



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# REFERENDUM (SCOTLAND) BILL COMMITTEE

Thursday 30 May 2013



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**REFERENDUM (SCOTLAND) BILL COMMITTEE**  
**15<sup>th</sup> Meeting 2013, Session 4**

**CONVENER**

\*Bruce Crawford (Stirling) (SNP)

**DEPUTY CONVENER**

\*James Kelly (Rutherglen) (Lab)

**COMMITTEE MEMBERS**

\*Annabelle Ewing (Mid Scotland and Fife) (SNP)

Linda Fabiani (East Kilbride) (SNP)

\*Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab)

\*Rob Gibson (Caithness, Sutherland and Ross) (SNP)

\*Annabel Goldie (West Scotland) (Con)

\*Patrick Harvie (Glasgow) (Green)

\*Stewart Maxwell (West Scotland) (SNP)

\*Stuart McMillan (West Scotland) (SNP)

\*Tavish Scott (Shetland Islands) (LD)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Colin Borland (Federation of Small Businesses)

Dennis Canavan (Yes Scotland)

John Downie (Scottish Council for Voluntary Organisations)

Craig Harrow (Better Together)

Blair Jenkins (Yes Scotland)

Bill Kidd (Glasgow Anniesland) (SNP) (Committee Substitute)

Blair McDougall (Better Together)

Professor Aileen McHarg (University of Strathclyde)

Euan Page (Equality and Human Rights Commission)

Bill Scott (Inclusion Scotland)

Kyle Thornton (Scottish Youth Parliament)

**CLERK TO THE COMMITTEE**

Andrew Mylne

**LOCATION**

Committee Room 1



## Scottish Parliament

### Referendum (Scotland) Bill Committee

*Thursday 30 May 2013*

[The Convener *opened the meeting at 09:15*]

### Scottish Independence Referendum Bill: Stage 1

**The Convener (Bruce Crawford):** I remind everyone to switch off their mobile phones. We have had apologies from Linda Fabiani, and Bill Kidd is attending in her place. Stuart McMillan has to leave after the first panel for a private engagement.

Patrick Harvie wants to say something at this stage.

**Patrick Harvie (Glasgow) (Green):** Convener, I do not think that this is a formal registrable interest, and I do not think that it will come as a surprise to committee members, but in the interest of transparency I put it on the record that I am a member of the advisory board of Yes Scotland.

**The Convener:** Thank you.

This is the fourth of the five meetings in which the committee will take oral evidence at stage 1 of the Scottish Independence Referendum Bill. I welcome the first panel of witnesses. From Yes Scotland we have Dennis Canavan, who is the chair of the advisory board, and Blair Jenkins OBE, who is the chief executive. From Better Together we have Blair McDougall, campaign director, and Craig Harrow, the director. I understand that Blair Jenkins and Craig Harrow would like to make short opening statements, and Dennis Canavan wants to say something after they have both had the chance to say their piece.

**Blair Jenkins (Yes Scotland):** Thank you, convener. It is a great pleasure to be here this morning. As you say, Dennis Canavan will talk a little bit about Yes Scotland's advisory board.

We are delighted to be taking part in this process. We share the aspiration of every member of the committee that we should have a good referendum process. We are acutely aware of the historical importance of the referendum for Scotland and the Scottish people. We are determined to run the kind of positive campaign that will engage and enthuse people in Scotland, and I am sure that that aspiration, again, is shared by all members of the committee and both campaigns. We are pleased to be part of this

process. I hand over to Dennis Canavan for his remarks.

**Dennis Canavan (Yes Scotland):** Convener, thank you for inviting us. I chair the advisory board of Yes Scotland, which consists of about a dozen members from various backgrounds such as politics, the business community, media and entertainment. Yes Scotland is a broad-based, inclusive organisation, and that is reflected in the membership of our advisory board, which includes people from different political parties and people who are not members of any political party. We are more of an advisory committee than an executive committee. Our job is to advise the chief executive and the management team on matters about the yes Scotland campaign. I look forward to this evidence session.

**Craig Harrow (Better Together):** Convener, I thank you and the committee for inviting my colleague Blair McDougall and me along this morning. On behalf of Better Together, we welcome the opportunity to give evidence to the committee. The rules and regulations governing any electoral contest are, of course, important but they are of heightened importance in a once-in-a-lifetime referendum on an irreversible decision such as dissolving a 300-year-old union. We all have a duty to ensure that we deliver a result that is not only fair but seen to be fair.

For our part, we have striven to act in a transparent manner. We supported the involvement of the Electoral Commission and its rules as a matter of principle from the outset. Better Together was the first campaign to release details of our donors and we have decided not only to meet the normal standards of electoral law but to go further by banning any foreign donations to our campaign. Better Together considers the sensible recommendations from the Electoral Commission to be a big step forward in ensuring that we have fair referendum rules. As the committee would expect, we have followed its discussions and we are pleased that the work continues to ensure that the process of the referendum is properly scrutinised.

We have been particularly interested in the discussions about permitted participants. It is important to us that dummy organisations are not established and that campaigning groups properly account for expenditure in the regulated period. We want to ensure that there is clarity on which groups are formal accounting units of our organisation. In that way, regulators and the media will know which organisations are part of Better Together for the purposes of recording expenditure and which are not and so would be considered as other participants. In simple terms, we are operating one accounting unit. In other words, our women's; lesbian, gay, bisexual and

transgender; rural; youth; business; and trade union groups will not set up separate bank accounts or separate funding vehicles. We are happy to discuss that issue or any other issue with the committee.

**The Convener:** Thank you, Craig.

I want to ask both campaign groups about an issue that has arisen during our evidence taking—the situation that arose in Wales, where only one body decided to define itself as a designated organisation. My question is simple. Do you intend to apply for designated organisation status? Are there any circumstances in which you would envisage not applying for that status?

**Blair Jenkins:** We will certainly apply to be the designated campaign organisation campaigning for the yes vote. In fact, we would welcome early designation as the official yes campaign organisation.

**Blair McDougall (Better Together):** Absolutely. I cannot envisage any circumstances in which we would not seek to be the designated official organisation. Indeed, Blair Jenkins and I talked outside about our wish to have early designation, if possible, so that everybody is clear about where both campaigns stand.

**The Convener:** You both talked about early designation. What do you mean by that?

**Blair McDougall:** In theory, designation will be a short time before the start of the regulated period, in June. I think that the Electoral Commission has expressed an interest in looking at whether early designation would be possible, and I presume that that would be some time earlier than that, in 2013. From my point of view and that of Better Together, the sooner the designation, the better, because it will give certainty about status.

**Blair Jenkins:** I think that the Electoral Commission has its own processes to go through, which we have to respect. However, subject to going through the due process, “as soon as possible” and “the earlier, the better” are the appropriate phrases.

