The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

LOCAL GOVERNMENT AND REGENERATION COMMITTEE

Wednesday 28 November 2012

Session 4

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LOCAL GOVERNMENT AND REGENERATION COMMITTEE
27th Meeting 2012, Session 4

CONVENER

*Kevin Stewart (Aberdeen Central) (SNP)

DEPUTY CONVENER

*John Wilson (Central Scotland) (SNP)

COMMITTEE MEMBERS

*Stuart McMillan (West Scotland) (SNP)
*Anne McTaggart (Glasgow) (Lab)
*Margaret Mitchell (Central Scotland) (Con)
*John Pentland (Motherwell and Wishaw) (Lab)
*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Brian Byrne (Electoral Management Board for Scotland)
Dr Alistair Clark (University of Newcastle)
Chris Highcock (Electoral Management Board for Scotland)
Derek Mackay (Minister for Local Government and Planning)
John McCormick (Electoral Commission)
Andy O'Neill (Electoral Commission)
Mary Pitcaithly (Electoral Management Board for Scotland)
Stephen Sadler (Scottish Government)

CLERK TO THE COMMITTEE

David Cullum

LOCATION

Committee Room 6

Scottish Parliament

Local Government and Regeneration Committee

Wednesday 28 November 2012

[The Convener *opened the meeting at 10:00*]

Decision on Taking Business in Private

The Convener (Kevin Stewart): Good morning and welcome to the 27th meeting in 2012 of the Local Government and Regeneration Committee. As usual, I ask everyone to switch off mobile phones and other electronic equipment, please.

Agenda item 1 is a decision to take business in private. Do we agree to take in private items 5 and 6?

Members *indicated agreement.*

Local Government Elections 2012

10:00

The Convener: Under item 2 we will consider reports from the Electoral Commission and the Electoral Management Board for Scotland on the 2012 Scottish local government elections.

I welcome John McCormick, electoral commissioner for Scotland, and Andy O'Neill, head of office Scotland, Electoral Commission; Mary Pitcaithly, chair, Chris Highcock, secretary, and Brian Byrne, Electoral Management Board for Scotland; and Dr Alistair Clark, lecturer in politics, University of Newcastle.

I ask John McCormick and Mary Pitcaithly to make some opening remarks.

John McCormick (Electoral Commission): Thank you very much, convener. On behalf of my colleagues, I welcome this opportunity to discuss the outcome of the local elections in May and the lessons that we have learned for future events.

These were the first elections in which the Electoral Commission had a statutory role. Although we agreed to requests from this Parliament to assist with local elections in 2003 and 2007, it is good to have a role defined in legislation. It is also notable that the Local Electoral Administration (Scotland) Act 2011 placed the Electoral Management Board for Scotland on a statutory basis. Having recommended the board's formation, we now trust that its statutory powers will be extended to cover all parliamentary elections in Scotland. We strongly advise—and we have been advising— others to follow the example of this Parliament.

It is pleasing that the general reaction of voters in our surveys on these elections was that the elections were well run. Voters were satisfied with the experience of voting and they had confidence in all the processes. We might have an opportunity to discuss that in more detail later.

The commission was very pleased that this Parliament adopted our recommendation to ensure that voters who were in a queue at 10 o'clock should receive their ballot papers. We look to other legislators to follow that example. Anyone who takes the trouble to turn up and queue at 10 o'clock should have the right to vote and we are delighted that that came in legally for the first time in these elections.

The regulation of campaign expenditure is an issue and we trust that the Scottish Government review will take place in good time for the next local elections. We know what is spent in Scottish local elections, but there is no transparency about where the funding comes from. We hope that that

will be addressed in the review that will be undertaken shortly.

The overall message that the elections were well run and that voters had confidence in them is pleasing. However, we feel that we have a number of lessons to learn—perhaps we can develop them in discussion with the committee—about the level of turnout and the number of rejected ballots, which we are particularly concerned about.

Mary Pitcaithly (Electoral Management Board for Scotland): As John McCormick said, the board was created by the Local Electoral Administration (Scotland) Act 2011. The aim of that act was to create a body that could co-ordinate the administration of local government elections in Scotland by assisting local authorities and returning officers in particular to carry out their functions in relation to those elections, and promote best practice.

I was appointed by ministers as the convener of the board. The board has another five returning officers or depute returning officers and three electoral registration officers as members. We also get very good expert advice from other bodies, such as the Scottish Government, the United Kingdom Government, the Electoral Commission and election professionals. We are very grateful for the support that we get from all those bodies and people.

At the centre of the board's thinking as we have taken forward our responsibilities is that the voter's interests must be central in all decisions about the administration of elections. We have been seeking to promote national consistency, where appropriate, to ensure co-ordinated decision making and provide a single point of focus for key decisions.

Clearly, our first major response after being established was to deliver the local government elections in May this year. We recently published our first annual report, which we are required to do by the 2011 act. I hope that you have all had copies of the report, which is temporarily hosted on the City of Edinburgh Council website while we develop our own public-facing website.

The Convener: Thank you. Dr Clark, would you like to make some opening remarks?

Dr Alistair Clark (University of Newcastle): Yes, thank you. I welcome the chance to talk about the local elections and my research on them. I have been working in and writing on Scottish local elections since the 2003 round. In particular, I have done quite a lot of work since the introduction of the single transferable vote system in 2007, including the paper that is in front of the committee this morning. I was also an accredited observer for the Electoral Commission during the 2012 elections. From my point of view, having

done research on the elections and having observed them on the day, they were well-run elections and a credit to all involved in administering and implementing them.

My research findings suggest that the voters have adapted quite well to STV. The performance has been comparable with that of voters in other jurisdictions that use STV, such as Ireland and Northern Ireland. Some of the issues being laid at the door of the system are broader issues to do with things such as voter turnout and are not specifically electoral system issues. Voters have adapted quite well and the system seems to work as we might expect from its use elsewhere.

The Convener: Thank you. I will start the questions by asking Ms Pitcaithly about the nomination process. In my neck of the woods in Aberdeen we had the infamous incident of the Helena Torry mannequin being put up for election. What needs to be done to strengthen the nomination process so that that kind of thing does not happen again?

Mary Pitcaithly: We covered that in our report and we think that there is scope for improvement in the nomination process. In the lessons learned section of our report, we say about the Aberdeen mannequin case that

"The rules ... should be reviewed ... to prevent the misuse of the democratic process."

There should be a debate about how the nomination process should work, so that we have a more secure and more modern approach to it. The options that we looked at included requiring candidates to deliver nomination papers personally and to provide some evidence of their identity or evidence of residence when they do so. That might be the kind of thing that would help avoid that particular situation in Aberdeen.

Anne McTaggart (Glasgow) (Lab): I welcome the panel to the committee. I will start with the issue of 16 and 17-year-olds voting. Has any research about that been done with 16 and 17-year-olds and those who will be in that age bracket in time for the next election or the referendum?

The Convener: Who will pick that one up?

John McCormick: We in the Electoral Commission have a clear view that the franchise and its extension are matters for the Parliament. We encourage research on electoral issues and issues relating to the franchise, but it is not an area on which we would take a view. Whether the franchise should be extended to 16 and 17-year-olds properly rests with the Parliament.

The Convener: Dr Clark, have you done any academic research on the subject?

Dr Clark: No. Little research has been done on that innovation for the referendum. To the extent that there is any psephological consensus on it, it would be that extending the vote to 16 and 17-year-olds will have an impact on turnout, which will decline, because not many 16 and 17-year-olds feel the need to go out and vote—they have other things to do. However, as I said, there is no recent research on the issue.

Mary Pitcaithly: The only comment that the board would make is that although this is absolutely a matter for the Parliament and parliamentarians, we urge that such significant changes be made well in advance and that the technical issues involved in extending the franchise be given a very clear focus in your deliberations as you consider the legislation, in particular the paving legislation that we understand is in prospect.

Stuart McMillan (West Scotland) (SNP): Dr Clark, I was very interested in your response a moment ago. Does your point not highlight exactly why 16 and 17-year-olds feel the political process to be a bit distant? With regard not just to the referendum but any election—for example, local authority elections—is it not vital for those who run elections as well as political parties to have some mechanism for getting the message across to younger people in their language that it is really important to vote, that decisions are made on their behalf and that they should take part in the voting process?

Dr Clark: I agree whole-heartedly, but I suggest that three or perhaps four groups of people be involved in the education process. Political parties should certainly be involved, and it is important that politicians get out and explain campaigns. It is also important for institutions such as the Parliament and electoral administrators to get out and about and engage with people, and it is equally important for civil society to be engaged in this work. Indeed, there might even be a fifth group, comprising people like me.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Dr Clark, has any academic research been carried out on the two small-scale elections—the health board and Crofting Commission elections—that have involved 16 and 17-year-olds?

Dr Clark: The simple answer is no.

In addition to my response to Stuart McMillan's question, however, I note that good work has been done on the Northern Ireland Assembly website to explain electoral systems, particularly the single transferable vote, to 16 and 17-year-olds and even younger children. That might be an example of how this work can be done.

John Pentland (Motherwell and Wishaw) (Lab): Excuse me if I have picked you up wrongly, Mr McCormick, but in response to Anne McTaggart you said that the Electoral Commission's role is to ensure that the process is correct and runs as smoothly as possible. It would of course be remiss of us not to say that the previous election was one of the smoothest that we have had and I congratulate you on that. However, if you believe that the process is being jeopardised by a lack of research on particular areas—and in particular the issue of 16 and 17-year-olds that Anne McTaggart highlighted—do you have an opportunity to feed in your concerns in order to make the process a bit more streamlined and positive?

John McCormick: Yes, and we welcome that role. According to the shorthand, we are the elections watchdog and as an impartial, neutral and generally evidence-based organisation we encourage others to base decisions on evidence and to carry out research. Indeed, we conduct a fair amount of research ourselves. After every electoral event such as an election, referendum or whatever we carry out research with voters and non-voters on why they did or did not vote, their experience of voting and so on. We base our comments on elections, the behaviour of voters and recommendations to Governments and Parliaments on evidence and encourage others to carry out research in other places. Academic research, particularly that carried out by Dr Clark, is very much appreciated.

