follows:

- We support decoupling of the local government and Scottish Parliament elections.

- We agree that the parliamentary elections and the local elections should take place 2 years apart and that the local election should be set around the midpoint of the parliament.

- We support the proposal that the next two local government elections be moved to 2012 and 2017 respectively in order to facilitate moving the local government elections to the midpoint of the parliament.

- We support the proposal to make voter information available in the future at polling station level, with the clear proviso that where the number of voters using a particular polling station is small enough to run the risk of an individual elector's vote being identified, or assumed with some degree of accuracy, the data from a number of polling stations would be amalgamated to reach a minimum threshold.

3. In addition to the above, we would wish to make a number of additional points as set out below:

- If decoupling goes ahead, a significant campaign to encourage voter turnout at the local government elections will need to be undertaken.

- Any identified additional costs to be met by local authorities as a result of decoupling should be built into local authority budget allocations.

- It is important that the local government elections now proposed for 2012 do not coincide with the London Government Assembly elections scheduled for the same year as Scottish Returning Officers are advising that this will cause difficulties in terms of the availability of supplies and materials.

David Parker
Leader of Scottish Borders Council
10 March 2009
ANNEXE D: Reports from other Committees

Subordinate Legislation Committee

Scottish Local Government (Elections) Bill

The Committee reports to the lead committee as follows—

Introduction

1. At its meeting on 10 March 2009, the Subordinate Legislation Committee considered the delegated powers provisions in the Scottish Local Government (Elections) Bill at Stage 1. The Committee submits this report to the Local Government and Communities Committee as the lead committee for the Bill, under Rule 9.6.2 of Standing Orders.

2. The Scottish Government provided the Parliament with a memorandum on the delegated powers provisions in the Bill\(^1\).

Delegated Powers Provisions

3. The Committee approves without comment the delegated powers in this Bill at sections 2 and 3.

\(^1\) Delegated Powers Provisions
INTRODUCTION

1. The Scottish Local Government (Elections) Bill (“the Bill”) was introduced in the Scottish Parliament on 3 February 2009. The Local Government and Communities Committee has been designated as the lead committee on the Bill at Stage 1.

2. Under Standing Orders Rule 9.6, the lead committee at Stage 1 is required, among other things, to consider and report on the Bill’s Financial Memorandum. In doing so, it is required to consider any views submitted to it by the Finance Committee (“the Committee”).

3. At its meeting on 10 February 2009, the Committee agreed to adopt level two scrutiny in relation to the Bill.\(^1\) The Committee took oral evidence from Scottish Government officials at its meeting on 10 March.

4. The Committee also received written evidence from—
   
   - Aberdeen City Council;
   - Dundee City Council;
   - Dumfries and Galloway Council;
   - Falkirk Council; and
   - North Lanarkshire Council.

5. All written evidence received is published as the Annexe to this report. The Official Report of the oral evidence session on 10 March can be found on the Parliament’s website.\(^2\)

BACKGROUND

The Bill

6. The Bill provides for future ordinary (general) local government elections in Scotland to be held in 2012, 2017 and, thereafter, every four years. This means that in future local government elections in Scotland will not be held on the same day as elections to the Scottish Parliament.

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\(^1\) Information on the Committee’s three-level system of scrutiny for Financial Memoranda is available at: [http://www.scottish.parliament.uk/s3/committees/finance/financialMemo.htm](http://www.scottish.parliament.uk/s3/committees/finance/financialMemo.htm)

7. The Bill will also give Scottish Ministers the power to make election regulations to authorise the publication of voting information at polling station level. At present, the Returning Officer in Scottish local government elections is required, once the result has been declared, to publish certain information at ward level. The Bill allows for a greater level of detail to be made available (whilst maintaining the secrecy of the ballot) by moving down to polling station level.

**Summary of costs outlined in the Financial Memorandum**

*Scottish Government*

8. The Financial Memorandum states that the provisions of the Bill will not have an effect on the costs incurred by the Scottish Government. Although the Government funds public information campaigns (about the electoral process) in the run up to elections, because no additional local government elections will be held as a result of the Bill, no additional costs will be incurred.³

*Local authorities*

9. The additional costs arising from the decoupling of local government elections from future elections to the Scottish Parliament will fall upon Scottish local authorities. There will also be marginal costs associated with the publication of additional election data at polling station level.

10. In relation to the decoupling of elections, the Financial Memorandum outlines two options to estimate the cost to be in the region of between £4.5m and £5m (at 2007 prices).⁴ In taking the higher estimation, the average cost to each local authority will be £156,000.⁵ The Financial Memorandum recognises that the cost of decoupling the elections will vary across each local authority in Scotland depending largely on the size of the electorate in each area. The costs will first be incurred predominantly in financial year 2012-13.

