



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Standards, Procedures and Public Appointments Committee

Thursday 4 September 2025

Session 6



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STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
13th Meeting 2025, Session 6

CONVENER

*Martin Whitfield (South Scotland) (Lab)

DEPUTY CONVENER

*Ruth Maguire (Cunninghame South) (SNP)

COMMITTEE MEMBERS

*Emma Roddick (Highlands and Islands) (SNP)

*Sue Webber (Lothian) (Con)

*Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Chris Highcock (Electoral Management Board for Scotland)

Sarah Mackie (Electoral Commission)

CLERK TO THE COMMITTEE

Catherine Fergusson

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 4 September 2025

[The Convener opened the meeting at 09:00]

Decision on Taking Business in Private

The Convener (Martin Whitfield): Good morning. I welcome everyone to the 13th meeting in 2025 of the Standards, Procedures and Public Appointments Committee. I have received no apologies, but I pause to welcome Ruth Maguire back to the committee. I also put on record my thanks to Rona Mackay, who was Ruth's substitute for a period of time, for all her marvellous contributions to the work of this committee.

Our first item of business is a decision on taking agenda items 3, 4 and 5 in private. Item 3 is consideration of the evidence that we are about to hear, item 4 is configuration of the approach that we will take to the Freedom of Information Reform (Scotland) Bill, and item 5 is a note on the review of oral questions that the committee is undertaking. Is the committee happy to take those items in private?

Members indicated agreement.

Subordinate Legislation

Scottish Parliament (Elections etc) (Miscellaneous Amendments) Order 2025 [Draft]

09:01

The Convener: Agenda item 2 is evidence on the draft Scottish Parliament (Elections etc) (Miscellaneous Amendments) Order 2025. I welcome Chris Highcock, elections manager and secretary of the Electoral Management Board for Scotland, and Sarah Mackie, head of the Electoral Commission in Scotland. If you are both content, we will go straight to questions.

Sue Webber (Lothian) (Con): Mr Highcock, the EMB has raised concerns about the proposal to reduce the period of dissolution from 28 to 20 working days. You said:

"in the view of the EMB, this would be an unacceptable change which would place the delivery of elections at severe risk ... To limit the timetable to 20 days would leave insufficient time for postal ballot papers to be produced, dispatched and returned."

Have there been any discussions between you and the Government since May 2024 that have reduced some of the concerns that you set out previously?

Chris Highcock (Electoral Management Board for Scotland): Thank you for the opportunity to talk about the bill and to go through some of our discussions. We have had a lot of discussions with the Scottish Government since that time, addressing a lot of the issues. The concept of reducing the dissolution period was a major concern when it was first raised, particularly in the context of the problems with the delivery of postal votes so close to the United Kingdom parliamentary general election last year. Our concern was to ensure that there would never be any impact on the election timetable. Anything that might cause the point at which nominations are closed to get closer to election day—and therefore leave less time for the production of ballot papers—is a great concern.

Having spoken to the Scottish Government and given the way that the bill is now drafted, I can say that there is no impact on the election timetable. The Parliament will just be dissolved closer to the election, so there will be an overlap period when you will still be sitting as members of the Scottish Parliament while the election is running. With regard to the election timetable and the deadlines that we work towards, nothing changes. That was our major concern, and we are happy that that has been resolved.

Sue Webber: Therefore, are you confident that the issues with the postal ballots have been resolved and that there are suitable measures in place?

Chris Highcock: Yes, we are happy. We have been reassured that the provision does not impact the election timetable.

Sarah Mackie (Electoral Commission): I echo what Chris Highcock said. We have had very constructive conversations with Scottish Government officials. The major concerns that we had over the conduct order have been resolved, and we thank the Government for that.

There will be a period in which those who are currently MSPs who are standing for re-election will have an overlapping regime, so to speak, in terms of the candidate donation rules and the parliamentary register rules. We will work with the parliamentary authorities to ensure that there is really clear guidance on that for MSPs.

Sue Webber: That is great. My next questions were around the implications that we should be aware of in relation to MSP candidacy. I would probably ask for more information and more detail on that, because, as somebody who would be both an MSP and a candidate, I can say that that is complicated enough at the best of times. How easy would it be for us to grapple with that? Is there anything that the committee needs to reinforce for the future?