John Wilson (Central Scotland) (SNP): We know that the turnout for the 2012 local authority elections was 39.8 per cent. However, my concern is that, as the Local Government and Communities Committee in the previous parliamentary session heard, such a figure obviously applies only to those who are registered to vote.

10:15

We heard evidence that, in some areas, pockets of 5 to 20 per cent of people might not be registered to vote. In some Glasgow wards, particularly in the east end, turnout is 20 per cent. How much credence can we give to the fact that that is 20 per cent of the population in those areas? It is 20 per cent of those registered to vote, but up to 20 per cent of people living in those areas might not be registered to vote.

Although the debate on 16 and 17-year-olds voting in future elections is interesting, I want to find out why people are not registering to vote and what the Electoral Management Board and EROs are doing to get people to register. When we talk about a 39.8 per cent turnout, can it be guaranteed that we are talking about 39.8 per cent

of all potential voters, rather than just of those who are registered to vote?

Mary Pitcaithly: The only point that I will make for the board is that we know what the electorate is—it is just under 4 million—but we do not know what it could be, because, as you say, the electorate is made up of the people who choose to register. That figure could be higher. However, in some countries, a lot more people are missing from the register than we think might be missing in this country.

I defer to Brian Byrne on matters to do with registration.

Brian Byrne (Electoral Management Board for Scotland): The electorate is 4 million and the eligible population is not a lot higher. The figures suggest that about 94 per cent of the population is registered. There could be duplication, because some people might be registered twice, or there might be errors in accuracy, but that suggests that take-up of electoral registration by the population generally is good. I agree that there will be pockets where that is not the case but, overall, the take-up of electoral registration in Scotland is good and I believe that the level is similar to that in Australia, which has compulsory registration.

John McCormick: The figures to which Mr Wilson referred came from extensive research that the Electoral Commission conducted in 2010 in a number of constituencies. We found that, of those who did not register, a high percentage lived in rented accommodation; a high percentage were students who did not register where they were living at the time when the election came; and another large percentage were from black and minority ethnic communities.

We have been working with electoral registration officers across the country, who are aware of the difficulties relating to students, rental accommodation and so on. We have encouraged a targeted approach to try to ensure that those people go on the register. However, as I am sure Mr Byrne would say, it is difficult to encourage people to do that if they do not wish to. Sometimes, people have reasons for not wanting to register.

For some time, the commission has been recommending individual electoral registration, as distinct from household registration. That is under consideration by the Westminster Parliament and, according to the current timetable, it should be in place by 2016. We hope that that emphasis on individual registration and the attention that it will draw will, in the long term, help to address the gap between the population that is eligible to vote and those who are registered.

Andy O'Neill might want to add to that.

Andy O'Neill (Electoral Commission): One of the easiest times to get people to register is when an election is coming up, because the issue is at the front of their mind. That is one reason why we do public awareness raising, as we are asked to do by the Scottish Parliament, and why my colleagues do similar public awareness activities. During the public awareness process for the local government election, in a six-week period before the election, colleagues managed to get about 37,000 people registered to vote who had not been registered, which was a 0.9 per cent increase in the electorate. There are opportunities to get people to register.

John Wilson: The figure that Mr Byrne has given of around 6 per cent of the population not being registered to vote is quite worrying. It might compare favourably with Australia, but we are not looking at the Australian electoral system; we are looking at the Scottish one. My concern is that, given Mr McCormick's comments about members of minority groups, young voters, students and others who might decide not to register, anything up to 20 per cent of the population in some areas of Scotland are not registered to vote. Can we make registration easier than it currently is? Every year, I have to fill in a form and return it to the ERO. Last year, I was sent an A4 sheet of paper with the form to remind me that, if I wanted to vote, I had to fill in the form. Is there any way in which we can get close to 100 per cent of people being registered to vote? Relying on individuals to register themselves might not be the way to do that.

Brian Byrne: We are about to change to a system that will put more emphasis on people registering themselves. As Andy O'Neill said, we try to make it as easy as possible for people to register. In the vast majority of cases, there is no change necessary to the information on the yearly form, and we get people to confirm that by phone, by text or online. More and more people find electronic methods more convenient—almost 40 per cent of our returns are submitted electronically rather than by post. People find that convenient.

Mary Pitcaithly: There is always a balance to be struck between, on the one hand, increasing the ease of registration and voting, and, on the other, ensuring that the anti-fraud measures that are built into every piece of legislation now are able to work properly. That is particularly relevant with regard to postal voting. It is sometimes more difficult now for certain people to be able to cast a postal vote, and we all have concerns over the number of postal votes that are rejected because, for example, the signatures do not match. The balance between ease of use and anti-fraud measures is obviously a matter for parliamentarians. It must be got just right so that

we do not unnecessarily inhibit someone's opportunity to cast their vote.

Stewart Stevenson: Mr Byrne, you referred to people who have registered multiple times. That is perfectly legal. Indeed, multiple voting is legal, provided that it is done in different council elections—you could have up to 32 votes if you were resident in 32 locations. Of course, that is not the case in the elections to the Scottish Parliament, Westminster or the European Parliament. That is just an observation. To what extent does multiple registration take place?

Brian Byrne: I do not know the figures. However, the tendency is for there to be less multiple registration in Scotland than in England. That goes back to case law in the 1970s, where what was important was a person's main residence rather than their ancillary residence—if someone had a holiday home, that would not be counted as a residence. In England, the case law is different, and there is more of a tendency for a holiday home to be counted as a residence. Dual registration is not common. The group in which it is most prevalent is students. That is based on English case law, which also applies to Scotland.

Stewart Stevenson: Just to be clear, are you saying that the legal basis for multiple registration is not clear?

Brian Byrne: Multiple registration is not illegal, but you have to be resident in each place. If someone can argue that they are equally resident in two places, they can be registered in both places. In Scotland, the definition is tight, and the person would more or less have to pick one of those places.

Stewart Stevenson: Without going into this in huge detail, do you think that greater legal clarity would be useful? If there is insufficient clarity, the target that John Wilson wishes us to aim for would have to exceed 100 per cent.

Brian Byrne: It would have to exceed 100 per cent, yes.

In our response on the individual electoral registration process, we have asked for the issue of dual registration to be carefully considered and for there to be a definition of residence that leads to people declaring only one place of residence.

Stuart McMillan: I have found the debate to be interesting thus far, and I hesitate to ask this question, but I will ask it nonetheless. Is there a discussion to be had about having an opt-out system in which everyone is automatically registered and people opt out if they decide that they do not want to be registered and do not want to participate in any election?

Brian Byrne: That used to be the case until around 2001. The ERO had a duty to register

people whether or not they wanted to be registered. In 2001, the system changed to an application system. A person had the right to apply to be registered. I think that section 11 of the Representation of the People Act 1983 was repealed in 2001.

Stuart McMillan: Was that system easier to operate, or was it similar to what we have now?

Brian Byrne: I was working on it then, but not at the same level, so I do not know how easy it was to operate. I know that there were one or two cases of people refusing to take part in the electoral process and being fined for not taking part. The ERO had a duty to register people, and if a person did not give the information, they were more than likely to be fined.

The Convener: Margaret Mitchell has been very patient.

Margaret Mitchell (Central Scotland) (Con): Good morning, everyone.

The Electoral Commission's report says that public opinion research found that 75 per cent of the people who took part in a survey were quite confident that the elections were well run and that 12 per cent were not confident that they were. Will you elaborate a little bit on why 12 per cent were not confident and say what the other 13 per cent who are not accounted for thought?

John McCormick: I think that our polling research includes those who did not vote and those who voted. Some 78 per cent of those who were surveyed, including non-voters, said that they believed that it was convenient to vote at a polling station. Of those who voted in the poll, 98 per cent said that they were satisfied with the process, compared with 1 per cent who said that they were dissatisfied with it. Therefore, the number of people who were dissatisfied or who thought that it was not convenient to vote at a polling station was dominated by those who did not go. There is a lot of research relating to that.

Andy O'Neill: Perhaps we can write to the committee later and flesh that out, as I do not have all the details in front of me. Some 76 per cent of voters who voted in polling places were quite content with the help that they got, for instance, but 28 per cent said that they did not need the information. We speculate about why 28 per cent said that they did not need the information in the polling booths, which included graphic posters. It may be something to do with the fact that we changed the messages from being reactive to proactive. In 2012, there was a proactive message of, "It's numbers—1, 2, 3 and so on—not crosses." In 2007, a reactive message was given only when it was asked for. Some of the research gives us an indication of why people were dissatisfied, but we

have to speculate about others. I am afraid that I will have to write to the committee to flesh that out.

Margaret Mitchell: I would have thought that that information is quite interesting. It is good that 75 per cent were content, but we are looking at the planning, organisation and administration of the polls, so it would be fairly good to flesh out what the dissatisfied 12 per cent and the 13 per cent said. You have given some indication as to why people were dissatisfied. People could have been dissatisfied because of the location of the polling station or because they thought that they did not get adequate instructions when they got there. I would certainly appreciate further information on that when you write back to us.

Does Dr Clark have any views on that? Did he pick up on anything at all?

Dr Clark: No, nothing in particular. We need to look not only at those who voted but at those who did not vote to find out why they did not. However, I have nothing to add to that.

John McCormick: I agree with Dr Clark on that. That is a very interesting point. The survey included those who did not vote. Perhaps as we go into the research on a more granular basis and follow it up, we might find reasons why people do not go to vote. Whether there is a perceived lack of confidence in the process or whether there is something that we can address in our public awareness work and our communications, going into that will be very interesting. However, that work remains to be done.

10:30

Mary Pitcaithly: In this year's election, far fewer people complained to us on the day about the process—about having to vote more than once and use different systems. The decoupling of elections seems to have helped to increase voter confidence and voter satisfaction on the day.