11. The two options used to estimate the cost of decoupling the elections are based on the cost of the combined elections in 2007, which was £6.6m.⁶ The increased cost is largely calculated on the basis that the Scotland Office, which is responsible for meeting the costs of elections to the Scottish Parliament, paid £4.7m towards the 2007 elections. In 2007, the remaining £1.9m was met by local authorities from the allocation for elections that they received from the Scottish Government.⁷ Following decoupling, the total cost of the elections in 2012 and 2017 will be met by local authorities.

12. In addition, the Financial Memorandum estimates that the sum of £0.3m should be added to the cost of the decoupled local government elections.⁸ This takes account of the potential additional cost caused by the introduction of absent vote identifiers.

⁴ Financial Memorandum, paragraphs 24-25.
⁵ Financial Memorandum, paragraph 26.
⁶ Financial Memorandum, paragraph 22.
⁷ Financial Memorandum, paragraph 23.
⁸ Financial Memorandum, paragraph 24.
13. The first option assumes that most, if not all, of the costs of the 2007 combined elections will be incurred by local authorities when they hold the next set of local government elections. After the potential cost of absent vote identifiers (£0.3m) has been added and the local authorities’ allocation for elections has been deducted (£1.9m), this gives the estimated cost to local authorities of £5m.

14. The second option follows on from the cost of the first option and assumes that decoupling the elections will bring some reduced costs. The Financial Memorandum suggests that savings could be made by reducing the number of polling clerks per station from two during the combined elections to 1 for the single election, at a saving of £330,000. In addition, it is also suggested that the decoupling of elections could lead to a 15% reduction in the number of the polling stations required, with an associated saving of £180,000. As a result, the Financial Memorandum suggests that the cost of the decoupled elections could reduce the cost of the total given in the first option by approximately £500,000 to £4.5m.

15. In terms of the provisions in the Bill that relate to the publication of additional election data at polling station level, the Financial Memorandum states that the additional cost will be marginal. These costs will be incorporated into the contract for e-counting. The Financial Memorandum does not include the cost of the e-counting system for the 2012 elections given that they do not arise as a direct result of the Bill and are difficult to identify in advance of the procurement exercise. The Scottish Government intends to have the e-counting contract in place by 2012 and the funding of the system will be a matter for discussion between the Scottish Government and COSLA in the context of the next spending review.

Other bodies, individuals and businesses
16. The Financial Memorandum states that the Scottish Government does not consider that the measures in the Bill will create additional costs for other bodies, individuals or businesses.

SUMMARY OF EVIDENCE

Costs associated with decoupling elections

17. In the main, the five local authorities that submitted written evidence considered that the financial implications for councils have been accurately reflected in the Financial Memorandum. Aberdeen City Council considered that “the overall cost of separate local government elections will not differ greatly from the cost of the 2007 elections… and that decoupling the elections will bring about reduced costs in some areas.” North Lanarkshire Council preferred the higher estimated cost of decoupling elections (£5m), i.e. assuming no savings, and

\[9\] Financial Memorandum, paragraph 28.
\[10\] Financial Memorandum, paragraph 29.
\[11\] See responses to Question 4 in written evidence from Aberdeen City Council, Falkirk Council, Dumfries and Galloway Council and North Lanarkshire Council.
\[12\] Written evidence from Aberdeen City Council.
considered that this figure accurately reflected the financial implications for the Council.\(^\text{13}\)

18. All councils that responded to the Committee considered the margins of uncertainty associated with the estimates and the timescales over which the costs would be expected to arise to be appropriate.\(^\text{14}\)

19. Other evidence, however, highlighted local authorities’ concern that additional funding from the Scottish Government would be required in order for them to meet the additional costs associated with the Bill.\(^\text{15}\) In particular, North Lanarkshire Council suggested that it would require “very significant central government assistance”, comparable to the level of support provided for the elections in 2007.\(^\text{16}\)

20. In oral evidence to the Committee, Government officials acknowledged the additional financial pressures that will impact on local authorities – identified in the Financial Memorandum as £4.5m or £5m – as a result of decoupling elections under the Bill. Officials highlighted that the average cost to individual local authorities (given in the Financial Memorandum as £156,000) is illustrative only and that the varying size of the electorate in each authority area will have an impact on actual costs.\(^\text{17}\) They also recognised that the costs given in the Financial Memorandum (which are based on 2007 prices) would likely require to be uplifted to give the actual costs for 2012.\(^\text{18}\)

21. Whilst Government officials confirmed that £1.9m – the total amount met by local authorities for the 2007 elections – has been allocated to local authorities in this spending review, they said that discussions on the future allocation of money will take place at the right time in the context of the next spending review.\(^\text{19}\)

22. In relation to the possible savings outlined in the Financial Memorandum (through reducing the number of polling clerks and polling stations), Committee members raised the concern that such reductions could have practical implications for the management of the 2012 elections. Officials provided clarification that advice from returning officers’ has indicated that, compared with the 2007 elections, the 2012 local government election will be a simpler process from a management point of view and so fewer polling clerks will be needed.\(^\text{20}\)

23. Officials emphasised that the role of polling clerks is to supervise an election and that a reduction in their number would not mean that polling stations would be staffed by one person, rather that they would be managed by a single clerk.\(^\text{21}\) Officials also clarified that, with regard to the Financial Memorandum, a “polling

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\(^\text{13}\) Written evidence from North Lanarkshire Council.