Sarah Mackie: As I said, we will work with the parliamentary authorities and the clerks of the Standards, Procedures and Public Appointments Committee to ensure that we come up with clear advice and guidance. The use of parliamentary resources, for example, has come up at previous elections; people need to be clear about what they can and cannot do, so that is our aim.

The candidate rules will apply from the start of the 28-day period—sorry, the 27-day period. There was a slight tweak to the timetable.

Chris Highcock: On our side, we are concerned with the administration of the election; we do not get involved in the spending or behaviour of candidates. We just ensure that the election is run properly for voters.

The Convener: It is right to say that the solution has been to separate the dissolution period, which is, in essence, a parliamentary question about when we stop sitting as a Parliament. There will now be a slight overlap, because the election will be under way, candidates will have been nominated and all the forms will have been done.

Given the separation in the timetable, there will no longer be a challenge to the delivery of the election. However, in relation to what Sue Webber said, there might well be a challenge during the

overlapping week regarding the role of a parliamentarian and the role of a candidate. The Parliament already has very strict rules about the use of resources, but will you also consider the question of reporting with regard to resources? That could be a potentially difficult decision for a candidate or parliamentarian to make over the last week. The election is in May, so we need as much time as possible. Will you keep the committee informed on how those discussions are going?

It is important to echo what Sue Webber said: it is a very challenging period for individuals. Myriad rules are thrown at them, and it would be good to be able to give people as much of a heads-up as possible, so that they can, satisfy themselves—in their own minds—that they are complying with them.

Sarah Mackie: Absolutely. Our job is not to trip people up but to help them to comply with the rules. As I said, we can work with the clerks to ensure that we have the most simplified system that works with the two different sets of rules.

The Convener: That is helpful. Thank you.

Emma Roddick (Highlands and Islands) (SNP): Good morning. I have a few questions about accessibility changes. The main change relates to the requirement about the detailed description of the tactile voting device. Will you provide an update on preparations to allow for the training that will need to be in place for those who will be assisting disabled voters to take part in the election?

Chris Highcock: Those who deliver elections take the principle of accessibility very seriously. For a long time, a principle of the EMB's operation has been that there should be no barrier to anyone who wants to take part in an election.

In recent years, there has been a particular focus on the sight-loss community. For a couple of years, we have been working with that community to look seriously at the challenges with the existing tactile voting device. You will have seen such devices in polling places: it is a plastic template that sits on top of a ballot paper with a window that can be folded back.

The feedback that we have received from those with visual impairment is that the existing devices are very difficult to use. Our focus is always to allow those voters to be able to vote independently and in secret, just as everyone else can. The existing devices were not fulfilling that purpose. They have been tested, and the legal view down south is that they are not fit for purpose. However, they are still in the legislation, so they will still be out there.

We have been looking at a different type of template that fits more precisely on the ballot

paper. Those who have tested it have found that they are much more confident in using the device in that way. The new templates have been tested in some recent by-elections, and the intention is to have them rolled out to all polling stations for the Scottish Parliament election next year. As for training staff, we will make sure that all staff are aware of this, and information will be on display in all the polling stations.

I should say that a whole range of accessibility equipment, not just tactile voting devices, is available. Voters with visual impairment are very important, and we need to support them, however, there are a number of other people who need support, and that support ranges from overlays to help those with dyslexia by making the paper look more distinct and allowing the writing to come through, to pencil grips to ensure that people can hold the pencil more effectively, if that is a challenge. There is also additional lighting in booths, if that is needed. Staff are trained in a whole host of different accessibility measures that can be used.

Also, under this order, the Electoral Commission has a responsibility to produce statutory guidance on what we need, and returning officers have to have regard to it. We work very closely with the commission and make sure that we do what it tells us to do. However, the use of the tactile voting device and, in general, the issue of how to work with voters with visual impairment are things that we take seriously in the training of our staff.

Sarah Mackie: We have a consultation open at the moment on our draft guidance on accessibility, and during the summer, we met a number of organisations with which we have existing relationships and that have previously given us feedback on accessibility at polling stations. The issue has now gone out to open consultation that ends in, I think, October. On the basis of the responses to that, we will look at whether we need to tweak the guidance before it is issued to returning officers and their staff. Moreover, on 7 October, we are having a joint conference that involves the Electoral Management Board, the Electoral Commission and returning officers and electoral registration officers across Scotland. That will include a specific section on accessibility in which we will very much make the case that the issue should be at the forefront of their planning, not an afterthought.