**The Convener:** I want to clarify something for the record. Blair McDougall said “2013”, but I think that he meant 2014.

**Blair McDougall:** Yes—I meant 2014. Apologies.

**The Convener:** I wanted to clarify that, particularly as there are people behind you scribing.

**Dennis Canavan:** We are unaware of any competitor organisation, so I do not see any problems with our being the sole designated body.

**The Convener:** Okay. I needed to put that on the record, because concerns have been raised in evidence, particularly given the experience in Wales. I am glad that you have clarified matters.

**James Kelly (Rutherglen) (Lab):** I thank the witnesses for coming to the meeting to give us evidence.

I note from your earlier comments that your organisations intend to be the lead organisations for each side of the argument. I think that that makes great sense. It will place a great responsibility on you in relation to how you conduct the campaigns and how you account for your expenditure. It is clear that there is a limit of £1.5 million for each lead organisation, and within that you will have to account for each item of expenditure over £200. That will be a major operation for each campaign. What accounting policies and practices will you put in place to ensure that that is done correctly and in compliance with the regulations?

**Blair McDougall:** On the steps that we have taken, we have tried to ensure that there is clarity on which organisations are part of Better Together for accounting purposes so that there is also clarity on which organisations are not part of it. It is clear that the issues around permitted participants and co-ordination arise from the issue of an organisation being separate for the purposes of the overall amount of money that it is allowed to spend, but then being co-ordinated with the main organisation. Notwithstanding the cross-party nature of things and the individual parties having their own spending limits, we are trying to give clarity on which organisations are formally part of Better Together.

As Craig Harrow pointed out, we are trying to ensure that the various organisations, which are politically autonomous, are not separate in terms of accounting. We do not want to get to the regulated period and find that we cannot account for X thousand pounds that has been spent in our name. As every item of expenditure over £200 will have to be accounted for eventually, it is useful to be clear about Better Together’s expenditure and who in our view is permitted to spend that money on our behalf.

**Blair Jenkins:** The key principle is transparency and ensuring that people understand the difference between the official campaigns and other bodies that might or might not have a view on either side of the argument. For example, on the pro-independence side, a group called women for independence is campaigning for a yes vote, but it is not formally part of the yes Scotland campaign. A business group called Business for Scotland is also advocating a yes vote in next year’s referendum, but again it is not connected to us. We make a distinction between the spend of

the official yes Scotland campaign and any activity by other organisations that might be part of the independence movement but are not formally part of Yes Scotland. We are being very well and expertly advised on the matter by people with a great deal of experience.

**James Kelly:** I will come back to the individual groups that are close to or aligned with each of your campaigns but, to get a feel for this, I will give you a practical example and ask you to demonstrate how expenditure is controlled and recorded. What if yes Scotland Forfar or better together Forfar decides to spend £500 on leaflets for a campaign weekend? How will that be paid for and the expenditure authorised and recorded?

**Blair McDougall:** The guidance, advice and day-to-day support that we would give local groups in such examples are pretty clear. We do not expect them to set up local bank accounts and that sort of thing. To the best of my knowledge, they are not doing that at present but, if they are, we will take action to sort that out. If a group wished to spend £500 on leaflets, the money would have to come from our central bank account and it would therefore appear in our accounts within the regulated period as an item of expenditure. Theoretically, of course, groups could have a separate bank account without our knowledge but, as I have said, we are trying to ensure that they do not and at present, to the best of our knowledge, that is the case.

**Blair Jenkins:** Yes Scotland is in a similar position in that local yes groups, of which there are now more than 170, have not been encouraged to open their own bank accounts and any local expenditure during the regulated period would have to be totalled up with Yes Scotland's national spend. There must be clear mechanisms to ensure that we are aware of any spend that is locally incurred by an official yes group.

**James Kelly:** Like Better Together, you have a central bank account and all authorisations and expenditure come from the centre.

**Blair Jenkins:** Ultimately, yes.

**James Kelly:** Right. With regard to associated organisations, am I correct in thinking that a number of groups that are working with the better together campaign are not separate organisations and that any expenditure that they incur must come through Better Together?

**Blair McDougall:** The situation for those groups is identical to that for the local geographical groups that we have established. For example, we have asked them not to have separate bank accounts. If an individual wanted to financially support the work of one of our rural groups, they would donate the money to us rather than directly to the group and we would ring fence it to ensure

certainly with regard to accounting. Although all the groups are politically autonomous and distinct, they are in house in organisational and accounting terms.

**James Kelly:** That is clear.

Mr Jenkins, in the examples that you gave, which included women for independence, you seemed to suggest that, although the groups support your campaign's objectives, they are separate from the campaign itself. Am I right to say that they would come under the remit of permitted participants and would not be included under the Yes Scotland umbrella?

09:30

**Blair Jenkins:** Yes. I have not asked that group the question, but my assumption is that that is how it would wish to register; it took the decision not to affiliate formally with and be part of Yes Scotland. As with the better together campaign, there is a mixture of groups, some of which have chosen to be formally affiliated and others that have chosen not to be.

With regard to the committee's concerns on the matter, I imagine that most of those groups—women for indy is a clear example—will not be incurring large sums of expenditure. A greater area of concern, which I am sure we will discuss, is the scope within the allowed limits for permitted participants to spend rather large sums of money. I do not think that the more ad hoc groups of enthusiasts and supporters who are organising themselves in a fairly low-cost and basic way raise concerns about a financial impact on the campaign. As I have said, if there is a potential concern, it would be around the number of entities that register and are either able or intending to spend up to £150,000. I am sure that people will want to keep a close eye on who or what is getting involved to that extent.

**James Kelly:** You will be aware of the committee's concerns about permitted participants, the £150,000 that each is able to spend and the mechanism not being open for other organisations to use surplus funds from the lead campaign organisations. Mr Jenkins, you have made it clear that the various examples that you have highlighted will be separate from Yes Scotland, but have you considered keeping them all under one umbrella to ensure that expenditure can be more tightly controlled and authorised and that there are no concerns that loopholes are being used to channel surplus funds into permitted participant organisations?

**Blair Jenkins:** First, I do not expect to be in the position of having surplus funds. Indeed, I think that both campaigns will be actively fundraising to meet the limits that have been set. However, it is

up to organisations that are campaigning on either side of the debate to decide whether to be formally under the umbrella of one of the official campaign organisations. The rules and regulations are fairly clear about when organisations are deemed to be acting together or in concert with the official campaign organisations. As I have said, my concern is not about activist and enthusiastic supporter groups such as women for indy, but about parties coming in with a high level of expenditure and how many of them there might be.