\(^\text{14}\) See responses to Question 6 in written evidence from Aberdeen City Council, Dundee Council, Falkirk Council, Dumfries and Galloway Council and North Lanarkshire Council.

\(^\text{15}\) Written evidence from Aberdeen City Council, Dundee Council and Dumfries and Galloway Council.

\(^\text{16}\) Written evidence from North Lanarkshire Council.


station" is defined as an area within a polling place. On this basis, a reduction in the number of polling stations would mean, "for example, where two or three rooms have been used at a polling place, the number might be reduced to two, rather than the number of polling places being reduced."  

24. Government officials confirmed that they would, nearer the time, need to look at any concerns regarding the impact of reducing the number of polling clerks and that discussions will take place with local authorities and returning officers. They stated, however, that the decision on whether the election can be run with fewer staff will be for returning officers to decide. If it is decided that the same number of polling clerks is required, the cost of the 2012 elections will be nearer the higher cost estimate of £5m, rather than £4.5m.  

Costs associated with providing additional electoral information

25. In oral evidence, Government officials confirmed that the cost of providing additional electoral data will be incorporated in the discussions on the electronic counting contract. They clarified that "we will not be asking a successful contractor to collect different information – we will simply be adding a specification on how the information is explained."  

26. Officials stated that they had recently started discussions with COSLA and the Electoral Management Board for Scotland about the development of the specification for the e-counting system. They confirmed that the costs will be discussed in the future (which is why there are no figures contained in the Financial Memorandum) and that these will have to be added to the cost of decoupling. No decision has been taken on whether the cost of the e-counting contract will be covered by the Scottish Government, as was the case for the 2007 elections (along with a contribution from the Scotland Office). 

27. In its written evidence, North Lanarkshire Council referred to the fact that the cost of e-counting in 2007 had been met entirely by the Government and the Scotland Office. The Council implied that it would, therefore, seek similar financial support from the Government for the 2012 e-counting contract.

28. Aberdeen City Council noted that it is not clear whether the requirement to provide additional electoral information will apply where there is a manual count. The Council suggested that "the requirement to produce more detailed information than at present would have practical implications for a manual count, in addition to financial implications." In response, Government officials confirmed that it was the intention that such data would be collected in the case of manual counts for a by-election, but that it would not be possible to run a manual count for a full-scale election. Officials accepted that, whilst a returning officer would be able to set up different procedures for a manual count, there could be some cost implications as a result of the Bill’s proposal.

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26 Written evidence from North Lanarkshire Council.  
27 Written evidence from Aberdeen City Council.
CONCLUSIONS

Decoupling elections
29. The Committee notes that there is general acceptance of the accuracy of the costs described for decoupling elections, as reflected by the responses received in written evidence to the Committee.

30. The Committee acknowledges that further work needs to be undertaken before a more accurate picture of costs to individual local authorities can be provided; and that the estimated costs will require to be uplifted to reflect 2012 prices.

31. The Committee notes, however, the concerns raised in evidence from local authorities about the level of funding that they will receive from the Scottish Government in meeting the financial costs associated with the Bill. The Committee, therefore, brings these concerns to the attention of the lead committee and recommends that further clarification be sought from the Cabinet Secretary about the extent to which local authorities will be asked to meet the additional costs.

32. The Committee understands that local authorities have been allocated £1.9m under the current spending review and that this sum is, therefore, within their baseline for future elections whenever they are held. The Committee is not clear, however, to what extent this allocation will impact on the next spending review period, which is when the actual costs of the 2012 elections will be incurred. On this basis, the Committee recommends that the lead committee seeks further clarification from the Cabinet Secretary.

Potential savings from decoupling elections
33. Members raised concern about the assumptions that savings could be derived from reducing the number of polling clerks and the number of polling stations. Concern was raised about whether such savings could cause practical difficulties for the management of the election process in 2012. In addition, the Committee received written evidence that suggested that the higher estimate given in the Financial Memorandum, i.e. allowing for no savings, correctly reflected the cost implications of decoupling elections. On this basis, the Committee is not clear whether it is realistic to estimate the level of savings that could be found by reducing the number of polling clerks and polling stations.

Provision of additional electoral data
34. The Committee accepts that the costs involved in presenting the additional electoral data at polling station level will, as indicated in the Financial Memorandum, likely be marginal on the basis that such data is already collected.

35. The Committee notes, however, that this marginal cost will be incorporated in the overall cost of the electronic counting contract for the 2012 election, the cost for which will be additional to the cost of decoupling the elections. Whilst the cost of the e-counting system is derived from the Local Governance (Scotland) Act 2004, the Committee notes that there is not yet clarity about the extent to which the costs of the e-counting system will fall on local authorities.
Members who would like a printed copy of this *Numbered Report* to be forwarded to them should give notice at the Document Supply Centre.