

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

SCOTTISH ELECTIONS (FRANCHISE AND REPRESENTATION) BILL

WRITTEN EVIDENCE FROM SCOTTISH ASSESSORS ASSOCIATION (SAA)

The Scottish Assessors Association (SAA) is a voluntary non-statutory body that represents the 14 lands valuation Assessors appointed in terms of section 27(2) of the Local Government etc. (Scotland) Act 1994. The SAA has been in existence in one form or another since 1855, and has as its purpose:

“to encourage amongst its members the exchange of ideas regarding their statutory duties; to record results of discussions on all subjects brought before its meetings; to promote consistency in the operation of the Valuation, Council Tax and Electoral Registration legislation; to act as a consultative and advisory body; engage in partnership work both internally and externally with organisations and public bodies; and to represent the collective interests of its members in carrying out their duties”

Thirteen Assessors are also appointed Electoral Registration Officers (EROs) for 30 local authorities. However the SAA Electoral Registration Committee’s membership includes all 15 Scottish EROs appointed in terms of section 8 of the Representation of the People Act 1983 by the 32 local authorities in Scotland and their senior staff. Representatives from the Electoral Commission, Scottish Government, Boundary Commission and Cabinet Office attend the committee meetings although they are not committee members.

The Electoral Registration Committee (ERC) meets approximately every two months. It facilitates dialogue between Scottish EROs and partner organisations. It also acts as the principle forum to share good practice, agree timetabling, and a common approach to registration amongst Scottish EROs which in turn provides a consistent registration experience for the elector. Examples of this are as follows.

- The ERC has agreed a single date to be used across Scotland for Second Interim Updates to the Registers ahead of Elections.
- The ERC has worked together to ensure that rejected postal vote notification letters are issued across Scotland at the same time.
- The ERC has agreed a common timetable across Scotland for the refresh requests for Absent Vote Identifiers
- The ERC has organised a national media campaign across Scotland to promote awareness of the Annual Canvass
- The ERC has developed a common Data Sharing Agreement for Scottish EROs to facilitate the exchange of information in connection with the registration of young electors.

EROs in Scotland are independent statutory officials and as such the comment in this response is limited to administrative/registration issues surrounding the matters raised in this Call for Evidence on the Scottish Elections (Franchise and Representation) Bill. The SAA have also responded to the Call for Evidence on the Financial Memorandum that accompanies the Bill.

On a general note it is important that in line with the “Gould” report any changes in franchise are made at least six months in advance of the electoral event for which the franchise will be used.

1. Extending the electoral franchise for Scottish Parliament and local government elections to citizens of other countries with a legal right to live in the UK and who are resident in Scotland.

The SAA does not express a view on whether the franchise should be extended to all legal residents in Scotland as this is a matter of policy. It is important though that guidance is available to EROs as to what documents can support an applicant’s claim to be legally resident in Scotland. Clear communication will be necessary to ensure that eligible residents are aware of the change and their right to register to vote. The SAA would be happy to work with the Scottish Government and the Electoral Commission in Scotland to promote awareness.

2. Allowing all foreign nationals with an indefinite leave to remain in the UK and who are registered as an elector in Scotland to stand as candidates in devolved elections and hold office following those elections.

This is a policy matter and therefore outwith of the remit of the SAA.

3. Extending the franchise in Scottish Parliament and local government elections to convicted prisoners sentenced to terms of 12 months or less.

The SAA has held useful and productive meetings with the Scottish Government and the Scottish Prisons Service on the mechanisms for the exchange of information that would be necessary to allow EROs to determine if an applicant meets the criteria in terms of sentence length to register as an elector. There needs to be similar discussions to cover the exchange of information for prisoners whose main residence is in Scotland but are detained for a short period elsewhere in the United Kingdom.

Under s9E of the Representation of the People Act 1983 an ERO is required to issue an “Invitation to Register” to any eligible person who is not on the Register of Electors. The proposed Bill is silent on this matter and therefore EROs would have to issue “Invitations to Register” in accordance with section 9E and also the detailed requirements as set out in the Representation of the People (Scotland) Regulations 2001. The relevant regulations are based on a person being at liberty and with full access to the internet. For example they therefore specify the form to be used which must include reference to the UK Government’s online registration website. The regulations also require the ERO to issue reminders and if necessary attempt to visit the elector if no response has been received.

Consideration should be given as to whether an ERO should have to issue an “Invitation to Register” or whether prisoners serving sentences of 12 months

or less should be simply be provided with the relevant forms by the Scottish Prison Service on admission.

If it is felt that EROs should have to issue “Invitations to Register” then the regulations covering the detail of the forms and follow up activity by the ERO would need to be reviewed. For example a prisoner may be detained at some distance from their home, making follow up visits by the relevant ERO impractical. It should also be noted that an ERO will not be aware if a prisoner is prohibited from returning to their previous address. It will also be important to ensure that the invitation is sent to the correct prisoner. The SAA would be happy to work with the Scottish Government, the Electoral Commission and the Scottish Prison Service in any review of the regulations.

The proposal for determining the uninterrupted or notional residence of convicted prisoners in prison.

It is welcomed that the Bill allows for a prisoner to remain registered at their home address providing that they intend to and are able to return to it on release. This avoids prisoners having to register at the prison on admission and then register again at their home address on release. This reduces the administration burden on both the prisoner and the ERO.

The provision is in accordance with the current provision for remand prisoners and it allows for instances where prisoners cannot return to their previous address or did not have a permanent residence.

4. The proposal that convicted prisoners will only be able to vote by proxy or by postal vote.

The manner in which prisoners are able to cast their vote is a matter of policy and the SAA offers no view on this matter. If prisoners can only vote by post or proxy then it is important that any form used by prisoners to apply to register to vote is accompanied by or contains an application to vote by post or proxy. This would streamline the process. Consideration would need to be given as to who could attest a proxy application and also the mechanism for granting a signature waiver for a postal vote.

Summary

The SAA welcomes the opportunity to comment on the draft Bill and would be happy to be involved in any subsequent review of associated regulations. It is noted that the other changes are proposed to the registration system e.g. Canvass Reform and consideration needs to be given to ensuring that the changes are delivered in a synchronized manner.

**PETE WILDMAN
ASSESSOR & ELECTORAL REGISTRATION OFFICER
CENTRAL SCOTLAND VALUATION JOINT BOARD**

**CHAIR
SCOTTISH ASSESSORS ASSOCIATION ELECTORAL REGISTRATION
COMMITTEE
6 SEPTEMBER 2019**