**Dennis Canavan:** Mr Kelly might also be interested to learn of an organisation called Labour for independence. I very much doubt that it will be getting any money from the Labour Party, although I am sure that it would welcome it. I have not discussed this with the group, but it could register as a permitted participant, in which case it would be allowed to spend a maximum of £150,000. It could also decide to come under the Yes Scotland umbrella. If we gave such an organisation any money, we would make every effort to ensure that that was done transparently.

**James Kelly:** What discussions has Yes Scotland had with the separate organisations that have been used as examples about coming under the Yes Scotland banner or continuing to operate separately?

**Blair Jenkins:** The discussion will be different with different entities. Some have not approached us to talk about the issue; they are simply up and running. With other organisations such as women for indy, we have had a discussion about their formally becoming part of the yes Scotland campaign. Sometimes, people like the freedom of departing from the campaign narrative and making their own case in their own way, and that is entirely legitimate and proper.

**The Convener:** In relation to the permitted participants, you talked about £150,000 being a “rather large sum”, if I have that right. What did you mean by that? Were you suggesting that the sum is perhaps too high?

**Blair Jenkins:** As you probably know, convener, we recommended that a rather lower sum of £50,000 be adopted for permitted participants. We accept the outcome of the Electoral Commission's deliberations and we accept that £150,000 is the limit that will be in place. One can do a lot with £150,000 in a referendum campaign and everyone—in this case, it is organisations more than individuals—needs to understand the potential. Everyone needs to understand that that is a lot of money in campaign terms. If a large number of entities come from outside Scotland, for instance, and put such sums of money into the referendum campaign, that would raise legitimate questions.

**Stewart Maxwell (West Scotland) (SNP):** I want to explore an issue that we dealt with last week and are dealing with again—permitted participants and the possible establishment of a variety of organisations with the £150,000 limit. From the answers that Better Together gave to James Kelly, I am not absolutely clear about its exact intention with regard to how it is establishing its organisation. Will all the groups be under the Better Together umbrella and all be within the £1.5 million expenditure, or will there be separate groups that are classified as permitted participants so that there will be the £1.5 million plus £150,000 for each group?

**Blair McDougall:** There are two elements to the issue. One is about the overall level of expenditure. I understand the concern that circles around the £150,000 figure, but in legal terms one only has to spend £10,000 to trigger the permitted participant requirement. The other issue is about accounting for expenditure—it is about co-ordination between the dummy organisations and the umbrella campaigns. If an organisation is co-ordinating with us, it will be in house so that there is no risk of our falling foul of that co-ordination issue.

**Stewart Maxwell:** Sorry—I thought for a minute earlier on that you were saying that you would not have those separate organisations as permitted participants and that everything would be under Better Together, but you are not saying that now.

**Blair McDougall:** I am saying that all the organisations that we co-ordinate with—our trade union organisation, our women's organisation and our LGBT organisation—will be politically autonomous, but organisationally and financially they will be part of the central Better Together bank account. If other organisations spring up—none spring to mind at the moment—that are outside that grouping and they need to have permitted participant status, that is fine. However, given that the issue of co-ordination is what triggers this as a legal issue, the organisations that we co-ordinate with at the moment are in house.

**Stewart Maxwell:** Sorry. I am going to push this one last time. Do you expect that there will be separate no campaigns that are permitted participants but are not part of the umbrella organisation?

**Blair McDougall:** I do not anticipate that that will be the case.

**Stewart Maxwell:** Okay. I ask Blair Jenkins what the situation is as regards co-ordination between Yes Scotland, as the designated organisation, and other participants that are under that umbrella. Also, what about the issue of separate permitted participants who are supporting the yes campaign?

**Blair Jenkins:** Mr McDougall covered the point in more or less the same way that I would. If there is any intention to co-ordinate as regards how people campaign and there is joint funding of things, for example, the position is fairly clear on what constitutes co-operation and co-ordination. If we intend to be integrated with a group to that level, or to any extent, the group has to come under the funding limit for Yes Scotland as the designated campaign organisation.

I expect that some entities will choose to be permitted participants and I suspect that some will not. I mentioned women for indy. I doubt that that group will be a permitted participant because I doubt that it intends to spend £10,000, so I suspect that it will not be brought under that particular aspect of the process.

I imagine that a group such as Business for Scotland might meet the trigger point and it might therefore have to register as a permitted participant. I am not aware as yet of any other entity that has made itself known to us that would be at that level of expenditure and would be a permitted participant.

**Stewart Maxwell:** Last week, we had a discussion with the Electoral Commission about the possibility of multiple organisations—we will call them dummy organisations—being established and funded by an individual, individuals or groups, effectively to make use of the rather big envelope of up to £150,000 per permitted participant. Do any of you have concerns about that?

**Blair McDougall:** I would be concerned if that happened. There are two aspects to the guidance that the Electoral Commission will have to draft. One is to make the guidance on co-ordination with that type of organisation so strong that it deters us from co-ordinating with such organisations behind the scenes.

Part of the reason why we have organised ourselves in the way that we have is that the previous guidance about co-ordination is incredibly stringent. It is difficult to read it and see how even a cross-party campaign—Yes Scotland and the Scottish National Party, say, or us and the three parties under our umbrella—would not fall foul of the co-ordination rules. I am pretty confident that the guidance will be strong enough to deter us from co-ordinating with the organisations that you mention, which is not to say that someone will not do that. If large numbers of people were doing that, it would be a concern. However, as the Electoral Commission has said, it is difficult to prevent that while maintaining people's right to free speech.

**Blair Jenkins:** It is a concern. It remains to be seen whether that materialises as we move into the final part of the referendum campaign.

Given the position that Better Together has taken on donations from other parts of the United Kingdom, people outwith Scotland have been encouraged, if you like, to become actively and financially involved on the no side of the campaign. Given that there is that implicit or explicit encouragement for people in other parts of the UK who are against Scottish independence to get materially and financially involved in the campaign, I would be surprised if organisations and entities in other parts of the UK did not commit a level of funding to the no campaign as we move into the final period of the referendum.

**Dennis Canavan:** On the yes side, I cannot envisage any of the organisations with which we are in contact having as much as £150,000 to spend. At the end of the day, though, some of these organisations are fairly autonomous, with strong-willed people in the leadership, and it is really up to them to decide whether they want to register as permitted participants. We cannot dictate to them on that. On our side, I do not see it as a huge problem, but I will be watching the other side carefully to see what emerges.

**Craig Harrow:** The other thing that is obvious from the evidence from the Electoral Commission is that the time that we have before the regulated period allows us to get these things absolutely right.

**Tavish Scott (Shetland Islands) (LD):** Just for the record, Mr Jenkins, your campaign takes donations from overseas as well, does it not?