Each returning officer does informal satisfaction surveys on the day to take account of what presiding officers tell us that voters have said in polling stations. That covers whether they have had lots of complaints and what the complaints were about—were they about accessibility, queueing or whatever? Anecdotally, I understand that the number of complaints in May this year was very low.

Margaret Mitchell: The comments section of the board's annual report is all positive; no negative feedback appears to have been given. Was there anything negative? If not, that is strange, and you must tell us how to achieve that—I do not imagine that there is any other walk of life in which someone is not complaining. Was

any negative feedback given? If so, what was done to address it?

Mary Pitcaithly: The feedback that we collated informally from voters on the day of the elections was much more positive. The local feedback from our staff—the people who work for us in polling places, such as presiding officers and clerks—and from the returning officers to whom I have spoken was positive.

We in Scotland do not have a general problem with queueing at elections and we do not tend to find that people have to travel too far to go to polling stations. We keep the electorate for each polling station to a relatively small number, so people do not have to travel great distances. However, we could never have a polling station at the end of every street, so people are sometimes slightly inconvenienced.

As I said, the level of complaints this time was significantly lower than that in 2007. It was similar to the level of complaints that we get about general elections and Scottish parliamentary elections. I think that voters were more satisfied this year, but I do not suggest that everything was perfect. We have a section in the report on lessons learned, but the voters' experience did not generally feature as a major concern for us.

Chris Highcock (Electoral Management Board for Scotland): The comments that we put in the annual report reflect the board's role in co-ordinating activity among electoral professionals. The board is there to promote best practice and to ensure a consistent approach across the country. As such, the comments in the report from returning officers, electoral registration officers, major suppliers, the Electoral Commission and others reflect what we have done to serve that community. That element of the report is not primarily focused on the voter. What we do overall is focused on the voter, but the comments in the report deal with how the board served the professional community.

John McCormick: I will add to what Ms Pitcaithly said. The positive anecdotal evidence on the day from returning officers and people on the ground was widespread across the country. Forgive me for quoting statistics again but, in our follow-up polling, 99 per cent of respondents said that it was easy to get inside a polling station and 99 or 98 per cent described the polling place as safe, well ordered and well run. Those figures are remarkable. Some of the credit for that must go to the board and its co-ordinating role, whose aim was to ensure a consistent experience across the country, as Mr Highcock said. The figures are encouraging and for that we should pay tribute to the professionals on the ground and to the board.

Margaret Mitchell: I notice that evidence was gathered on the performance standards of returning officers and on those who performed beyond the expected standards. The commission looked for examples of creativity and innovation, particularly from returning officers. Will you give an example of what you were referring to?

Mary Pitcaithly: We try to discourage too much creativity in elections. [*Laughter.*]

John McCormick: As far as I am aware of the detail, the point relates to returning officers and those who are in charge of a polling place taking account of local circumstances and adapting polling places to ensure that they are accessible and that communications are well ordered and so on. That relates to working within the guidelines from the board to achieve consistency, while taking account of local circumstances. That will depend on what we get back in the research to justify that—the position varies from area to area.

Margaret Mitchell: That answer is helpful, because the mind boggled in thinking about exactly what you were referring to.

John Wilson: I want to pick up on what Mr McCormick has just indicated about voter satisfaction. This may just be a localised issue, but the location of the polling station in a ward in North Lanarkshire was changed without many people's knowledge and some people turned up at the traditional polling station that had been used for the previous four elections, including some who turned up at 7 o'clock in the morning on their way to work. They were told that the polling station had been changed and that they had to vote at another polling station, which was in the Coatbridge area and outwith the main residential area. That meant that it was a substantial walk to get there, particularly for the elderly. We know that the elderly like to go to the polling station and vote in person.

Has the Electoral Management Board or the Electoral Commission done any research on turnout when the location of polling stations has changed or when polling stations have been closed? We know that closures of community facilities and the reluctance of some local authorities to use schools as polling stations may have had an impact in terms of the number of voters turning up to vote at the wrong place or people not turning up to vote because they feel that the polling station is too far away.

Mary Pitcaithly: I cannot answer the question about research on the impact of what you describe, but I can say on behalf of returning officers that in elections we must use the polling schemes that our local authority approves. It is the local authority that determines the polling schemes. I know from experience and from talking

to colleagues that changing the location of a polling station is not done lightly and that we would not do that capriciously. I am sure that, in each case when that has happened, some consideration was given to whether the change was necessary. Such changes inconvenience people if they do not read their polling card to check where they are supposed to vote and just turn up to vote where they have always voted. It is not necessarily their fault, because a lot of information has to go on a polling card these days.

Obviously, people are told when the polling card is issued where they are to vote. We would try to highlight any changes to a polling station that might apply to a street, half a street or whatever. The reason for changing could be, as Mr Wilson said, that there is less likelihood now of schools being used as polling stations, unless the school is the only building that is available. Schools are less likely to be used now because we get a huge amount of complaints every time we close a school for polling from the parents of the pupils who miss a day's education. We therefore try to avoid using schools where we can, although in many communities the school is the only public building that can be used as a polling station and such schools will still have to close. However, as an alternative—with plenty of advance publicity and the use of the polling card—we will seek a building that is more convenient and does not inconvenience schools.

It could be that a polling station that has been used for many years is no longer available because the building has been knocked down or its use has changed. We also have to be extremely careful these days about accessibility— for example, a polling station on somebody's doorstep might not be accessible for those with a disability. Again, we may be forced into a change because of that.

Changes are kept to a minimum. We try to publicise any changes and ensure that voters know about them. The local elected members, too, have a role to play in their communities to ensure that people understand where the polling station is. Obviously, we signpost polling stations and their entrances. However, I could not say with my hand on my heart that everybody always turns up at the right place. There will be people who turn up on the day and say, "I've voted here for the last 40 years. Why on earth are you making me walk all the way down there?" I would hope that, in that situation, the staff in the polling place would be able to give an explanation to the voter and help them to find their way to the new polling place.

John McCormick: We do not have any research on the issue, Mr Wilson. I am grateful to you for raising the issue and drawing our attention to it.

The Convener: Dr Clark, has there been any academic research on turnout after the location of a polling station has been changed or the station has closed?

Dr Clark: No. There has been very little research into turnout and location of the polling station. I think that it is an issue, but academics have not got into that yet.

The Convener: I think that Anne McTaggart has a question.

Anne McTaggart: Thanks, convener. I was going to ask about the use of schools as polling stations in relation to childcare, but it is obvious that the issue has been brought to the Electoral Management Board's attention.

The Convener: We have used the same signage in polling stations for many a year, and some of it is not adequate, particularly if a polling place is in a large building. I have seen folk wandering round a school playground trying to find the entrance—and sometimes giving up. Can we improve the situation? Is there guidance on the use of signage?

Mary Pitcaithly: Yes. There is good guidance from the commission on all these matters. On election day, all returning officers do a tour of their polling stations. I do not go to all 120 polling stations in my area, but I go to as many as I can and I have a team of people who ensure that every station is visited. On polling day this year, I put up additional signs outside a couple of polling stations, where I felt that the presiding officer had not properly signposted the entrance at 7 am.

When presiding officers turn up at 6.30 am or whenever, they have a lot to do before they can open the polling station at 7 am. They do their best, but sometimes it is important that we go along with a fresh eye and spot the potential for uncertainty about where the entrance is, for example, so that we can help with additional signage and so on. I tied signs to lamp posts at 8 am at one polling station. I would not say that the signage was not good, but it was not good enough. That is the kind of task that we get involved in on polling day.

The training that we give to polling staff before the election should cover such issues. We realise that staff have got a lot to do, especially if they turn up at 6.30 am and find that the caretaker has not opened the building—we quite often come across cases of a caretaker running along in their pyjamas at 10 to 7. Staff have to get the polling station up and running, and signage is one of their tasks. At the training, we labour the point that signage is an important element of their job.

The Convener: What happens if it is not the caretaker or janitor but the electoral officers who

are late? I have seen that happen on a number of occasions over the years. Is there a problem that is not being dealt with adequately?

Mary Pitcaithly: I would not like to think so. Election offices will be staffed from before 6 am on the day of the election, to deal with the problem of presiding officers or clerks phoning in sick or phoning to say that they cannot get their car started or whatever. We have standby staff, who are ready to be sent to wherever a problem occurs. In my 20-odd years as a returning officer, I have never found a polling station where nobody turned up to run it, but sometimes we might find that the polling clerk is running late—

The Convener: One person in a panic.

Mary Pitcaithly: Well, the role of the election office on election day would be to go out and support that person. When the caretaker did not turn up to open one of the polling stations in my area this year, we had to run the first 10 or 15 minutes of voting out of the back of a car. I was there with the presiding officer doing that at 7 am, while a colleague chased up the church hall caretaker.

Such things happen. Even with the best will and the best planning in the world, someone can sleep in. We cannot have voters inconvenienced in such situations, so we have all sorts of back-up arrangements to ensure that voters can still vote at 7 am. In the case that I described, I got lots of thanks and positive comments from the voters who would have been inconvenienced if we had not immediately plugged the gap. It might be more difficult to do that in a rural area where a remote polling station is some way from the election office, but we would do our best.

Stuart McMillan: As part of the training, is there a walk round the polling station, so that the presiding officer can get a good understanding of the location? There might be more than one entrance to the facility, and the building's size might be an issue. Presiding officers might need to plan where signage will go. Is that a regular part of training?

10:45

Mary Pitcaithly: We have a training template provided to us by the Electoral Commission that is extremely useful and ensures consistency. It is very comprehensive and there is little chance of missing anything out if that template is followed. We would add to that with local knowledge. My staff visit every polling station well in advance, in case we need to change the polling scheme because it is no longer accessible or whatever. They then undertake further visits in the days leading up to the poll to ensure that the entrance has not been changed and that nothing has been

done that suggests that we need to issue different guidance.

