

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

SCOTTISH ELECTIONS (FRANCHISE AND REPRESENTATION) BILL

WRITTEN EVIDENCE FROM THE CHURCH AND SOCIETY COUNCIL OF THE CHURCH OF SCOTLAND

The Church and Society Council of the Church of Scotland would like to reiterate much of the response that was made to the Scottish Government consultation on Electoral Reform in March 2018 that can be read [here](#)

Who can register to vote?

The Church and Society Council support the proposal to extend the franchise to anyone legally resident in Scotland.

Refugees and asylum seekers

In 2017, the Church of Scotland General Assembly agreed to: “Call on the Scottish Government to extend its strategic framework for refugee integration and ensure the participation of the church at a local and national level, both as an organisation committed to working with refugees as well as a body which includes asylum seekers and refugees as members.”

The Church supports the Scottish Government New Scots Refugee Integration Strategy. We believe that integration is a dynamic two-way process of mutual accommodation where all parties give and receive. In this sense, integration means respect for different cultural identities. It is a long term process that allows receiving communities and New Scots find ways to live together and be included in shaping decisions which affect them.

Our experience of practical work through [Scottish Faiths Action for Refugees](#) acknowledges that it is positive and important for people who come to Scotland to become part of Scottish society, and for members of receiving communities to be able to share a degree of equality and mutual respect.

The ability to vote enables people to take part in decision making that affects the society in which they live, and for them to be recognised as taking part in this way. We must be genuine and serious about the hospitality that we offer – we do not just ask people to live with our decisions, we invite them to make decisions together with us.

The consultation suggests giving the right to vote to people who are ‘legally resident’. It appears that this would cover anyone with a residency visa/permit, plus refugee status or humanitarian protection status. There is a grey area over discretionary leave to remain status and asylum seeker status – in relation to these specific issues the Church and Society Council would support a broad interpretation of “legally resident”.

Migrants

In 2019, the General Assembly of the Church of Scotland commended the Scottish Government for the “support and welcome it continues to show to citizens of other EU nations who are resident in Scotland.”

It also called on the UK Government to retain the right of freedom of movement and residence for persons in the EU.

In 2017, the General Assembly of the Church of Scotland agreed to call on the Scottish and UK Governments to “ensure that the rights and contributions of nationals from other EU countries resident in Scotland and UK citizens resident in EU member states are recognised and protected.”

The right of EU Nationals to vote in local government elections is part of an EU wide arrangement, which may be affected by the removal of the UK from the EU. The proposal to allow all people who are “legally resident” to vote would ensure that EU citizens currently resident in Scotland do not lose rights they already have to vote in local government and Scottish Parliament elections. The consequence of what is proposed by the consultation is that rather than downgrading the voting rights of EU Nationals to the status of third country nationals like Japan or USA, it raises the rights of citizens of other countries. The Church and Society Council support this proposal.

Do you have any views on how long someone should be resident in Scotland before they become eligible to vote?

The Church and Society Council would be in favour of a short qualifying period for residency in Scotland before becoming eligible to vote. Something in the region of 6-12 months would seem appropriate.

Further comments

An additional aspect of democracy is a person’s ongoing commitment to, and participation in, the geographical area in which they are voting. To ensure that this element is not lost by extending the franchise, a declaration could be formulated that acknowledged the relationship between civil responsibilities and the right to vote.

Further to this, it would also be beneficial to align migrant voting rights. Currently we are in a situation where Commonwealth citizens can vote in all elections and referendums if they have settled status or have long stay visas. However we also have EU citizens living in Scotland that are about to be disenfranchised due to Brexit, and migrants who have no voting rights.

The confusion and uncertainty that this creates can lead migrants to self-disenfranchise because they are not aware of their rights or assume they have none. The proposed legislation would alleviate this barrier to participation.

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