**Blair Jenkins:** Yes Scotland takes sums of money below £500—

**Tavish Scott:** But that is the donation policy—

**Blair Jenkins:** As you know, Tavish, the legislation does not treat anything below £500 as a donation.

**Tavish Scott:** Yes, but you made a statement earlier, so just for the record, is that the case?

**Blair Jenkins:** Yes—that is right.

**Tavish Scott:** That was not the question that I wanted to ask. I think that Mr Jenkins has mentioned Business for Scotland twice in response to Mr Kelly. He said that Business for Scotland is “not connected to us.” Given the Electoral Commission's advice to the committee last week, what is your understanding of what “not connected” means?

**Blair Jenkins:** Business for Scotland has its own plans and agenda. As I understand things, the referendum is not the only part of its remit as an organisation. It was launched while I was out of

the country, so I have not sat down and had a detailed discussion with it. It has a broader agenda than just the referendum of next year. I think that it wants to promote a business agenda as well as the independence agenda.

Business for Scotland will conduct its own membership drive and its own activities, and I am sure that it will issue its own statements. It is not clearing those activities with me—it is not co-ordinating with us in that sense, and is an entity in its own right. As far as I can see, however, it is certainly going to be campaigning on the yes side of the argument.

09:45

**Tavish Scott:** I appreciate that.

I ask this question of both campaigns: Do you have a view on how tightly the Electoral Commission's advice should be drawn in respect of that notion of connections?

**Blair McDougall:** In the past, advice has been drawn up in an incredibly stringent manner—so stringent that we have concerns, which we are discussing with the Electoral Commission, about whether it is logical to have such stringent controls on the relationship between a party within a cross-party campaign and the central cross-party campaign.

The advice must be stringent for organisations that lie outside the umbrella campaigns. The discussion about dummy organisations has circulated around the anticipation that wealthy individuals will wish to set up organisations so that they can spend £150,000, say. Legally, it takes just £10,000 to trigger the legal requirement to account for expenditure. We have taken the view that, if an organisation is co-ordinated with us in any serious way, it should come in-house.

**Blair Jenkins:** We have been in informal dialogue with the Electoral Commission for some time now, and I expect that dialogue to be on-going, on this and other areas. My experience of the Electoral Commission to date indicates that it will keep us mindful of such things and that it will give us very clear advice on what is and what is not permissible.

In the spirit of transparency, which was referred to earlier, I am sure that both campaigns wish to observe all the conditions that will be attached to the process.

**Tavish Scott:** Thank you—that is helpful.

I have a further question about the Forfar for independence, or yes Scotland Forfar example, which Mr Kelly discussed earlier. Mr Jenkins, did I hear correctly when you referred to spending in respect of Forfar for independence or Forfar for

better together—whatever side such an organisation might be on—“during the regulated period”? What is your view on expenditure that will take place, or that might already be taking place, between now and the start of the regulated period?

**Blair Jenkins:** As you know, we are not reporting expenditure before we get to the regulated period. We are, however, reporting the level of donations that we receive during that time. A different framework operates before we get to the regulated period.

**Tavish Scott:** So, it is a statement of fact that about 100 organisations have been set up across Scotland—I know the one at home—and are certainly spending money. That is okay; that will go on. There is no limit on any of that expenditure for either campaign between now and the start of the regulated period, is there?

**Blair Jenkins:** That is correct.

**Blair McDougall:** It is difficult to control expenditure. Through control of bank accounts and accounting, we are seeking to ensure that, as far as possible, organisations are not creating distinct personalities in financial terms.

**The Convener:** I need to move the discussion on a bit. There are still members who have supplementary questions on this area, and we have only really discussed donations and permitted participants. There is other ground that we need to cover.

**Patrick Harvie:** Witnesses and members have both used the term “dummy organisations”. I am a wee bit uncomfortable with that because the rules allow for permitted participants who are not part of the Yes Scotland or Better Together organisations. There will obviously be issues around ensuring that everyone complies with the rules. Can the witnesses from both campaigns clarify whether they are content with those rules? Are the rules around permitted participants, as set out in the bill, appropriate? Would you ask for any change that would prevent separate organisations from registering and legitimately campaigning?

**Blair McDougall:** We are content with the intention behind the provisions. As I said, however, we are in discussions with the Electoral Commission about its written guidance. For instance, the guidance is almost written as if Patrick Harvie, who is a Yes Scotland board member and is involved with setting Yes Scotland's strategy, must forget what he knows about the Yes Scotland strategy when he then runs the Green Party's campaign, and must ensure that those two strategies do not connect. Given the cross-party nature of the campaigns, there is a risk of getting into some slightly ridiculous situations in that respect.

However, I guess that the reason why I used the term “dummy organisation” is that I would draw a distinction between the types of organisations that Patrick Harvie is talking about and rich individuals who have no real grass-roots support and who, it is feared, might come in and set up £150,000 funding vehicles. The guidance on that has yet to be written, but we seek to engage with the Electoral Commission on that.

**Blair Jenkins:** The position on who can register and then proceed to spend large sums of money is very loose. I agree that it would be pretty difficult to limit that or to put a controlling framework in place in respect of what constitutes a proper organisation to be a registered participant. Other than on the funding limit issue that I mentioned earlier, we accept that we are where we are and that that is how the position on permitted participants will apply.

**The Convener:** Does Annabel Goldie have a supplementary question?

**Annabel Goldie (West Scotland) (Con):** My question has been answered.

**The Convener:** I am trying to move the discussion on from this area, but I will allow a supplementary question from Patricia Ferguson.

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** No problem: I will be quick.

Excuse me for not knowing the answer to this, and I am sorry if this sounds one-sided, but I know the answer on one side, but not on the other. Mr Canavan mentioned Yes Scotland’s advisory board. Can you elucidate on the membership of that advisory board?

**Dennis Canavan:** I have the list of the board’s members here. As I said, we include people from the world of politics, from business backgrounds and from entertainment. This is not a comprehensive list, but the board includes Tasmina Ahmed-Sheikh, who is a lawyer, producer, actress and mother of four; Elaine C Smith, who I am sure needs no introduction as a famous actress and comedienne; Pat Kane, who is a musician, formerly of Hue and Cry, and a commentator on various things; Sarah-Jane Walls, who is a director of The Residence in Glasgow and a businesswoman, wife and mother of two young girls who has been in the fitness industry for more than 12 years; Dan Macdonald, who is a Highlander and proud of it, who was born on a nine-acre Sutherland croft, was educated at Dornoch academy and is now chief executive of Macdonald Estates; Colin Fox, who is well known to everyone in this room as a former member of the Scottish Parliament and national spokesperson of the Scottish Socialist Party; Nicola Sturgeon, who also needs no introduction; and Andrew Fairlie, who is a Perth man and

patron of the eponymous restaurant Andrew Fairlie, which is within the Gleneagles hotel and resort. We also have a young lady called Ellie as our youth representative, who gives us very useful information about the feelings of young people on various issues.

Blair Jenkins will tell me if I have missed anyone out.