When we give people training, we emphasise that they have to go out and walk round their polling place before the day. Their duty is to make themselves familiar with the area and any possible issues that they may have to deal with on polling day. We give people that training a week or so before polling day. As they come in to collect their equipment—the boxes and the ballot papers—or as it is delivered, we re-emphasise to them, from our own local knowledge, where there are particular problems that they will have to plan for. We try to cover the issue in all those ways—through inspections by election teams, through guidance and training being given and through particular issues being pointed out.

Many experienced presiding officers have worked in polling stations for a while and know their polling stations inside out. However, every year we have new people coming through the system and we must ensure that they are well trained.

Stuart McMillan: That sounds like a thorough process prior to the election day. However, as the convener has suggested, there may be some polling stations where there is a shortage of signage. You have said that you have had to put signs up when you have gone round. How do you explain your having to do that if the process is being fully implemented?

Mary Pitcaithly: Last May, I had to do that in one particular polling station because the presiding officer was new and had simply underestimated how much needs to be done before a polling station can be opened at 7 am. We suggest that presiding officers should be on site by no later than 6.30 am because, if they have a full half hour, they have time to do what needs to be done, including putting up all the signage. Sometimes, however, they find themselves a wee bit short of time and put up the basic signage but do not do everything that we would want them to do. If we go out visiting shortly thereafter, we can help with that. It is often just a matter of underestimating how much needs to be done. The more experienced presiding officers know that they need a good half hour and must work hard with their polling clerks to do everything that needs to be done.

John Pentland: My question follows on from that. Some of the biggest political spats that I have seen on election day have involved politicians—elected members or those seeking election—trying to define the difference between the polling station and the polling place. If anything brings politicians together, it is that point, and not always for good reasons. Could there be better signposting in that respect, to say, "You shall not cross this line with

those colours on"? It sometimes puts the officer in charge under a bit of pressure and it can be a bit embarrassing, especially if some of the general public are there. There is nothing worse than would-be politicians arguing the toss about whether they can go into the polling station.

The Convener: I think that it would confuse the voters if we had "Polling station" and "Polling place" signs.

Mary Pitcaithly: I think so, too. When we train the staff who work in the polling stations, we make it very clear that that is a major issue that will, undoubtedly, arise unless they are very lucky and the building is so clearly defined that there cannot be any argument over it. In most cases, there is the potential for somebody who wants to argue the toss to come up with something to suggest that they are entitled to be in a place where a colleague or an opposing candidate suggests that they are not entitled to be. Sometimes, all the candidates take one view and the staff take another.

Those arguments and discussions are virtually impossible to eliminate. What we can do is make it clear to staff, in our training, that if they have any doubt about the curtilage of the building that comprises the polling station as opposed to the polling place, we can talk them through it and give them advice relating specifically to their polling station. We have often had to do that. We know where the rows arise year after year, and we can give advice to polling staff. Obviously, people will try to push the boundaries a wee bit on the day and hope that the staff do not notice that, for example, they have found their way inside the building to places where they should not be.

Stewart Stevenson: We have fallen into a classic technician's trap. For the past 20 minutes, we have been talking about polls, polling, polling places and polling stations. What percentage of the population knows what any of that means? "Polling" is a technical term, not one that is in common usage. What people are doing is voting, so why does the signage not say, "Vote here", or "Here's where you vote"?

John McCormick: I do not have a view on that matter, but you have given us something to think about. We advocate the use of clear, everyday language in every communication. Perhaps Dr Clark has some research on that.

Stewart Stevenson: I am pretty confident that there will be legal requirements for us to use, in the appropriate context, the words that are in the legislation. However, does that inhibit our using plain language for the customer, who is the voter, not the poller?

Andy O'Neill: "Polling place" and "polling station" are technical terms in the legislation that

refer to particular things. However, from memory, I do not think that there is anything in legislation that says that signage that assists the electorate in getting to where they can cast their vote must use those terms; the signage could say, "Vote here". We could form sub-groups on the issue or conduct public awareness campaigns.

Mary Pitcaithly: Absolutely. We could use both terms. Older people—certainly those of us of a certain vintage—know the term "polling station", but younger people might not recognise it.

Stewart Stevenson: May I fundamentally disagree? When you double the terminology that is used, you treble the confusion. You need to simplify to the point at which there is a single, unambiguous and clear message that is incapable of being confusing. I am saying nothing about whether the necessary legal permissions exist to do what I am suggesting, but it would be useful to know whether there are inhibitions that we might have to address before the next time when we go to a voting station.

The Convener: We will let you reflect on that question. Dr Clark, is there academic research in this field?

Dr Clark: Again, academic research is lacking in this field. However, there is some research that suggests that the more you use plain language to talk about politics, the more people will be engaged. However, it is important to remember that that issue is not connected to the one that we are discussing. Legislation and so on will impact on the matter as well.

The Convener: Perhaps you can think about the issue and write to us to say what you intend to do in that regard.

Stuart McMillan: This Parliament has responsibility for local government elections and the UK Parliament has responsibility for other elections. If we were to arrange for local government elections to use the language that Stewart Stevenson suggests but the UK Parliament wanted to continue to use the language that is currently used, would that create confusion for the electorate because, in one election, the sign says, "Vote here", and, in the next, it says "Polling place"?

Andy O'Neill: To add confusion, in England, the signs tend to say "Polling station" not "Polling place", anyway, so there is a difference already.

The commission always supports consistency and puts the voter first. The point about terminology is interesting. I think that we should think about the issue and conduct some research before coming up with a conclusion. We would sell that message for all elections, not one particular election.

A further answer relating to process is that it would depend on the rules governing combined elections. If the signs are based in law—I am not sure that they are—one set of signs would trump another, in terms of the legislation. I would have to check, however.

John Wilson: Being an anorak on elections, I know that the distinction between polling places and polling stations is important when campaigning on the day of the election. Like John Pentland, I have been involved in discussions with local returning officers on issues to do with the distribution of election material in the polling station. Those of us who are at the front line of politics and trying to promote candidates need to know the definition of the polling place and the polling station for the purposes of distributing material. It would be useful if the Electoral Management Board tested its members—the 32 local authorities—to find out whether they apply the same rigorous rules across the board. Clearly, there are differences in how some returning officers apply the rules on distribution of material and in how the message gets down to the local polling places and polling stations.

Mary Pitcaithly: I am happy for the board to look at the arrangements that are in force at the poll, which each returning officer publishes and shares with the candidates when they are nominated. We normally ensure that every candidate gets that information and is clear about the arrangements in the particular area. However, I take your point that it would potentially be helpful for those arrangements to be exactly the same everywhere. We are happy to do some research—particularly this year, when we are not running an election—on whether there is a lack of consistency. Sometimes, there is simply a difference in the way in which the rules are expressed.

John Wilson: I have a follow-up question that relates not to polling places and polling stations but to signage during election campaigns. A number of local authorities have banned lamp post flyposting. I have read a piece of research that says that that might lessen the impact of election day. Although there is a lot of onus on the Electoral Management Board, the returning officers and the Electoral Commission to make the electorate aware that an election is taking place, there is also a major onus on political parties to do that. I have been to places where people have said, "I didn't know an election was on, because there are no lamp post posters." That is the usual indication when an election is going to take place. Has any research been done on that? Dr Clark might want to respond to that. Once again, local authorities have different rules in relation to a practice that basically involves parties publicising an election that is coming up.

Dr Clark: There is extensive research that suggests that the stronger a local campaign is, the more likely it is that the turnout will be higher. Other factors feed into that, such as the competitiveness of the seat but, in particular, the stronger the campaign, the more likely it is that turnout will be high. In the recent election, only 11 local authorities permitted such posters, which is very low compared to, for instance, Northern Ireland, where the streets are covered with posters during election time. Correspondingly, turnout is also much higher, although the environment in Northern Ireland is more politicised. A strong campaign and obviousness that an election is on can only benefit turnout.

Mary Pitcaithly: It is worth highlighting that the board can have no influence on such matters, because the decision is for each local authority. Certainly, in the past few years, we have moved from a situation in which most councils allowed the practice to one in which most councils no longer allow it, for their own reasons, which could be to do with public liability or public safety. I am not speaking for the local authorities; I am simply reflecting the fact that they have to take their decisions on the matter and we all have to abide by those decisions.

The Convener: That issue has got everybody really excited, but we need to move on.

Margaret Mitchell: The issue is to do with participation, so it is good to spend a bit of time on it, as that is a key concern for the committee. The commission's recommendation 4 states that it encourages lamp post posters to be displayed. I have mixed views on such posters. There is an issue about enforcing their removal after the election, because they can be there for months on end. From a politician's point of view, if they were banned it would save a lot of work. I would be interested to hear a bit more about that.

Drilling down specifically to some of the percentages in the report as regards the public opinion research, I note that, of the people surveyed who did not vote, 52 per cent said that they did not vote because of circumstances. What did the other 48 per cent say? In relation to the public awareness campaign, 56 per cent of the people surveyed said that they knew a great deal or a fair amount about what the local elections were about. What did the others say? It is always the people who do not give positive answers we can learn more from.

11:00

John McCormick: I agree. I will ask my colleague Andy O'Neill to comment on that, but first I will make a last comment about the lamp posts. We have said in our report that we think that posters on lamp posts have an impact and there is the research that Dr Clark referred to. Street furniture is used to create the atmosphere that an important event is taking place. We will undertake as a first stage to have discussions with the Convention of Scottish Local Authorities to see whether there is any way that we can address that issue for forthcoming elections. We have a little time before the next local elections. Andy can comment on the other general research points.

Andy O'Neill: Mrs Mitchell is right—the most common answer to why people do not want to vote is that circumstances do not allow them to vote. The other categories that people normally associate themselves with are that they do not feel informed enough, they do not want to vote, or they do not like politicians—all views that are in the media and that members will be familiar with.

