

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

SCOTTISH ELECTIONS (FRANCHISE AND REPRESENTATION) BILL

WRITTEN EVIDENCE FROM HOWARD LEAGUE SCOTLAND

At the recent evidence session on the Scottish Elections (Franchise and Representation) Bill with the Standards, Procedures and Public Appointments Committee, our representative Prof. Antony Duff was asked a question which he agreed to answer at a later date.

Is there any international evidence of links between enfranchisement and rehabilitation?

Answer: unfortunately it is difficult to find precise evidence of positive effects of enfranchisement on rehabilitation, if only, because in systems where most or all prisoners may vote, it is by definition not what differentiates some from others. The negative effects are easier to point to, including good evidence of forms of disenfranchisement making access to means of leading law-abiding or otherwise more flourishing lives after release, much more difficult. In the article (link below) Amy Lerman and Vesla Weaver show clearly that repeated contact with criminal justice systems in the US reduces people's public participation in a wide range of ways (including subsequent voter registration). The exclusion from politics therefore lasts beyond the incarceration itself. The further interesting part of this is the breadth of the forms of participation they consider, suggesting that incarceration reduces not just voting but also other forms of voluntary activity and civic participation as well as trust in institutions:

<https://veslaweaver.files.wordpress.com/2011/10/weaverlerman2010.pdf>

Another question raised at the meeting was whether those serving prison sentences can stand for Parliament (it was noted that Bobby Sands had been elected whilst imprisoned). For clarification: the law for the UK Parliament was changed after, and because of, that: under s. 1 of the Representation of the People Act 1981 no one serving a prison term of a year or more can be an MP (so someone serving less than a year could stand). This also applies to the Scottish Parliament (see the Electoral Commission guidance on Scottish parliamentary elections at

https://www.electoralcommission.org.uk/sites/default/files/pdf_file/SP-Part-1-Can-you-stand-for-election.pdf).

The issue of eligibility to stand for Parliament does raise further questions: an obvious point being that whereas the loss of liberty that imprisonment entails does not make it impossible to vote (so that the loss of the vote is not an inevitable consequence of imprisonment), it's hard to see how a person could discharge the duties of a MP or MSP from prison.

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