**Blair Jenkins:** You have missed out Patrick Harvie.

**Dennis Canavan:** I apologise, Patrick.

**Patrick Harvie:** I am such a quiet wee mouse in the corner that you would never know I was here.

**Dennis Canavan:** I said at the start that the list is not comprehensive.

**Patricia Ferguson:** It is absolutely clear why Patrick Harvie did not need to be mentioned; we all know who he is. Ellie Koeplinger happens to be a constituent of mine, so she needed no introduction. I thank Mr Canavan for that helpful answer.

**Annabelle Ewing (Mid Scotland and Fife) (SNP):** Convener, I have a wee supplementary.

**The Convener:** This must be the last question on this area, as we must move on to other areas.

**Annabelle Ewing:** Good morning, gentlemen.

In answer to a question a moment ago, Blair McDougall seemed to qualify co-ordination by the adjective “serious”, when he talked about organisations that might be “co-ordinated ... in any serious way”. In that context, let us consider the issue of permitted participants from the more realistic perspective of what is likely to pan out in the course of the campaign.

If, for example, a well-known Conservative figurehead came along and wanted to dish out £150,000 in favour of a no vote, would he be encouraged to give that to Better Together, or would he be encouraged to become a permitted participant? Equally, if a trade union indicated, as I think happened a couple of weeks ago, that it intended to campaign for a no vote, would it come under the umbrella of Better Together, or would it be a permitted participant? That is not clear to me from the discussion thus far.

**Blair McDougall:** To be clear, the legal issue is triggered by co-ordination. We are saying that if there is co-ordination with us, by which we mean co-ordination in a way that would fall foul of the guidance that the Electoral Commission will draft, we will seek to account for any expenditure centrally through our single accounting system and bank account.

On your point on outside permitted participants, if we were to encourage such an individual to set up Edinburgh citizens against independence, for example, that would be co-ordination and we would fall foul of the guidance.

In terms of business and unions, the Electoral Commission specifically talks about such groups, which have their own legal regulatory framework in addition to what the Electoral Commission will say. If they spend more than £10,000, they will have to be permitted participants. In a way, it will become an issue for us if we co-ordinate with them. That is why we are saying that those organisations that would meet the definition of co-ordination in the Electoral Commission's guidance would be brought in-house.

**The Convener:** Right. Let us move on to another area. Bill Kidd wants to explore a separate issue in the bill.

**Bill Kidd (Glasgow Anniesland) (SNP):** Welcome, gentlemen.

The issue that I want to address is separate, but it follows on from the previous discussion in that you are raising the money not for the sake of a bank account, but to use it for something.

Are you happy with the provisions in schedule 4 that relate to your expenditure? Are you happy with the provisions relating to referendum broadcasts, mailshots, newspaper inserts and such things, or do you foresee problems in how you will use those outlets to encourage people to vote in your particular direction?

**Blair McDougall:** Broadly speaking, we are happy with what is in the bill and with the guidance that the Electoral Commission has set out so far. We will certainly have no problem with using free mailshots and things like that.

**Blair Jenkins:** The one area that I would pick up on is that of broadcasts during the controlled period in the final stages of the campaigns. It has been suggested that as few as two broadcasts may be allocated to each campaign during the 16 weeks of the regulated period. I know that that is still subject to discussion and debate, but my view is very much that it would be more appropriate to have a larger number of broadcasts over such a prolonged final period. I would have thought that four might be a more appropriate number of broadcasts over that period, but we will need to discuss the matter.

**Bill Kidd:** Have you given any thought to the participants in and expenditure on the referendum broadcasts, as I think they will be termed, which could be highly professional jobs. They will all be professional, but they could be glossy Hollywood-style things or they could try to get the message across in a more innovative way. Given that they

will incur costs and that the amount of money that you, as central organisations, will have will be limited, do you think that more money should be channelled towards referendum broadcasts than will be channelled towards standard leaflet mailshots through doors and such like? I do not want to dig too deeply into your plans, but do you believe that agreement will have to be reached between both organisations and the Electoral Commission about the money that will be spent on such broadcasts?

**Craig Harrow:** Are you suggesting that there should be a limit to how much can be spent on a broadcast, within the £1.5 million limit?

**Bill Kidd:** I just wonder whether agreement could be reached by all participants on how the money should be spent, given that you will have only a limited number of broadcasts. As Blair Jenkins said, you will not have a dozen broadcasts each. Would you be willing to co-operate to limit expenditure? Would you encourage such co-operation?

10:00

**Blair McDougall:** More airtime is always welcome. You are right to point out that a high-quality party-political broadcast is an expensive thing, but it is some years since PPBs have been made solely through the medium of the three-minute slot on television. YouTube advertising and social media sharing tend to be used more now.

There is an opportunity cost to doing anything in a campaign; a judgment has to be made on which way to go. I have been involved in enough campaigns in which budgets have been limited—this perhaps reveals my Labour background—to know that, even with a limited budget, it is possible to fill a two-minute slot.

**Blair Jenkins:** I doubt very much that the two campaigns could come to an agreement on the production costs that they will incur in association with broadcasts.

However, in answer to the question, I can confirm that our broadcasts will be professional and innovative.

**Bill Kidd:** Okay.

From my reading of the bill, it is quite thin on what you are allowed to do as regards the message that you put across. Obviously, you will have to stay within the law in how you refer to other people and so on, but schedule 4 does not give much guidance on what you must do, as opposed to what you might want to do. Are you in talks with the Electoral Commission about how you will proceed in that regard?

**Blair McDougall:** We are not, at the moment. Is your question about whether we would choose to use the airtime?

**Bill Kidd:** No. It is just that, although there are rules in the bill, most of them seem to relate to central and local government and how they might operate in publications and so on. Schedule 4 mentions designated organisations, but it says very little about them and does not expand on their role. We are aware that the organisations Better Together and Yes Scotland are the two major participants in the referendum, but the bill seems quite thin on what they are allowed to do. Are discussions taking place on how the bill's provisions might be filled out to provide guidelines that mean that neither side feels uncomfortable with what the other side is doing? Do you have any thoughts on that?

**Blair McDougall:** More guidance is always welcome, regardless of whether it comes from the Electoral Commission, broadcasters or whomever.

**Blair Jenkins:** The reality is that any set of guidelines for an electoral event is usually more likely to say what cannot be done rather than what can be done. What is stipulated is what is not permissible to a much greater extent than what is permissible.

I return to what I said at the beginning. What people will look at is the way in which the two campaigns are conducted; they will look for the campaigns to be conducted positively, and with courtesy and respect being shown. I have always believed—I did so even before I knew that I was going to be involved in Yes Scotland—that the process that we go through and the way in which Scotland conducts the independence debate are extremely important. The outcome is what the two sides are keenly contesting, but the process is important, too. It is hugely important that the people of Scotland feel that they have gone through a very good process.