More supportively and more importantly, 68 per cent of the people surveyed said that civic duty drives them to vote. Thirty-eight per cent of people wanted to express a view and 15 per cent thought that helping to create change is important. There are a lot of reasons why people do not vote and a lot of reasons why people do vote.

Margaret Mitchell: Those percentages are interesting, because they do not add up to 100 per cent. Do the categories overlap?

Andy O'Neill: I can send you the research so that you can see all the categories.

Margaret Mitchell: I am surprised that Stewart Stevenson did not pick up on that immediately.

The Convener: Perhaps that was his next question.

Margaret Mitchell: I referred to the percentage of people who said that they knew a great deal or a fair amount about the local elections, but what about those who did not know about them from the public awareness campaign?

Andy O'Neill: Again, I will have to write to you about that.

Margaret Mitchell: It would be interesting to see what they said. Thank you.

Stewart Stevenson: I want to ask a few questions about postal voting, because that has not featured very much in the discussion so far. The first question is a practical one. Does the rising proportion of voters who are choosing to vote by post—although it is not rising as fast as it was—have any practical effects on the process that we need to have our attention drawn to?

Mary Pitcaithly: Yes. I remember the days when postal voting was very much not the norm— it was quite unusual for people to have postal votes and people had to have a reason to have a postal vote granted. Now, a large percentage of

votes are issued by post to people and a large percentage of those votes are returned compared with the votes that have to be cast at a polling station. Ultimately, a large percentage of the votes that are counted will come through that route.

From our point of view, there are particular administrative issues with postal voting. We have to resource the issue and return of postal votes in a much more significant way than ever before. Added to that are all the anti-fraud measures, which mean that we now have to compare signatures, dates of birth and so on. It is a much more complex and time-consuming part of the process.

From my point of view, however, the biggest issue for all of us is the tight timescales within which all that has to happen, at a time when we are extremely busy—we are setting up for polling day. That is not a problem for us; we just have to resource it—we have to bring in people and we have to make sure that we can do it. However, it is increasingly becoming a problem for the voter, because the date on which we can issue the postal vote, by law, is now close to polling day, which gives voters little opportunity to consider what they want to do, cast their vote and then take the time to go and put it in a postbox.

We need to review all those timescales—well, you need to review them—because, although a large proportion of postal votes are returned, I suspect that if there was more time, more would be returned and there would be less frantic activity in this area. For example, the number of postal votes that are now returned to polling stations on the day is very significant. The fact that we had found that hundreds of postal votes were being returned on the day was one of the prime reasons that led us to consider a next-day count this year. It suggests that people thought that there was a chance that their votes would not get back to us in time to be counted and so, taking no chances, they went along to a polling station. Visiting a polling station was obviously an issue for those people, or they would not have applied for a postal vote in the first place, but in the end they were forced to consider going there themselves.

Stewart Stevenson: Yes, but it is not necessary for the electors themselves to take their postal votes to a polling station, nor to take them to their own polling station.

Mary Pitcaithly: No, indeed not.

Stewart Stevenson: I therefore take slight issue with that.

Mary Pitcaithly: Okay. I am probably making too many assumptions there, but there are issues with the timing. I urge that the timescale for issuing postal votes be brought forward so that there is more time for people to return them to us.

Stewart Stevenson: That takes me neatly to my next question. For many of my constituents, the system is very difficult because they are often on standby for going offshore, as many of them work in the oil industry. They select a postal vote and they are routinely registered, but at two days' notice they may be called away, and they may be away for three weeks.

That leads me to the issue of power of attorney, which is mentioned in the Electoral Commission's report. I was not aware, until I read it in the report, that such a power does not allow someone to act as an attorney in this regard. Is that a hole in the law that we should be looking at? I do not know whether the Scottish Parliament has the competence to do something about that.

Mary Pitcaithly: There is a provision to allow someone to vote on someone else's behalf, but through proxy voting, not through power of attorney.

Stewart Stevenson: But that requires to be pre-planned, which is the difficulty. In the circumstances that I just described, pre-planning can be difficult.

Mary Pitcaithly: We would not at present be able to accept a postal vote for which the statement had been signed by somebody who was exercising power of attorney, because their signature would not match the signature on the application, which is what the law requires us to check.

I have never had such a case, but I know of other returning officers who have had a handful. Any vote that cannot be counted is a problem but, while I would suggest that it is not a major issue, we are becoming aware of more people who think that, because they have power of attorney over their mother, grandmother or another elderly relative, it allows them to vote in elections, which is not the case.

You would have to look, potentially, at whether there is a gap in the law in that regard. Another element would be potentially to encourage more use of proxy voting. People are not particularly comfortable about proxy voting, but it is certainly more useful for some people, particularly those in the situation that you describe who might find themselves unable to vote at short notice.

Stewart Stevenson: And of course the proxy vote does not need to be exercised by the proxy; it merely adds an option.

Mary Pitcaithly: Yes, exactly.

Chris Highcock: With regard to the issues that Mary Pitcaithly raised, we must distinguish clearly between the issues around proxy voting and people who are called away at short notice for events, and the issues that we as returning

officers deal with around power of attorney. That leads us on to our concerns about the deterioration of handwriting in older people and the fact that signatures become difficult to assess.

For people who are called away at short notice, we are pleading for the timetable to be lengthened so that the situation is eased. In Edinburgh, we have 62,000 registered postal voters, many of whom are becoming aged now, and we can see the deterioration in handwriting. We have dealt with issues involving power of attorney, where people have signed the form on behalf of people with disabilities or people who are too frail to sign. We need to tackle those issues and ensure that as many of those votes as possible can be counted, while taking notice of the fraud issues that caused all the postal vote regulations to be introduced in the first place.

Andy O'Neill: There is another option that you could look at, which is early voting. In a small number of places in a council area, voters who had been called away would be able to vote in a polling station in a secure environment for a number of weeks before. That is allowed in 30-odd states in America and, in the recent American general election, a large percentage of voters voted before polling day.

Stewart Stevenson: That is interesting.

Margaret Mitchell: A power of attorney could be issued for a number of reasons. In the case of someone who is disabled, it could be done for convenience, to allow someone else to do things on their behalf. In addition, there is the issue of capacity, and the capacity to understand the voting process. How do you differentiate between those?

Mary Pitcaithly: Capacity is one reason why power of attorney is a complex issue and would require to be looked at extremely carefully. How would someone who normally has a power of attorney in financial matters to ensure a person's financial security understand how that person wished to vote? There are potentially good reasons for not allowing a power of attorney to be used in that way. I think that people who have a power of attorney do not understand that it does not extend to casting a vote for someone by post.

Margaret Mitchell: I notice that although the returning officers wanted some relaxation on signatures, the commission—and, I think, the board—was very worried about any relaxation from the point of view of potential fraud. How do you balance those competing interests?

Andy O'Neill: As far as postal vote signature and date-of-birth checking are concerned, we are starting a review of postal voting as a whole. Mismatch of forms is when two people in the same household fill in each other's form. When those forms are returned, they cannot be accepted. Under the previous regime, they could be. What happened was known in the trade as matching— the forms were matched—in which there is some merit.

There is an issue to do with date of birth. I think that the returning officers believe that it should be possible to accept a date of birth that does not match the actual date of birth. We would find that more difficult. Just because the person concerned is, say, a 90-year-old does not mean that we can accept a date of birth that is wrong. We would probably argue that there would be no evidence to support that.

We think that more explanation of power of attorney needs to be given, and we have talked to the legal authorities with a view to their doing that. We also think that the signature waiver provision is quite important. We need to ensure that people are more aware that someone does not have to give a signature; all that they have to do is give their date of birth on the postal vote statement.

The Convener: Are people told if their vote is rejected and why it has been rejected?

Mary Pitcaithly: We are not currently permitted to do that. Various reports have said that it would worth while looking at that. As a returning officer, I find it quite distressing to have to reject votes from people who are in their 90s, when I am not able to go back and say to them that I had to do so because they got their date of birth wrong, and that they should be more careful next time. It would be helpful if we had the ability to let people know that their vote did not reach the ballot box.

The Convener: If folk make a mistake once, it is likely that it will happen again and again. It would be awful to think that someone was missing vote after vote and not being told why.

Brian Byrne: There are proposals to change the law so that the RO will inform the ERO that there has been a problem with the signature, and the ERO will then contact the person for a fresh signature. That is currently being consulted on.

Margaret Mitchell: Is there legislation going through at Westminster on up-to-date signatures? Did I read that?

Brian Byrne: Currently, the refresh takes place on a five-yearly basis. The fact that Scotland was a year and a month later than England causes a problem, because the Electoral Commission advice is that the refresh must be done in the same month. In effect, it will be done two years later. The proposals for individual registration may cause further delay, so we could end up with signatures being seven years old by the time they are compulsorily refreshed.

However, the Cabinet Office has accepted our suggestion that, rather than do that, we should bring forward the refresh to 2013. The current timetable is that the refresh will be in 2013 rather than 2014.

11:15

Mary Pitcaithly: I am reluctant to take us back to where we started, but my experience is that the signatures of 16 and 17-year-olds change even more than those of elderly people. The signature of an older person might get shakier over the years, but we can tell that it has been done by the same person—we have had training from forensic scientists to help us to do that. However, 16 and 17-year-olds experiment all the time with different signatures—I am sure that you all probably recognise that—and the signature that they use when they apply for a postal vote could be entirely different from the one that they use when they complete their postal voting statement.

John Pentland: There has been a significant increase in postal vote uptake recently. Has there been any research into whether that is a gender thing, an age thing or a class thing?

Dr Clark: A little research has been done, but the information has not been broken down into social groups or anything of that sort; it has been more to do with the effect that postal voting has had to start with. The research has tended to show that postal voting had an initial, quite big, effect, but that that tailed off as people got used to the process.

Margaret Mitchell: Another subject altogether concerns donations to candidates in local government elections. No rules seem to govern that, but although the commission expressed concern on that point, you did not make a recommendation. Why not, given that concern?

