SUBMISSION BY DR. ALISTAIR CLARK, NEWCASTLE UNIVERSITY

Introduction

My expertise is in electoral integrity and administration in Britain, with several published research articles and reports on these themes, including published work on the cost of electoral administration. I have also published extensively on Scottish local government elections, particularly since the introduction of the single transferable vote in 2007 (http://www.ncl.ac.uk/gps/staff/profile/alistairclark.html#background). I write in a personal capacity.

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

Yes, I took part in the Scottish Government’s consultation on electoral reform, providing a written submission. I did not make a detailed comment on financial assumptions in that response.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

N/A

3. Did you have sufficient time to contribute to the consultation exercise?

Yes

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

N/A

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

Paragraph 13 suggests that the Bill’s provisions for postponement ‘is not … considered to bear cost implications’ and goes on to list several forecast savings. This possibly appears a little optimistic. It should be recognised that in some cases there may be a commercial fee involved for, for example, (re)booking space to conduct polling and counting operations, or finding new space, storing election materials, recompenising staff who may have booked time off so that they can work at the election, only to have to do so again for the postponed date, or for councils who may be liable for holiday pay for staff who take days off to work at the poll and count. There may be other unforeseen costs involved. The assumption that savings are the necessary result of any postponement should be probed so that additional costs, if any, can be identified.
Paragraph 23 rightly suggests that any savings from extending term lengths may take longer to accrue than initially expected. One factor does not seem to have been accounted for in these overall cost estimates. This is that election administration costs have increased at beyond the rate of inflation over the last decade or more in Britain.\textsuperscript{1} While there may therefore be savings, these will also need to be offset by inflation and likely additional costs in order to have a more accurate estimate. International best practice is also to estimate costs per elector, thereby permitting a clearer sense of value for money. Both should be accounted for in any future Scottish government responses or estimates.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

N/A

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

As per my answer to 5 above.

**Wider Issues**

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

Electoral administration is effectively a public good. Paragraph 6 states that ‘some of the expense will be incurred through contractual arrangements between external parties and is therefore subject to commercial and contractual considerations’. In the longer term, this may lead to concern around electronic voting. Commercial and contractual considerations have been highlighted as a means by which electronic and tech voting vendors have avoided scrutiny and transparency around what their products can deliver.\textsuperscript{2} The Committees scrutinising the Bill should be aware of this and be prepared to scrutinise these considerations in order to ensure valuable trust in voting practices is not eroded and costs driven up by contractual clauses and commitments.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

Paragraphs 37-39 discuss electronic voting. Since this is enabling legislation, paragraph 39 correctly notes that ‘Before any pilots could take place, funding would have to be allocated by the Scottish government’. There is nevertheless a wide range of potential outcomes and processes involved. These could range from internet voting,

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to voting machines provided in polling stations, with several variations of such machines and verification processes available. This is not specified. The catch-all term of electronic voting does nothing to clarify what might be being considered. Without clarity as to any proposed system, the Financial Memorandum therefore cannot estimate costs in this regard. To ensure scrutiny in anything other than pilots of such technology, either the affirmative procedure, or a full primary legislative process should be followed if electronic voting is to be extended in Scotland-wide elections.

It is nonetheless evident from paragraph 46 that some discussions are taking place around this in the Scottish government. It would provide some sense of the Scottish government’s thinking around the type of system anticipated if the Committees examining the bill were able to inquire into what, if anything, has been spent on electronic voting processes and evaluations to date.

It may also be prudent for the Committees examining the Bill to specify what it requires any future legislation in this regard to account for or specify i.e. type of electronic voting; infrastructure costs; support and programming costs; responsibility for these costs between the Scottish and local governments and so on. In particular it is important that forecast cost estimates for maintenance, support, security and updates (for either machines or internet processes) are provided or mandated for, over a period of time, to ensure a realistic analysis. For example, evidence from the USA, where funding for voting machines was provided by the Help America Vote Act 2002 (HAVA), showed that the introduction of new technology often ended up being more expensive than originally expected in the longer term because maintenance costs, and the cost of obsolescence and replacement, had failed to be anticipated and provided for.\(^3\)

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