**Craig Harrow:** The tone is important, but Willie Sullivan has made the point that, essentially, referendums are run by elites. We must ensure that in this referendum we get to as many people as possible. I am sure that both sides share the ambition of ensuring that we are innovative and creative in our approaches.

**Dennis Canavan:** Whatever additional guidelines may be issued, we shall certainly work within the law, rules, guidelines and expenditure limits to ensure that professionally produced programmes are put out to inform the general public and to get our message across. As you can see from the names that I previously mentioned, we have on our advisory board people who are experienced in media productions, so we are

confident that we can get our message across by that means.

**Rob Gibson (Caithness, Sutherland and Ross) (SNP):** The witnesses have had quite a lot of engagement with the Electoral Commission. I would be interested to know what their experience has been of engagement on awareness and information, on which the commission and the witnesses have a role to play.

**Blair Jenkins:** In the discussions that we have had up to this point with the Electoral Commission, it has quite properly seen it very much as part of its role to build awareness of the referendum, encourage participation, encourage people who are not on the electoral register to register and encourage people who are on the register but do not vote to vote.

Yes Scotland is focused on getting a high turnout. For all sorts of reasons, that is hugely important. Therefore, we will be involved with the Electoral Commission—and, I am sure, with Better Together—in any initiative that is aimed at building voter awareness, building public awareness and ensuring a high level of participation. Separately from that, we will do our own things to try to secure greater participation and turnout.

**Blair McDougall:** I echo what Blair Jenkins said. Few people in Scotland are not now aware that a referendum is coming. Therefore, the challenge for the Electoral Commission concerns the process issues, such as ensuring that, in a high turnout, we do not have a situation in which people who might not have voted before or been registered before are moved to vote and turn up at a polling station but discover that they do not have the franchise. We always want to avoid that in any electoral process. In one as important as the referendum, we need to go the extra mile to do that.

**Rob Gibson:** We have been interested in and have asked about the Electoral Commission's detailed development plan and how it will roll that out. It told us last week that that would be some time coming yet. Are you concerned about people knowing the difference between the general information side of the Electoral Commission's role and your job of providing information for your campaigns?

**Dennis Canavan:** I have spoken at more than 20 public meetings since the beginning of the year. When I speak, I always try to get a positive message across for the yes Scotland campaign, but there is always a question-and-answer session after the speakers, and people in the audience sometimes ask questions about the technicalities, such as the voting procedure.

There is an educational element to the meetings that we are having the length and breadth of

Scotland—from Stornoway to Stirling and from Dunoon to Dunfermline. It is not just preaching to the converted; other people are coming along. Apart from getting our message across, we are helping to raise public awareness of the importance of the referendum and the procedure for holding it.

**Craig Harrow:** As Blair McDougall says, we must ensure that people are on the electoral roll. Especially as we are dealing with younger people, we must ensure that the Electoral Commission gets into schools, colleges and universities and that people get on the roll. From now on, we all have a duty to try to encourage people to get on it.

**Rob Gibson:** The Electoral Commission made it clear in its recommendations that it felt that the Scottish Government and the UK Government should discuss the process that would occur following the referendum and that it is necessary to have information about that as part of the referendum process. Do you agree that those discussions ought to take place now?

**Blair McDougall:** I agree with what John McCormick said in his evidence last week and what you have just referred to. I understand that those discussions are going on between the two Governments.

**Blair Jenkins:** I am very much of the view that such discussions should happen. In its advice in its initial document earlier this year, the Electoral Commission was very clear that the two Governments should make clear what process would follow a yes vote or a no vote. It felt that both Governments could outline the process to be followed without showing their hand or jeopardising the positions that they would have in any negotiation that would follow a yes vote. There is a great deal to be said for both Governments following the Electoral Commission's advice.

I note what Blair McDougall says about discussions being under way, but part of Better Together's campaigning strategy has been to suggest that no form of agreement whatsoever will be possible between Scotland and the rest of the UK following a yes vote.

**Craig Harrow:** I am not sure that that is true.

**Blair Jenkins:** There is almost a campaign preference for confusion, which is part of the explanation for Better Together's reluctance to talk about what the process would be following a yes vote. The two Governments ought to be able to agree on and outline in very clear terms the process that would be followed, as the Electoral Commission suggested.

**Rob Gibson:** My final question is to Blair McDougall. You said that you thought that

discussions were on-going. Will you elaborate on those discussions?

**Blair McDougall:** I do not claim to speak for the Scottish Government or the UK Government, but I understand that discussions are under way between them on the matter.

I will pick up on what Blair Jenkins said. John McCormick said:

"It is clear that there will be no negotiations about the terms of independence before the referendum"

and

"clarity on how the terms of independence will be decided would help voters".—[*Official Report, Referendum (Scotland) Bill Committee*, 23 May 2013; c 431.]

There is a difference between pre-negotiating terms of independence and providing the kind of information that the Electoral Commission has spoken about.

**Stewart Maxwell:** I was interested in Blair McDougall and Craig Harrow's responses about the provision of information by the Electoral Commission. In its response to the Electoral Commission, Better Together stated:

"We strongly feel that no taxpayers money should be spent on an information campaign on the referendum."

Have you changed your view on that?

**Blair McDougall:** The context for that was a Scottish Government-led information campaign. It had been suggested that the Scottish Government would spend taxpayers' money on sending booklets and pamphlets that set out the case for independence to every household in Scotland. Our campaign and the yes campaign exist so that such political information can be given to people by the campaigns and not funded out of taxpayers' pockets.

**Stewart Maxwell:** So you have no problem with the Electoral Commission providing unbiased information to voters about the process and so on.

**Blair McDougall:** That is not political information; it is factual information about the voting process and the process of what happens with post-referendum negotiations.

**Stewart Maxwell:** I would call that a referendum campaign. Would you not?

**Blair McDougall:** Yes, but the context of what we were talking about is pretty clear in our submission. If it is not, I am happy to make it clear that we are talking about the Scottish Government's suggestion that it would send information to every household about the case for independence, which taxpayers would pay for. In our view, that would be wrong.

**Stuart McMillan (West Scotland) (SNP):** Both sides have indicated that they intend to apply for designated organisation status as soon as possible. Blair Jenkins said a few moments ago that he would like to see more than two television adverts. Is there an argument for extending the regulated period beyond 16 weeks?

**Craig Harrow:** The Electoral Commission made it clear when it was here that, if that happened, the spending limits would have to be changed. It would be kind of unpicking things, which we would not recommend.

**Blair Jenkins:** Stuart McMillan raises a good point, which occurred to many of us at an early stage. The difficulty of having a longer regulated period is that it would overlap with the European elections next year. I would certainly have sympathy for people who work in my previous industry—broadcasting—if they had to factor in simultaneously those two competing sets of demands and balance them out because they were already into the regulated period for the independence referendum.