John McCormick: We recommended that the matter be reviewed. In the report, we make it clear that we want there to be transparency in the donations. We hope that that will be taken on board before the next local elections in 2017.

Margaret Mitchell: You say that you do not have a statutory duty to advise on or interpret the guidance to candidates and that, somehow, you cannot give them the assurance that they might seek in law. What difference would it make if you had that statutory duty?

Andy O'Neill: Where we have a statutory duty to give guidance to candidates, a candidate who falls foul of the regulatory regime can use the defence that they are following our advice. Where we do not have a statutory duty to regulate, as is the case with Scottish local government elections, that defence essentially does not exist. We gave

advice on behalf of the Scottish Government, at its request. It is not our statutory duty to give that advice.

John Wilson: Recently, there have been a couple of high-profile cases in Westminster where people have been stripped of their seats because of their abuse of the election expenses process. When an election agent makes a return relating to the expenditure that is incurred during a campaign, do the returning officers and the commission take that on trust or is any analysis carried out to see whether more has been spent than has been declared?

Andy O'Neill: The Electoral Commission has no role in regulating Scottish local government campaign expenses returns. The returning officer's role is simply to take the return from the candidate and make it publicly available. The Crown Office is the organisation that would examine such matters.

Mary Pitcaithly: Any concern would normally be brought to the Crown Office's attention by another candidate, a councillor or a member of the public. There is currently a case in the courts in Scotland around a potential breach of the law in relation to expenses in the most recent election.

John McCormick: That issue, and general issues around expenses and transparency, will be part of the review that I was referring to earlier, I trust.

John Wilson: In previous local government elections, have cases gone to court?

Mary Pitcaithly: I know that challenges have been made and cases have been reported to the police. I am unable to say whether those have ended up in court, but that would be quite a rare event. I understand that, currently, a candidate—a councillor—is in court facing charges in relation to the issue that you raise.

The Convener: A lot of people—particularly those with names that are further down the alphabet—are in favour of Robson rotation. Could you talk about academic research on the issue and the experience of countries that use it?

Dr Clark: I have a few points to make on the issue, which I covered briefly in the article that I touched on.

First, there are, clearly, ballot position effects. It is beyond chance that those effects happen. However, in addition to the fact that the effects happen in all elections—recent research has shown that they happen in first-past-the-post local elections in England, as well—I have found that, when we consider the more than 2,000 candidates who stood in the most recent round of elections, we see that the correlation between being high up on the ballot paper and winning a higher

proportion of first preference votes is fairly weak. The problem exists within political parties that decide to have more than one candidate standing for election in a ward. There is a high correlation within the parties between higher placing on the ballot paper and higher share of the votes.

The academic literature is a bit more split on the issue than you might think. More recently, some people have found quite a bit of ballot-paper position effects, but others suggest that we have correlation, not necessarily causation.

Things such as party and incumbency feed into the voter's voting decision. We do not know what effect those issues have on the voter's choice on the ballot paper. The paper that is before you shows that there are quite strong party loyalties. There is evidence of, for instance, party candidates who are quite far down the alphabet doing better than people from a different party who are higher up the alphabet. We need to know a bit more about this before we start thinking about rotation on ballot papers and so on.

Tasmania and the Australian Capital Territory are the only areas that use Robson rotation. Where it is used, the reason for doing so tends to be because parties tend to nominate more than one candidate. That is very far from the case with regard to the parties in Scottish elections that use the single transferable vote. In the past round, Labour and the Scottish National Party nominated more than one candidate but, on the whole, the other parties tended to nominate one candidate.

If you wanted to give each candidate an equal chance of being elected, you would think not about using Robson rotation but about having a full rotation of candidates' names over the ballot paper. The possible permutations are considerable. If you are going to rotate eight candidates' names, you are looking at around 40,000 permutations of the ballot paper. That is quite a logistical exercise.

I would say two things. First, I caution against doing that. Secondly, we do not know enough about what is going into the voter's decision. Other issues can feed into that decision; it is not necessarily the case that they are going down the ballot paper. The main problem is within parties, not necessarily with the full list of candidates.

The Convener: What is your opinion of the impact of gender on the STV system? There has been debate around that issue as well. What does the academic research show on that front?

Dr Clark: Advocates for and against electoral systems will claim quite strong things one way or the other. Electoral systems tend to be either a bit more or a bit less permissive, but, on the whole, they are not the decisive factor with regard to gender balance. The decisive factor is how parties select their candidates. There is evidence that where parties have such things as gender-based quotas, twin candidates and zipping practices, more women will be elected.

The one good thing about STV is that it allows voters to vote for women, should they want to do so, regardless of party. In that sense it is probably a more permissive system, but the decisive factor is candidate selection procedures.

Margaret Mitchell: There is no doubt that the issue is not with the ballot paper as a whole but with the rankings within parties. People would go to the party that they wanted to support and then just decide alphabetically. That caused a real problem and there were fairness issues there.

Dr Clark: That is undoubtedly the case, but a substantial minority make the other choice and vote for the person below the one on top, if that makes sense. We do not know why they do that. That is the question that we need to answer before we get a solution to the problem.

Margaret Mitchell: Thank you.

John Wilson: Dr Clark might want to comment on this point. During the 2012 elections, the two main parties—Labour and the SNP—became more acutely aware of where their candidates were ranked in the preferences. They issued leaflets to voters that said, for example, "John Pentland: vote 2; John Wilson: vote 1". I am not giving away any secrets if I say that in some areas the SNP strategy was to favour the candidate who was positioned lower on the ballot paper, rather than the candidate who was positioned higher on the ballot paper, because we accepted that that issue was there. Both the Labour Party and the SNP were doing that; parties in Ireland do it as well.

How do we get below voters' thinking? You have said that voters may decide to vote for the candidate in a lower alphabetical position on the ballot paper, rather than for a political candidate from the same party who is higher up on the ballot paper.

Dr Clark: I would say two things to that. You are right: the SNP split wards 60:40—or something of that sort.

John Wilson: I cannot comment.

Dr Clark: We need to know more about what has gone on within the wards, which is something that I mentioned in my paper. I have presented a largely aggregate analysis—and that is all that I have seen from others in relation to these elections, too. We need to do more detailed analysis so that we can know more about how that worked out in the wards.

The one thing that we have not been able to do with the STV elections, because it is very difficult to do with the data that we have, is to get into the mind of the voter. It is a two-level game, if you like. We have aggregate data, but we do not have data from the individual voters that says what they have done and why they have chosen who they have chosen. For instance, in Craigentinny/Duddingston ward, Tymkewycz was highest. Voters might have chosen him because he was the incumbent or because he was with the SNP—we just do not know. There is a need for individual-level data to complement the aggregate data that we have been able to put together from returns on council websites.

Margaret Mitchell: I notice that the commission says that electronic counting did not appear to have any impact on voters' confidence in accuracy, according to public opinion research. When we did not have multi-member wards and the system was first past the post, we could actually see ballot papers piling up and there was a very clear, decisive and transparent picture of who was winning. I am amazed that more people are not questioning electronic counting. It is almost a case of "Trust me—I'm a returning officer." If you look at what is going on at local elections, you see that most people do not have a clue. I do not think that bigger screens would make any difference whatsoever.

Mary Pitcaithly: What we have there is a difference of experience between that of those who go to counts, who are largely politicians such as yourself, and that of those who do not—the public, who would never think to go to a count and would never have experienced that more transparent piling up of papers.

11:30

Certainly, the results in electronically counted elections come as much of a surprise to the returning officer as they do to candidates. The system is not transparent in that sense, but once you have all the data it is incredibly clear what has happened and how it has happened. However, I recognise what you say. While a count is happening, somebody who is there does not have much of a clue about how things are going—although there are now bar charts on screens that allow people to see to a certain extent who is getting the most first preference votes. That does not necessarily translate into who is going to be elected, but the first preference bar chart allows people to follow about 80 per cent of the votes that are being counted.

The commission asked the public for their view on whether electronic counts were more transparent and whether they could trust them. The public do not actually know what happens at a count. They do not tend to go to them, so they would not be aware of the difference in the level of transparency.

Andy O'Neill: After the event, we carried out a candidate and agent survey. Eighty per cent of respondents said that they believed that what was happening in the count was transparent.

John McCormick: The survey was very important to us this time because of the problems in 2007. We had to know whether the voters had trust in the process, so it was encouraging that we had progressed since 2007.

Margaret Mitchell: Such a low bar was set in 2007 that you were always on to a winner.

I notice that there is a recommendation that the Scottish Government should hand responsibility for e-counting to the Electoral Management Board. Has there been a reaction from the Scottish Government to that recommendation? Are you aware of whether it is in favour of it?

Mary Pitcaithly: I am not aware of any reaction. The fact that we would not be doing any counting again until 2017 suggests that the matter does not need to be determined immediately. However, there will obviously be a long lead-in period to any award of a new contract for e-counting and whoever will be responsible for it will need to be given that responsibility at as early a date as possible. There would be issues around the board having the capacity to take that on at this stage, but there is no reason why in future the board could not have sufficient capacity to do that, and do it well. We have not necessarily been set up to do that, but we are evolving as we go along.

John Pentland: I do not have a question, but I have a tongue-in-cheek comment, for the benefit of the panel members. They are probably aware that we are a very consensual committee, but it is highly unlikely that they will ever see John Wilson and me on the same ballot paper.

The Convener: Okay—we are not going there, gentlemen.

I thank the panel members for their evidence.

11:32

Meeting suspended.

11:37

On resuming—

Subordinate Legislation

Scottish Local Government Elections Amendment (No 2) Order 2012 [Draft]

The Convener: Agenda item 3 is oral evidence from the Minister for Local Government and Planning and Government officials on the draft Scottish Local Government Elections Amendment (No 2) Order 2012. The minister has lodged a motion to approve the order, and that motion will be considered formally after evidence. Members have received a paper setting out the purpose of the instrument. The Subordinate Legislation Committee has no comments to make on the instrument.