Emma Roddick: There are other related issues that have not made it into this order, although I understand there will still be conversations about what is needed in future. For example, there are concerns about one person being able to help more than two disabled voters, and that concern about undue influence or control surely exists for postal voting, too, particularly in places such as

care homes. Is enough being done to protect disabled postal voters?

Sarah Mackie: We provide guidance for care home staff that focuses on the questions “To what extent are you helping?” and “Where is the line that you should not cross?” We worked with the Care Inspectorate on drawing up some of that basic information years ago, and it is something that are looking to get out. You could have someone from a care home very legitimately taking a minibus of people to the polling station and assisting them—and that would be a good thing. The question, though, is: when does that assistance cross the line?

Emma Roddick: Indeed, and I guess that there might be similar residential situations in households where there is a power centre. I know that there have been conversations about free mailings and whether there should be just one mailing to each household instead of candidates being able to send things out in stages to different household members. Is there a concern about equalities issues in that respect, too?

Sarah Mackie: I think that that came up in the consultation on the Scottish Elections (Representation and Reform) Act 2025 rather than the order, and I think that it was shelved.

Emma Roddick: It was suggested for possible secondary legislation later on, but it is not in this order.

Sarah Mackie: Yes, it is not here. I think that the concern was cost above anything else. However, it is something to consider. As part of our public awareness work, we deliver a voter information booklet to every household ahead of the Scottish Parliament and local government elections, and then we carry out surveys of public opinion afterwards in which we ask, “Did you see the booklet?” We know that the older members of a household are much more likely to say that they saw it. I am not suggesting in any way that they saw it and then hid it; I think that there is something generational, in that younger people do not read something that comes through the door—they go online to get their information.

That needs to be looked at in the future. We said in our response to the consultation on the Scottish Elections (Representation and Reform) Act 2025 that we need to look to the future on candidate information and leaflets and consider whether there is another and more digital way of getting the information out there.

09:15

Chris Highcock: On accessibility in general, there is always a tension between accessibility and the integrity of the election. In some ways, if

you make it broader, and easier for people to vote, you make the process more open to integrity challenges. We are very conscious of the need to make sure that the election is run properly within the rules, so that everyone only gets one vote, and that that is without undue influence—they are doing it independently and without pressure. However, we also need to make sure that as many people as possible are enabled to vote and are given access to the poll. There is always that tension—we recognise that. In delivering the election, we take a pragmatic approach within the rules.

There has been a concern at some elections. People talk about family voting, which is when a crowd of people come into the polling place and all gather round a booth. That is something that we are aware of, and the staff will ensure that it does not happen. Gently and appropriately, staff will ask people to step away so that people vote independently and alone. The basis of the polling booth is that you are doing something in secret. However, we know that there is a tension in that people sometimes need someone to help them to understand the paper or explain what the paper says.

That tension is there and we recognise it, but we are very keen to ensure that we apply the rules for a safe and secure election that is run according to the rules while recognising the challenges that people face in the electorate.

Emma Roddick: Should the less prescriptive approach to the tactile devices help with people's ability to offer the support that the voter needs, rather than an assumption of what they need?

Chris Highcock: That is the whole purpose of the legislation as it has been drafted. It is about doing what is appropriate for the voter and not saying, "This is what you do and that's it." It is about what helps the people.

Sarah Mackie: In the previous Scottish Parliament election, there was a very long regional list. I went to a polling station, and we had two of those plastic templates Sellotaped together. We are looking for a more modern approach. Some of the things that are being trialled at the moment to offer alternatives to the plastic template are much cheaper to produce. You can produce something specifically for each ballot paper, so it fits exactly and you do not have to Sellotape things together or chop off a bit at the end. That would give a lot more flexibility to people.

Chris Highcock: The other point about support for people with visual impairment is that it is not just about the tactile elements—there is an audio support element as well. Many councils now have audio translation on their websites, so people can go to a webpage and hear the ballot paper read

out. Alternatively, there are phone lines where people can hear the ballot paper being read out. That is not just for people with visual impairment; it helps everyone. Sometimes, people are not quite sure, and reading or seeing it in a leaflet is not helpful, so they can go and hear the ballot paper being read out. The tactile device and the audio support go in parallel.

Emma Roddick: Finally, with the order as laid out, do you still have any critical accessibility concerns?

Chris Highcock: Not in terms of what is there. The order reiterates and repeats a lot of what we had to apply in 2024 for the general election, based on the UK Elections Act 2022. The order is broadening things out, so it is doing what is needed and what is appropriate.