Although good arguments have been made about the length of that regulated period, we have ended up in the right place, and I am not concerned about the 16 weeks. We have settled on the right figure.

**Stuart McMillan:** That is helpful.

10:15

**Patrick Harvie:** In a way, what I will say leads on from the issues that the witnesses discussed with Stewart Maxwell a moment ago about the role of Governments in making a case for or against. Those who have counted carefully will have noticed that there is one Government on each side of the debate. The bill and the Edinburgh agreement suggest that the formal purdah period during which the Government's machines have to become neutral and not issue publications or make statements to make a case for or against or to try to influence the outcome is 28 days. For the Scottish Government, that is in the bill, and for the UK Government, that is an undertaking in the Edinburgh agreement.

Are both campaigns content with that general approach? Are you content with 28 days as the appropriate time? Do you accept that, before then, both Governments will be advocating the case for or against independence?

**Blair McDougall:** My view on those issues is slightly informed by my being a special adviser during governmental purdah periods. Our submission to the Electoral Commission sets out a slight concern about a disconnect between the regulated period and the purdah period, which is

about there being a slight messiness between the two.

My experience from being on the inside of purdah is that the real sanction, or what makes us behave ethically, is the court of public opinion and the increased scrutiny that comes from the media during that time. There is a reason why the annals of electoral history are not full of Governments having fallen foul of purdah rules. The scrutiny of both Governments from the campaigns and from the media during that time is the real thing that will keep people honest, if you like.

**Craig Harrow:** Another thing is that, during a Scottish general election, there is an agreement but there is no statute, as there is for when Westminster is in purdah. However, the Government sticks to the approach, so there is a precedent.

**Dennis Canavan:** That is an important point. Purdah for the Scottish Government is laid down in the Scottish Independence Referendum Bill so, if we assume that it will be passed, purdah will become a statutory obligation, whereas the UK Government's purdah period is simply agreed under the Edinburgh agreement. Representations could be made to the UK Government to introduce a statutory instrument or something to oblige the UK Government to stick by the purdah period in the same way as the Scottish Government will have to. That should apply equally to both sides.

**Patrick Harvie:** Can I just check with Blair McDougall about the earlier comments on objecting to the idea of a Scottish Government-funded information campaign? I presume that you would apply the same argument to a UK Government-funded information campaign; the same rules should apply to both sides. Are you content that the same rules apply on both sides?

**Blair McDougall:** Yes and yes.

**Patrick Harvie:** Another difference between the purdah period for the referendum and one for an election is that, during an election campaign, there are no parliamentarians in the Parliament that is being elected. That is understandable. MSPs should not be able to go out campaigning and saying, "I am your MSP," or using the resources of an office that is funded by the taxpayer to campaign in an election.

It will be for the Parliaments to decide what rules might apply. Do you have views about the extent to which parliamentarians should or should not be able to use public funds to campaign during the run-up to the referendum?

**Blair McDougall:** Both Parliaments already have fairly clear rules about what constitutes political campaigning and the use of expenses.

That is not a new thing. Guidance is dusted off every few years when there is an election.

The issue goes further than parliamentary staff. Someone mentioned to me yesterday that local government officials will not be politically restricted for the purposes of the referendum, for example, because there is no connection between the referendum and who directly employs them. This is probably not a question for the bill or our campaigns, but any public body—such as a Parliament or a council—that oversees staff who touch the political sphere, if you like, will have to come up with appropriate guidance.

**Dennis Canavan:** From my experience at Westminster and in the Scottish Parliament, the Westminster rules appear to be a bit more flexible. I have a slight—perhaps even more than slight—concern. If the committee or the Scottish Government decides to make representations to the UK Government about purdah being a statutory obligation, we should ask the powers that be at Westminster, perhaps through the Speaker, to ensure that during the period MPs abide by a code of conduct that is very similar to that which operates in the Scottish Parliament.

**Tavish Scott:** Do both campaigns envisage that their respective Governments will make announcements during the regulated period, leading up to the start of purdah?

**Blair McDougall:** I imagine so. The purdah period is the only period that is regulated. The business of government, in Scotland and across the UK, will continue.

That goes back to my comment that the real policing of purdah is done by the court of public opinion. If there is suddenly a huge slew of announcements from either Government in the weeks before the referendum, I think that voters will understand what is going on. They are not daft and neither are the media.

**Blair Jenkins:** I broadly agree, although I have no idea what announcements the Scottish Government might or might not make in the period before we get into purdah.

**Tavish Scott:** The Deputy First Minister sits on your advisory board.

**Blair Jenkins:** I am not privy to announcements that the Government will make.

**Tavish Scott:** You have opened up a whole area that I had not thought about. Is there no co-ordination between the yes campaign and the Scottish Government on announcements?

**Blair Jenkins:** There is, in relation to the independence campaign, but I understood you to mean the kind of announcement that would not be directly related to the independence campaign but

might, for instance, be intended to win public approval on other policies. I thought that that was the ground that you were covering.

**Tavish Scott:** I do not think that anything will be announced in summer 2014 that will be about anything other than the independence campaign. I am not that naive, Mr Jenkins.

**Blair Jenkins:** To clarify, there is a high degree of co-ordination among all the participants in Yes Scotland.

**Tavish Scott:** I am grateful for that fair answer.

Does either campaign think that there is any argument in favour of extending the purdah period to allow freedom for the campaigns, rather than Government, to make the case—even to the extent, for example, that Government should stop its pro campaigns once Parliament has risen in London and Edinburgh?

**Blair McDougall:** As I said earlier, in our initial submission to the Electoral Commission, we were concerned about the disconnect between purdah and the regulated period. That arose out of the initial Scottish Government-suggested spending limits, which were about half what the Electoral Commission eventually said that they should be. When campaigns on the ground in the regulated period were to spend £1.5 million, the debate would feel quite well rounded, but we feared that, if the amount was half that, the debate would not be well rounded. There is a messiness about the disconnect between purdah and the regulated period. I guess that the counter-argument would be that the business of government has to continue throughout that four-month period.

**Blair Jenkins:** The point that Governments have other functions had occurred to me, too. Whether in London or Edinburgh, the Governments will no doubt be busy with other matters throughout the summer next year. I have given no great thought to whether purdah should be extended for the referendum. I am not sure that I see a compelling case for that.

**Tavish Scott:** My point is that once both Parliaments have risen—as Mr Canavan will know from his experiences in both—the ability of MPs or MSPs to hold their Government to account ends, because Parliament is not there. The Governments could carry on making announcements outwith Parliament during the rest of the summer, when Yes Scotland and Better Together will be campaigning for their positions on independence. Is there not an argument for saying that the purdah period should start when Parliament rises for the summer recess, to allow the campaigns the space to make their arguments?