I welcome Derek Mackay MSP, who is the Minister for Local Government and Planning; Stephen Sadler, who is head of the Scottish Government's elections team; and Jaime Neal, who is a policy officer in that team. Does the minister want to make opening remarks?

The Minister for Local Government and Planning (Derek Mackay): I welcome the opportunity to debate the local government elections order and to speak to the motion in my name.

We recognise the progress that has been made since the Gould report and the overall successful running of the Scottish local government elections, which I suspect we will discuss shortly. The Electoral Commission and the Electoral Management Board reports both make useful recommendations that we can build upon to improve future elections in Scotland. We recognise that there is no room for complacency and that there are various areas to address, which in general terms include work on postal voting, the ordering of names on the ballot paper and increasing voter turnout. I look forward to hearing the committee's views on those.

Regarding the order, we gave a commitment to release more meaningful post-election data that will help us to understand what happened during the election. I believe in making Scottish elections more transparent and effective than ever before, which is why I hope that the committee will be able to accept the motion to approve the Scottish Local Government Elections Amendment (No 2) Order 2012. The order will allow us to provide voter preference information, which will provide useful information about voting patterns. I know that that proposal enjoyed some cross-party support when I indicated our intention in January this year.

The Convener: The minister will be aware that the committee has just taken evidence on the Scottish local government elections from a panel of witnesses. Do members want to ask the minister questions following from the evidence that we have just heard?

Margaret Mitchell: I would like to hear a little bit about the ordering of names. I do not know whether the minister heard the evidence, but Dr Clark suggested that alphabetical ranking of names on the ballot paper need not necessarily be of the names, but could be of the parties.

Derek Mackay: Of course, a range of factors are involved in how people are ultimately elected, but I think that we all know, having witnessed two local government elections using the STV system, that there is an alphabetical advantage— particularly to parties that field more than one candidate. We recognise that as a factor and look forward to the committee's deliberations on what we should do with that. A range of reasons— including incumbency, popularity and the geographic divide of a ward—affect why a candidate may be elected, but there is clear evidence that there is an alphabetical advantage. The Scottish Government is very interested to hear the committee's views on rotation and other methods that may address that factor.

Stewart Stevenson: I did not ask the previous panel this question, but I think it appropriate that I put it to the minister. In the 2012 local government elections, turnout was markedly lower than it had been when those elections were coupled with Scottish Parliament elections. In the recent police and crime commissioner elections in England and Wales, one factor that was thought to contribute to the low turnouts—it would be fair to describe them as having been catastrophically low—was that electors lacked information about candidates. Given that the electoral authorities in the Scottish local authority elections have to use the postal service to send material about when and where the ballot is for each voter, would it be appropriate to consider whether that mailshot should also enclose a single sheet from each candidate, in order better to inform the electorate, in the hope that that might drive up turnout?

Derek Mackay: I welcome the fact that turnout was at 39.8 per cent. It is disappointing that it was not higher than that, but that is possibly higher than some people had anticipated for a decoupled election. Decoupling was the right thing to do, so that we could have a proper focus on local government issues, as separate from Scottish Parliament issues, although turnout was consequently lower than it had been in previous elections. However, the Scottish figure compares quite well with figures from other parts of the UK and was higher than the figure for local authority

elections in England. Of course, we want to see far higher turnout than 39.8 per cent.

On whether electoral material from candidates should be included as part of the circulation of other neutral electoral material, I know that local government candidates may feel that they are not as well served as parliamentary candidates, who have a free mailshot delivered by Royal Mail. That would come at a cost and I would prefer such material to be separate from electoral administration mailshots, although that could be up for debate. We have no plans to offer a free mail drop or free distribution service for local government candidates.

The lessons from the elections are that the administration must work well and people must have confidence in the electoral system and its administration, but in large measure the debate among the political parties is about what will draw people out to vote. As politicians, we have a role to play in that, so I will watch with great interest the committee's deliberations this morning.

John Pentland: At 39.8 per cent, turnout was higher than expected, which is to be welcomed. One thing that I believe contributed to that was the significant increase in the use of postal votes. The Electoral Commission said that, although that is encouraging, there are still pitfalls associated with timing the issue and return of postal ballots. Another problem was that nearly 3,000 postal votes were discounted because they arrived late. Will you take on board some of those comments and perhaps extend the process for postal vote ballot papers?

11:45

Derek Mackay: We must look closely at the guidance and the legislation, some of which is in the control of the Scottish Parliament and some of which is in Westminster's control, including the franchise and elements of the administration of elections. We have tried to be as proactive as possible; for example, the EROs have tried to be proactive on postal voting. There is, of course, concern about the 4.4 per cent rejection rate for postal ballots. I know that the committee discussed that this morning and asked a pertinent question about it, which is whether we—not the Scottish Government, but the EROs—will write to every one of the 18,698 people whose postal vote was rejected. Of course, it was this committee that considered the legislative consent motion on the power to allow the EROs to do that. All those people will be written to in order to set out the reason why their postal vote was rejected— whether it was because of the date of birth, the signature or something else. We will be proactive on that in order to build further confidence in the

system and to ensure that as many votes as possible are valid.

We want to encourage more people to take advantage of postal voting, because the turnout is far higher for postal voters—in the recent election it was almost 70 per cent, compared to the overall turnout of 39.8 per cent. Although the legislation might feel archaic and the language out of date, the forms for signing up for a postal vote are clear and user-friendly. We will do all that we can to encourage people to use postal votes.

If we can tighten up the timescales, we will consider that. However, someone can hand in a postal vote right up to, and including, polling day. There is sometimes an issue when the postal service has not got the ballots in on time, even though the electoral agencies are proactive with Royal Mail and try to scoop up any that are still in the system. However, someone might post the papers too late. On information and awareness, I am happy to consider any recommendations that the committee produces on how we can refine the law and offer further guidance through the Electoral Management Board.

The general point is that I am responsible only for local government elections, but we would want to share any good practice across elections and— dare I say it?—referenda.

Margaret Mitchell: We heard two rather concerning bits of evidence this morning. One was that donations that local government candidates receive do not have to be declared, which creates the potential for donors to exert undue influence without that being transparent. Do you have a view on that? It seems to be outrageous that, for every other level of government elections, the procedure is rightly transparent and tight, but there is nothing to regulate the situation for local government elections.

Derek Mackay: I have not seen evidence that gives me cause for concern on that, but I am more than happy to consider the issue. In fact, one recommendation from the Electoral Commission is to consider the regulations on campaign expenditure. That work will be done, and we are happy to consider any anomaly that you think exists.

Margaret Mitchell: There is a big difference between the issue of donations—which has a potential impact on the business of local government or particular councillors—and the issue of campaign expenses and expenditure and whether candidates are within the guidance. The Electoral Commission has expressed concern that it does not have a statutory duty to give guidance and that, therefore, if it comes to a court case, the person defending cannot say in supporting evidence that they took advice from the

commission and proceeded and acted accordingly.

Derek Mackay: That is a fair point, which is why we have agreed to review those issues with the Electoral Commission. There is time for that because the next council elections are five years away; we are in another five-year term. We will review the matter and report back.

Margaret Mitchell: Will there be any retrospective provision on donations?

Derek Mackay: No. Of course, as things stand, candidates must declare in their election returns where income was received from and how it was spent during the regulated period for the election campaign. However, there is a reason for conducting the review and we are happy to look into the issue.

John Wilson: The explanatory note that comes with the order says that article 4 provides that the requirement to publish voting sequences applies only when votes are counted electronically. Are you aware of any count in the 2012 election in Scotland that was not carried out electronically?

Derek Mackay: No. Stephen Sadler has just advised me that there is an issue with by-elections, but the overall count was universally conducted electronically.

Stephen Sadler (Scottish Government): The provision is for future by-elections, for which local authority returning officers might decide not to count electronically, in which case it could be too much of a burden for them to deliver the sequence results. However, the minister is correct that, in last May's elections, the counts were all done electronically.

John Wilson: I asked the question because of that very point. Although all the counts were conducted electronically in May 2012, there is the possibility of a breakdown with counting machines, as happened in 2007, and by-elections might not be counted electronically. Is there any intention to extend the order to counts that are carried out manually?

Derek Mackay: That is a helpful question. I answered accurately in saying that, because the count was completely electronic, there is no question that the data in the system cannot be released. We predicted the issue and we were proactive in ensuring, through the contract, that we could release the data, as the count was electronic. If the count had not been electronic, it would take two to three days to go through the local government election results manually. If I was a returning officer now, looking at the order that the committee is being asked to approve, I would probably want to conduct an electronic count even for a by-election, so that the data could be released. An unintended consequence might be that by-elections are also counted electronically, to enable the release of the data that the order authorises.

John Wilson: On that point, a contract was issued for the hire or purchase—I am not sure which—of electronic counting equipment for the May 2012 election. Has there been any discussion between the returning officers and the Government on the use of electronic counting devices in the future?

Derek Mackay: The Gould report suggests that we should get the regulations and guidance in place as quickly as possible, and no later than the year before a poll. We will plan on that basis. We have plenty time to ensure that the procurement for the next electoral service can accommodate any changes. We have no concerns about the procurement and the operation of the electronic vote next time round. For the recent election, we had in the contract the safeguard of the ability to deliver that data, so we can release it. That capacity exists.

John Wilson: How will that apply to by-elections?

Derek Mackay: It is for local returning officers to procure the services to run a by-election. If we ask for more data to be released, or if we go down the road of randomisation of ballot papers, that might be slightly more expensive, but if it builds in credibility and confidence in the system and greater transparency and understanding of what happens at elections, that will be well worth it. The expense is not exorbitant, given the overall cost of running an election.

Anne McTaggart: What research and theory did you consider in coming to your conclusion on votes for 16 and 17-year-olds?

Derek Mackay: Of course, we do not have votes for 16 and 17-year-olds in local government elections. The Scottish Government's position is that 16 and 17-year-olds should be able to vote in all elections, but we conduct the administration of the elections and do not determine the franchise, although that is a power and a right that we seek.

