

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

SCOTTISH ELECTIONS (FRANCHISE AND REPRESENTATION) BILL

WRITTEN EVIDENCE FROM ELECTORAL COMMISSION, SCOTLAND

- 1) This response sets out the Electoral Commission's views on the Scottish Elections (Franchise and Representation) Bill. We do not take a view on the franchise as that is for Parliament to decide. However we have identified some practical issues which would need to be considered in order to deliver on the Scottish Government's stated objectives for the Bill.

Timing

- 2) We continue to recommend that all legislation should be clear at least six months before it is required to be complied with. This applies to both primary legislation and any secondary legislation that is required subsequently to specify the detail of how the provisions will work in practice.
- 3) This ensures that there is sufficient time for Electoral Registration Officers to prepare for implementing the franchise changes and for the Commission to produce comprehensive guidance to support them to do so. It also enables time for the development and user-testing of any forms for voters and to develop appropriate public awareness plans for communicating any changes to voters.
- 4) The Scottish, UK and Welsh Governments have also proposed major changes to the way that the annual canvass of voters is undertaken by Electoral Registration Officers and it is currently the intention for these reforms to be in place for the 2020 canvass. This underlines the need for early certainty about proposals, and the detail of how they are to be implemented, in order for Electoral Registration Officers to be able to prepare properly for the changes.

Information for voters

- 5) It will be important that any newly enfranchised individuals are aware of their right to vote and know what they need to do to register. The Commission will undertake targeted public awareness activity during the 2020 annual canvass and in the run up to the 2021 Scottish Parliament election to communicate to these groups. This will likely include targeted advertising along with partnership work with networks of international citizens living in Scotland and information promoted via consulates in Scotland. We will share campaign materials with local Electoral Registration Officers to support their activity in the local authority area and promote consistency of messaging.
- 6) The Commission will develop a suite of voter forms which will need to reflect both the changes resulting from the franchise and from canvass reform. Consequently, it will be important for the legislation and planning for both

processes to be clearly aligned to ensure clarity about what changes are required to the forms. The suite of forms will be user-tested to ensure that voters find it easy to understand the information and complete the necessary forms accurately.

- 7) The Electoral Commission will also work with the Scottish Prison Service, as we did in the run up to the 2014 independence referendum, in order to provide accessible information for those prisoners who would be eligible to vote. This would include developing a specific prisoner voter registration form.
- 8) In the event that prisoners do not have internet access it will be important to consider how prisoners will access the policies of candidates and parties ahead of any election in order that they can make an informed decision about how they vote. The Scottish Prison Service will need to consider how this information is supplied to prisoners.

Information for candidates

- 9) The Bill seeks to extend the right to stand as a candidate at Scottish Council and Parliamentary elections to all foreign nationals. The Electoral Commission provides advice and guidance to prospective candidates ahead of elections. We will review and update all our guidance materials and forms for candidates at Scottish elections to ensure they reflect the revised eligibility for candidature.

Supply of information to EROs

- 10) It will be important to ensure that EROs are clear as to which prisoners meet the eligibility requirements for registering and voting. We understand that this will be supplied by the Scottish Prison Service. As there may be prisoners serving sentences in England, Northern Ireland and Wales who might otherwise be resident in Scotland if not for their prison sentence, it will be important to ensure there is a mechanism in place to provide EROs with information about their eligibility. The Scottish Government should develop agreements with the relevant prison services elsewhere in the UK for the supply of this information.

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