The Electoral Commission's guidance, of which we have seen a draft, is very helpful in that it also gives case studies and examples of what returning officers have done in different parts of the UK. We can see where officers have done something really well and we can look at what others have done to support people with visual impairments, learning difficulties or who use other languages. We can learn from what others have done. The Electoral Commission guidance is useful and we rely on that.

Ruth Maguire (Cunninghame South) (SNP): On accessibility, sometimes, the issue for folk is getting through the door in the first place and knowing that those supports are available to them. What work is happening to let citizens know that the support is there? You mentioned the voter information booklet. What format is that in, and is it in an accessible communication style?

Sarah Mackie: The booklet that will go out to every household will be in English, but we will also have alternative language versions available, which we will advertise in that booklet. It will also be available in British Sign Language as standard, in large print and in easy-read format.

Chris Highcock: You mentioned getting into polling stations and polling places. Every returning officer has a duty to review the polling arrangements regularly—at least every five years. We do all that we can to make sure that the buildings are accessible. We spend a lot of time going from building to building—whether it is a school, a hotel or a church hall—to ensure that the route in is accessible and clearly marked and that people can find their way in. It is our responsibility to ensure that the accessibility arrangements are clearly displayed in the building. There should be a notice that says, "If you need help, speak to the presiding officer," and maybe a table with what is available set out in front of people.

Sarah Mackie: After elections, we do a public opinion survey. As part of that, we have a representative group of people who are living with a long-term health condition or who consider themselves to be disabled. We use that data, and we also run surveys with organisations that we partner with across Scotland. We work with a number of different organisations that represent not just sight-impaired people, but people with learning disabilities and physical disabilities. Those organisations help us to promote our survey, and we gather the data. We have a duty to report what we have found after each election, which we do as part of our election report.

Annie Wells (Glasgow) (Con): Good morning. On the timing of the count, the minister wrote to the Electoral Management Board and decided that he was not going to specify a requirement for the count to be done overnight or to put that specifically in the order. Chris Highcock, can you provide an update on the returning officer's position on the timing of the count and whether a consistent position will be adopted across the country? Will the count be done overnight or on the day after the election?

Chris Highcock: It is worth giving a bit of background to these things. The primary concern for returning officers is the accuracy of the count, not the speed. It is not about rushing through and getting an answer; it is about getting the right answer. It is about delivering a result in which everyone—the public, the voters and the candidates themselves—can have full confidence. A consistent approach is very much the focus—counts across the country being undertaken at the same time, as far as possible, with results coming in at around the same time—with caveats, because you cannot legislate for helicopters not being there or boats taking a while to get to the count, as has happened. You have to remember the geography and the challenges that some returning officers face. I am always amazed by the count in Highland, where you have boats and vans bringing boxes from Eigg to Dingwall or Inverness for the count, and it is done well. A consistent approach is certainly very important.

Returning officers, with the encouragement of the EMB, have increasingly taken a risk-based approach to all elements of the election. We are aware of all the challenges that can occur, and, ultimately, a focus on providing a result that people can trust is the most important thing.

The convener of the EMB has directed on the count timing for elections since 2012. For local government elections, there is clear direction: the counts are done on the Friday morning, starting at 9 o'clock. No one does it overnight. You make sure that you start by 10, but you certainly start after 9, and everyone across the country does it

the same way. So, there has been direction on count timing for the local elections in 2012 and 2017, for the Scottish Parliament election in 2021, and for the local government elections in 2022, always with the aim of addressing risks and ensuring that appropriate contingency is in place.

The Scottish Parliament election is the most complex electoral event that is delivered in Scotland. For a start, it has the biggest electorate in terms of just the sheer numbers involved and the type of people who are voting—the electorate is much broader. Two ballot papers are counted, and they have to be kept separate throughout the counts. That means that, in Edinburgh, which has six constituencies, there are actually 12 separate counts going on. At the same time, the regional returning officers are co-ordinating things across the whole region, and they cannot allocate the regional seats until the results have been identified across all the different constituencies and regions.

This year, we have new constituency boundaries. The Scottish boundary commission, Boundaries Scotland, has recommended new boundaries that we hope will be finalised before the election is delivered. We are certainly expecting them to come through. I would also point out that a huge volume of paper is processed in the Scottish Parliament election.