The question of votes for 16 and 17-year-olds is less of an administrative one or a question of academic interest and more of a policy question. It is a political point of view that we happen to believe that, if people at the age of 16 and 17 can pay taxes and make other life choices, they should have the ability to vote. Our view is about empowerment of 16 and 17-year-olds, rather than being based on any academic advice. People such as the votes at 16 campaign would concur with that. The choice is political, rather than academic.

Anne McTaggart: Does that mean that you are strongly in favour of 16 and 17-year-olds getting the vote and that it is not just for the referendum?

Derek Mackay: That is absolutely correct.

Anne McTaggart: What information do you foresee making available to schools, pupils and parents to encourage 16 and 17-year-olds to vote?

Derek Mackay: I suppose that, in relation to any election and referendum, specific packs will be made up on how important it is to use the vote. Right now, modern studies classes and other groups in schools conduct debates on democracy and what the vote is all about—how it has emerged, who has it and how important it is to use it. I imagine that, in the future, the process will operate in the same way as current political education in schools operates, so it will be neutral.

Many of us will have been invited to schools to tell young people about what we do as politicians. I suppose that the process will be part of the empowerment of young people and it will be conducted in the same way. If specific material is required for young people, I am sure that the relevant electoral agencies will consider that and that political parties will also take an interest, in the same way as they do at present; for example, with mock elections.

John Pentland: There has been a tailing off in the number of people who put themselves forward for election as councillors. There will be various reasons for that, but one is to do with eligibility. People who work for council's arm's-length organisations are unsure whether they will have to resign if they become councillors. I know that the Electoral Commission has asked the Scottish Government to consider the issue. Have you made any inroads on that?

Derek Mackay: We recognise the recommendation to consider the issue and we will review the matter. I am not sure how many candidates are deterred from submitting nomination papers, but we have said that we will give that due consideration, so we will do it. No decision has yet been made. There is time to consider the two major reports on the running of elections, and the consequences and consistency with other elections. We are sympathetic to many of the recommendations in the Electoral Commission's report.

Margaret Mitchell: Earlier this morning, we discussed signature identification and verification. The returning officers are looking for a relaxation of the rules on that, but the commission is hesitant, because of the potential for fraud. Do you have a view on that?

Derek Mackay: That ties into the issue of rejected postal vote papers. With postal votes, a signature is required for the ballot paper to be accepted as valid. In the election, 13.9 per cent of postal votes were rejected because there was no signature, and 18.7 per cent were rejected because of a mismatch in signature. Over and above the process that I described of EROs going back to the people whose votes were rejected to ensure that the records are up to date, there is a degree of proactivity on the personal identifiers, which are refreshed every five years. Therefore, as well as the EROs going back to the people whose votes were rejected, that updating should happen anyway.

Margaret Mitchell: On updating, young people were mentioned, because they sometimes experiment with different styles of signature and, at the other end of the scale, elderly people's signatures can deteriorate quickly. That is perhaps something to bear in mind.

Derek Mackay: It is a fair point. Local electoral registration offices should consider being even more clear in the paperwork and information that they provide about the requirement for a date of birth and a signature and the fact that they will be cross-checked. Even the formatting, and how people put in their date of birth when they fill out the postal vote, might be an issue. Some people might put the date back to front. The guidance needs to be consistent.

We will be far more proactive on this issue than was the case previously. It is partly thanks to the change in legislation, for which we have agreed to a legislative consent motion, that we are able to take that administrative step.

12:00

Margaret Mitchell: That might help a young person to provide the same signature. For an elderly person, that would not be possible.

The Scottish Government currently has responsibility for e-counting. The Electoral Commission recommends that that should be passed to the Electoral Management Board. Have you reached a decision on that?

Derek Mackay: No.

Margaret Mitchell: Are you minded to go one way or the other? What is your personal preference?

Derek Mackay: I do not think that I am allowed to give personal preferences.

Margaret Mitchell: In your capacity as Minister for Local Government and Planning.

Derek Mackay: I am sympathetic to most of the recommendations in both reports, and will consider that. I am not being obtuse about this; it would be better to have a considered response to

all the recommendations so that it is all joined up. We will give you a full response in due course.

Margaret Mitchell: That was an answer worthy of a minister.

Stuart McMillan: Good afternoon, minister. I have a brief point about dates and signatures. I notice that a format is laid out on some UK Government agency forms. On the Driver and Vehicle Licensing Agency forms in particular, a format is laid out for the date that someone has to put in. It might be worth while implementing that for future elections.

Derek Mackay: I will take that on board.

The Convener: Mr Stevenson pointed out that workers in our area—and other areas it has to be said—who work offshore often have difficulty voting by post. A lot of folk do not like proxy voting. The Electoral Commission has suggested that we might consider early voting. Would you be minded to consider whether that is possible?

Derek Mackay: I am happy to look at all recommendations from this committee and elsewhere. I am not quite as comfortable with early voting as I am with proxy voting. I am not convinced that that would be helpful, in terms of the regulated period, the electoral period, the timescale for the issue and return of postal votes, and polling day itself. However, we will look at the evidence on that if you wish to produce it.

In the case of someone being called away at the last minute, as Mr Stevenson described, we would be more comfortable considering provisions on emergency proxy voting or indeed extending the time to be a proxy, than with changing the timetable of an election, which would present a host of difficulties relating to the production of ballot papers, close of poll and so on. There are many issues that would need to be considered as part of that. If there is an issue, we are happy to look at it, but my preference would probably be to consider what we could do with proxy voting and at which stage we could accept a proxy vote. We have probably got more flexibility and freedom in that area.

John Wilson: Has any consideration been given to changing polling day to a weekend and to changing the location of polling stations to supermarkets and other major public places?

Derek Mackay: The matter of whether we should we change polling places so that they are even more accessible, and change the day itself, is often discussed. In relation to the proposed referendum, on which we have more legislative competence, we have consulted on changing polling day to, say, a Saturday. The same could be considered for local government elections. I would be interested in your views on that. No decision

has been taken. Of course, as it stands, we have no evidence that that would necessarily increase turnout for a local government election, but we are open-minded on all those options. It is a proposal that is presented in the papers that we have received and we will give it due consideration.

Stuart McMillan: That issue is in some of the evidence that the Referendum (Scotland) Bill Committee, of which I am a member, has received regarding the section 30 order. One part of the Scottish community highlighted that if a referendum or any election were to be held on a Saturday, it would be not so much be frowned on as not looked on favourably by the Jewish community for religious reasons. In relation to any future election, I ask the Scottish Government to consider the religious aspect, and the different religious communities in Scotland, so that we are seen to be inclusive of everyone in the country rather than as excluding individuals from voting.

The Convener: I am sure that you will take that on board, minister.

Derek Mackay: Yes, absolutely. I acknowledge that point. If there was to be a next-day count on the Sunday, it would upset other communities as well. Religious sensitivities will of course be taken on board, as well as any other considerations.

John Pentland: We have alluded to the turnout in 2012, which was nearly 40 per cent. We have heard a few ideas about changing the day to help to increase turnout. Will the Government embark on any research to identify why people are not turning out to vote and why, in some areas, there is a high turnout, while 2 or 3 miles down the road, the turnout is half of that or even less? Such research would be good and would help to increase turnout.

Derek Mackay: People will extrapolate a range of reasons for why the electorate does not turn out for elections. It was not so long ago that general elections in the UK would have turnouts of more than 70 per cent. Is that because the administrative system was very different? I do not believe so. I think that it will be the case that the political parties and the candidates make that will draw people out to vote.

There is some evidence—though I caution the use of it—that there is sometimes a correlation between levels of deprivation and turnout. We should pay some attention to that, although it is not always the case, because the lowest turnouts in this year's council elections were not always related to deprivation. It is an issue, not just in relation to voter turnout but, as you discussed earlier, potentially in relation to registration.

There is a range of reasons why people will or will not come out to vote. Mr Stevenson has identified the turnout for the police commissioner

elections in England, which has disappointed the UK Government. On the day of the local government elections, the turnout in England was 31.1 per cent, compared with 39.8 per cent in Scotland, which is clearly a better turnout.

Even if we run education campaigns, as we have done, and even if we encourage the independent organisations that communicate electoral information to run big campaigns to increase awareness of the single transferable vote, as we did this year, it is still down to political parties to inspire people to come out and vote in any given election. We have to ensure that we remove the barriers to people exercising their right to vote, which is why these deliberations are so helpful.

I am sure that many academics and others will probe turnout and suggestions for increasing turnout. We will pay a great deal of attention to that to ensure that we get as many people as possible to vote in future local government elections. Fundamentally, as we all know, many people have given a great deal to have the vote and we should encourage its use to ensure a democratic result.

Anne McTaggart: I point out that it is not always deprived areas where the turnout is lowest, as Dr Clark's research found in Aberdeen.

The Convener: There are many areas of multiple deprivation where turnout has not been too bad. I am sure that the minister will look at Dr Clark's evidence to the committee.

Minister, will you say when you will respond to the report, because that will help us to deal with our future elections work?

Derek Mackay: Many of the recommendations are not directly for the Government but are for other organisations, such as the EMB and the Electoral Commission. I want to ensure that we are talking to each other about the recommendations. However, I hope to have a response for the committee early next year, and I greatly look forward to the committee's input on the recommendations, too.

The Convener: Thank you, minister. We come to the debate on the motion to approve the draft Scottish Local Government Elections Amendment (No 2) Order 2012, on which we have just taken oral evidence. I remind the witnesses that only elected members may take part in the debate.

Motion moved,

That the Local Government and Regeneration Committee recommends that the Scottish Local Government Elections Amendment (No.2) Order 2012 [draft] be approved.—[*Derek Mackay.*]

Motion agreed to.

The Convener: Thank you, minister.

12:11

Meeting continued in private until 12:30.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice to SPICe.