The EMB has consulted with all 32 returning officers on their preferences with regard to count timing, in the context of the risks of running the election and delivering safely and efficiently what people need most. There was overwhelming consensus for a particular timing, and the EMB convener is considering a direction on that, but it would not be appropriate to say what that is going to be in this forum. Any direction has to be made under the legislation, following consultation with the Electoral Commission as well as within the board and with the returning officers.

I should also say that the directions are about not just count timing; there are a lot of directions on, for example, the date of dispatch of postal votes and polling cards. Even the colour of the ballot paper is something that we direct on—and I can let you know that if you want. *[Laughter.]* All of those things are currently with the commission for its comments, and then there will be further discussion among the board. We have also had some consultation with the minister on some of the issues that have been discussed.

Consistency will certainly be delivered. It is not the case that someone just thinks, "I'll crack on with this overnight and get it done," or someone else says, "I'm just going to leave it till the next day. You can do what you want." There will be consistency across the country. Again, this will all be discussed on 7 October at the conference that Sarah Mackie mentioned.

As I have said, these discussions are all about risk and what we can do to ensure that we deliver a sound count that people have confidence in. Staff welfare, in particular, plays into that, too. You have senior staff taking responsibility for a very complex process in which accuracy and clarity of thought are most important; they make decisions on the validity of ballot papers, sometimes at 4 or 5 o'clock in the morning, having been awake since 5 o'clock the previous morning and having worked long hours in the weeks leading up to the count, and such important decisions demand well-rested and able staff to take them. Those are the sorts of issues that are playing into the discussion.

On staff availability, I think that we reported after the most recent election that it was getting increasingly difficult to recruit staff to work at the counts and at the polls. It is easier to get staff to work in the daytime—a lot more staff are available. Moreover, elections have become increasingly complex with postal voting. In Scotland, around 25 per cent of the electorate are postal voters; in other words, we are dealing with about a million postal voters. A lot of those votes come in quite late—indeed, quite a lot of them actually come in on the day—and they have to be verified before they enter the count. Those ballot papers—those postal vote statements—cannot enter the count until they have been authenticated, so that process of authentication has to happen beforehand. That can happen overnight, and we have done that quite happily through the years, but, as the number of postal votes increase, the situation is becoming more challenging.

As returning officers, we also think about public engagement, ensuring that the public knows what we are doing and that we are putting results out there so that they can see them when they are awake enough to take them in. That also flows into our approach.

09:30

I want to mention the report that was produced by Ron Gould following the 2007 election. You sometimes hear people kicking around the Gould principle, which is the idea that legislative changes should be in place at least six months before the election to which they apply. However, that was only one of Gould's recommendations; he made a lot, some of which were taken on board and some of which were not. One thing that he was very clear about was that he could not see the justification for overnight counts. He said that, in order to deliver an election that avoids some of the challenges that were apparent in 2007, he did not recommend an overnight count. I also want to point to the Senedd in Wales, where they are also discussing those issues at the moment. The recently created Electoral Management Board for

Wales is currently considering the timing of the count.

I do not know whether that has answered the question.

Annie Wells: It probably has.

Chris Highcock: I hope that I have laid out the principles.

Annie Wells: Yes. Thank you very much.

Ruth Maguire: I have a brief follow-up question. We all appreciate the reasons that you have laid out for the count timings. Everyone around this table has probably stayed up until 6 am on the day following an election. Are there cost implications to running a count the next day rather than running an overnight count?

Chris Highcock: It would not be any more expensive. I would certainly anticipate staffing costs being a bit cheaper.

Ruth Maguire: Is that because individuals would be paid a lower rate, because it is a day rate rather than an overnight rate?

Chris Highcock: We have not yet looked at the staffing pay rates, but those certainly feed into it. A lot of support services go along with it. If you operate in a leisure centre, you have some support staff working there overnight, and you also have the media. The whole team providing support at the count need to be paid, and some of those people will be doing it on their own time if it is in the daytime.

Ruth Maguire: You anticipate that it would cost less in the daytime.

Chris Highcock: I anticipate that it would cost less. It is easier to provide the resources and contingency support that are needed in the daytime.

Emma Roddick: Presumably, in the overnight period between the election and the count, staffing and security are required, with leisure centres, for example, being monitored. I assume that the media sit there waiting for something to report, regardless of whether counting is going on. Would that not add to the cost?

Chris Highcock: There would be the cost of a security guard at the count. Whether the BBC wants to sit outside all night and watch the doors, that would not be charged to the returning officer or the Parliament. The cost of a security guard would be much less during the day; they would be on duty during the day and probably at a lower rate.

Emma Roddick: The security of the boxes overnight—

Chris Highcock: There would be no concern about the security of the boxes overnight, because they would be kept securely in locked rooms, with security guards in place.

Emma Roddick: Okay, but the cost of the security would be someone else's rather than—

Chris Highcock: No, that cost would be to the returning officer, but we would anticipate it being less. The security is a constant; the boxes would have to be kept secure during transport and during the count anyway.

The Convener: Just to clarify for people who are watching who might say, "The UK general election is always counted overnight," that is a statutory requirement that does not exist in the legislation that we have passed in this Parliament.

As Chris Highcock said, the count timings are being consulted on to ensure that people are confident that the result that they hear is correct. One aspect is that it is perhaps common sense to recognise that tired people are more likely to make mistakes than well-rested people. If the count happens during the day—perhaps over one or two days—that makes it much easier to deal with errors, problems and concerns than if you are relying on people who have spent in excess of 12 hours counting in a polling station. Is it fair to say that?

Chris Highcock: Yes, certainly, and there is no intention that the count would take two days. If the count were to be done the following day, we would anticipate the results being ready for the 6 o'clock news that evening.

The Convener: Is that because it is the 6 o'clock news? [*Laughter.*]

Chris Highcock: The results would certainly be ready during the day. As I said, it is not novel. The count for council elections is done during the day. In 2021, the election count was done over two days because of Covid restrictions on how many people there could be in a hall at the same time. There was a lot of discussion about the count at a UK level in 2008. At that point, a lot of returning officers were agitating for a next-day count, and the response of the Government was to change the law to make it a legal requirement to start the count within four hours of the polls closing.

The Convener: That is maybe one of the benefits of devolution.

I will look at two separate areas, one of which—care-experienced young people and the need for a declaration of local connection—slightly concerns me. On the face of it, the purpose of the declaration is to make registration easier. However, there is a very strong challenge in identifying this group, and who is going to speak to them, inform them and support them in exercising

their rights? Who is going to take responsibility for that, and how is it going to be achieved?

Sarah Mackie: There are two levels to this process: the local authority level and the national level. At the national level, we take responsibility. We have a round-table meeting next week with organisations that work with care-experienced young people to explain to them the changes in the rules. We very much welcome those changes. Although we are not experts in care-experienced young people, the feedback from organisations that work with them is that you cannot just say that because they are 18, that is it—the support is over—so there is an extension up to the age of 21.

I did a lot of work with a group of those young people in 2014 at the time of the referendum. So many of them are displaced from their home authority. They could be in Glasgow and be displaced to Stirling, but why would they want to vote in Stirling? It was different for the independence referendum because it was a national result, but, for voting in a parliamentary election, it makes a difference if you are outwith the area. Therefore, we very much welcome the change to the rules, and we will have that round-table meeting next week.

There is also a duty on local authorities to reach out. The duty is on the returning officer, but the work needs to be outsourced to the teams that are experts in working with and reaching out to these young people.

Chris Highcock: In general, we would support outreach to young people, whether they are care-experienced or not, through local authorities—through education, community outreach and schools.

The Convener: However, this is an unusual message. The vast majority of voting information is being delivered by local authorities, normally on behalf of returning officers, on the basis of a wider need for people to understand, to schools and the communities in which people live. As Sarah Mackie pointed out, care-experienced young people are a very remote and disparate community, and, if I am honest, the reality is that the process of passing information to that group has never been particularly successful. Now that we have the incorporation of the United Nations Convention on the Rights of the Child, there is perhaps a stronger legal obligation, particularly on the Scottish Government and the emanations of state, and it is about whether we can satisfy the human rights of a group of people who are really hard to identify and who are outside the area in which they would like to express their intention to vote.

Sarah Mackie: It is a niche message to a niche group. In the past, we have worked through

fostering networks. To be honest, placements for those young people can break down overnight. They can go to bed one night in one authority and the next day be in another authority because the placement has broken down. Voting is probably not the first thing on their mind as they are packing their bags to move again.

In 2014, we worked with foster parents to ensure that, when young people arrived, they were asked, “Do you want to be registered? Do you want to vote?” That was to ensure that they could have their say in the referendum if they wanted to do so. I do not want to prejudge the results of the round table that we will have next week, but I can update you after that.

The Convener: It might be helpful if you can feed back on that. My follow-on question, which I am sure will be discussed at the round table, is about the reality that, having registered, there will probably have to be a postal vote, which potentially could prove very difficult. The returning officer will have to deal with addresses that are outside the constituency and potentially outside the region, which will throw up questions.

To go back to the most well-known Gould principle—that of the six-month period—it would be nice for the committee to have an understanding of how that issue will be dealt with. The returning officer is absolutely the individual who will have to take responsibility for that, but I have a concern that it will be impossible for the returning officer to deliver that aspect successfully. I will leave it at that. I deeply hope that the process will work, and I am confident that it will, but reassurance about the steps that are being taken would be useful.

My final question was touched on earlier in Emma Roddick’s questioning. A significant number of things are being consulted on. The committee received reassurances from the Government that a lot of the issues could and should be dealt with in secondary legislation. We have an element of secondary legislation that does not go as far as we expected, or at least as far as I expected.

Is there anything that has been missed that concerns you for the purposes of the election next year? Is there anything that should take priority for the next piece of secondary legislation that comes through, from the perspective of delivery but also of the oversight that you have?

Sarah Mackie: I think that we are content with where we got to on the conduct order for this election. I do not like to call it the Gould principle; I like to call it the six-month principle. The six-month principle is a bit of a misnomer, because people might think that it refers to six months before the poll, but it does not. It means six months before

the rules need to be complied with. With an issue to do with campaigners, that means six months before 7 January, so we are now into the period where it is getting too late. Having a bit of certainty now so that we can then implement our guidance and get all that through is the right place to be.

In the future, we would like to see more on civil sanctions, which have come up in the committee previously. There are opportunities through the UK Government’s strategy on elections, as it wants to increase the civil sanctions to match the ones that the Scottish Parliament has given us for referendums in Scotland. That would enable us to get round the issue of the overlapping regulatory periods, which means that you might have a £500,000 fine for one thing but it would be a £10,000 fine if it was in an overlapping period. There are some really good opportunities ahead.

With devolution, there is so much opportunity—it is almost like a democracy lab. Wales is doing some really innovative things. I hope that some pilots will come through in Scotland, particularly on automated voter registration, which is happening in Wales and which we can learn from. It is quite flattering for Scotland to see that a lot of the UK strategy now involves saying, “Actually, this has been a really good idea in Scotland and we are going to follow it.” The same applies to Wales.

That is less to do with conduct orders and it might be for further legislation coming down the line after the next Scottish Parliament election. However, it is really important that we settle everything now, so that everybody has a clear picture of what the rules are going into this election.

Chris Highcock: We have been very engaged with officers in the Scottish Government over the past two or three years on the development of the act that went through earlier this year and the order. I am happy that the Scottish Government has taken on a lot of the comment on the practical delivery of elections. Again, it is about what can be done in the interests of voters.

We are happy with some of the things that are in the order, such as the changes around the proxy rules. We need to make sure that people can vote, so it is great that, if their proxy is suddenly unwell or unable to take part, we can get another one appointed quickly. I am very happy—there is nothing immediate that we would say would make everything much easier for the election in May next year.

Sarah Mackie: I will add one thing, because it would be remiss of me not to say this. Online absent voting needs to come in. We are probably getting to a point where it is too late and would be too disruptive for that to happen for this election. Legislation was needed in the UK Parliament,

which went through in a private member's bill. That took time to get through, and secondary legislation is needed in Scotland. We are getting to a point where it is possibly too disruptive to do that now, because we are too close to the poll.

I would, however, certainly want to see that in place for local government elections in Scotland in future. People phone us up all the time and say, "How do I apply for a postal vote?" I say, "You can download this form, print it off, fill it in and send it back," but people do not have printers nowadays because nobody works like that any more. I would definitely put a marker down on that as something for the committee to keep track of for the next elections.

The Convener: Absolutely. Obviously, the council elections follow a year after the new session of Parliament starts, so we will immediately be into that final-year timetable. That is very helpful, and a note will be made of it, among other things.

As there is nothing further from the committee and if there is nothing further that our witnesses would like to add, I thank you very much for your evidence this morning. I look forward to the additional information as it becomes available on the items that we have discussed, which the committee will keep an eye on. As always, you know where we are, and we know where you are. Thank you for your evidence today.

09:47

Meeting continued in private until 10:29.

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