**Dennis Canavan:** Government cannot be suspended for a prolonged period.

**Tavish Scott:** I am not arguing for that. I am asking whether both Governments should stop making politically motivated statements and announcements during the summer, which is what they will both make.

**Dennis Canavan:** That would be very difficult, if not virtually impossible, to implement.

**Tavish Scott:** I do not think so; it could be very easy to do that.

**Dennis Canavan:** Ministers are politicians—

**Tavish Scott:** Exactly.

**Dennis Canavan:** They are asked at public meetings about all sorts of things, so to try to shut them up for 16 weeks or whatever would be completely unrealistic.

**Tavish Scott:** I was not arguing that we should shut them up; as you rightly say, that would not be possible. I think that they should not be able to use the trammels of Government and taxpayers' money to campaign, but you think that they should.

**Dennis Canavan:** I think that the purdah period of 28 days, as laid down in the bill, is sufficient to meet your concerns and mine.

**Tavish Scott:** We will agree to disagree on that one.

**The Convener:** I have a question for both sides. The Scottish Parliament and the Houses of Parliament in London rise for summer recess on different dates, so would it not create complexities if we followed Tavish Scott's suggestion that purdah should begin with recess?

**Craig Harrow:** I think that 28 days is fair for both sides. As you say, if the purdah period was from the start of the recess, that might be more difficult, and it could be argued that that would be less than fair. The 28 days is a compromise.

**Blair Jenkins:** Perhaps I am thinking journalistically rather than politically, but it seems to me that it would be almost impossible to make a distinction during that time between a Government announcement that was politically motivated towards the referendum and one that was not.

**Blair McDougall:** Notwithstanding my previous comment that external scrutiny and pressure from the media and others will police the process, I would say from my experience as a special adviser that the other thing that shapes behaviour during purdah periods is the guidance that comes from the civil service, much as the guidance that comes from the Electoral Commission is as

important, in many ways, as the legal framework that sits behind it.

**The Convener:** We will have one supplementary question, then I will go to Annabel Goldie for a final, sweep-up question.

**Annabelle Ewing:** I will go back to the imbalance in the fact that the Scottish Government is subject to a statutory provision on purdah in the bill but the UK Government is not, and the suggestion—which has been made previously and which Dennis Canavan made again this morning—that a statutory instrument could be laid at Westminster to deal with that imbalance. Will Blair McDougall and Craig Harrow clarify for the record their side's position on that? Would you support an SI being laid at Westminster to guarantee balance in the purdah obligations?

**Blair McDougall:** I do not claim to speak particularly for the UK Government and the UK Parliament, but I think that the reason for the current statutory situation is that it would be quite difficult to unpick from what the UK Government does what would or would not be a relevant political announcement to Scotland during the purdah period, given that the business of politics will continue during that time. To return to what I said, the real sanction will be not law but public scrutiny.

**Annabelle Ewing:** I just want clarification from you on the purdah point, which I put to you as a representative of the better together campaign and because you referred to the point in your submission to the commission. I therefore think that it is a fair question to ask you. The idea has been mooted of seeking to have a statutory instrument laid in the Westminster Parliament to impose a similar purdah obligation on the UK Government, to balance the purdah requirements. Does the no campaign support that?

**Craig Harrow:** Ms Ewing, you have already got the Edinburgh agreement and there has been debate around this table—

**Annabelle Ewing:** It is not a statutory provision.

**Craig Harrow:** Well, that is as may be, but the fact is that the UK Government has made it very clear that it will abide by the 28-day period.

**Annabelle Ewing:** It seems that you do not support a statutory instrument being laid at Westminster to ensure that there is, on a statutory footing, a balance on purdah. I do not want to put words in your mouth, but you have had the opportunity three times to—

**Craig Harrow:** I think that it is a matter that the committee might want to take a view on.

**Annabelle Ewing:** You do not have a view on it as a representative of the better together campaign.

**Craig Harrow:** I do not. I think that the UK Government has made its position very clear on the 28 days.

**Annabelle Ewing:** A point was made about the parity of Westminster and Scottish Parliament allowances systems for MPs and MSPs. With his knowledge of both Parliaments, Mr Canavan suggested that the Westminster system is a bit more flexible. Do you think that there is parity between the systems? Would you support parity on the referendum?

10:30

**Blair McDougall:** Similar standards should apply to both Parliaments. I have not sat down and laid the two pieces of guidance side by side but, given the uniqueness of the situation, both Parliaments will have to look at their procedures and issue new guidance.

**The Convener:** We have to move on, because we are getting close to having to wind up the evidence session. Annabel Goldie has a catch-all question to end.

**Annabel Goldie:** I have a broad question. Is there anything in the bill that should not be there? Is anything missing from the bill that should be there?

As Mr McDougall described, there is a stringent regulatory framework in the bill for compliance and organisations. Do any aspects of that concern you as—potentially—the two main organisations in the referendum campaign? Are the time limits reasonable for compliance with some of the obligations?

**Blair McDougall:** As I said, broadly speaking, we think that the bill is in pretty good shape. That has fallen slightly out of what the Electoral Commission reported.

Our main concern is about how we balance ensuring that genuine dummy organisations, if you like, are not set up with not creating slightly odd situations in which existing party activists who are leading cross-party campaigns nationally or locally are artificially taking one hat off and putting another on, especially given that spending limits have been set for the political parties within an envelope that was intended to give even spending to each side. That is a concern, but the Electoral Commission is actively working with us to make sure that such a situation does not arise.

**Annabel Goldie:** What about the technical aspects of post-referendum compliance, such as returns, audits and all the rest of it?

**Blair McDougall:** Yes. Broadly speaking—

**Annabel Goldie:** Are the time limits okay for you?

**Blair McDougall:** Yes.

**Blair Jenkins:** I agree but, in response to the general question, it would be true to say that this is an unprecedented electoral event and, in all our contact with the Electoral Commission, it has recognised that. The reality will go beyond what is in the bill when it is enacted. I suspect that issues will come up during discussions in the next year and that the two campaigns and the Electoral Commission will just have to sort them out.

I am not sure that we have necessarily uncovered everything that might come up between now and the referendum. I believe that both campaigns and everyone else who is concerned would try honestly to resolve any issue that comes up but, as committee members know, we are in uncharted territory with quite a lot of the issues that we have discussed today.

**The Convener:** Thank you. Gentlemen, we were not able to cover a number of areas today, so we might write to you to make sure that we have all the evidence that we require for the record. In the meantime, I thank Dennis Canavan, Craig Harrow and the two Blairs for being so helpful.

**Dennis Canavan:** Convener, could I say—

**The Convener:** I am sorry, Dennis; we need to move on.

10:33

*Meeting suspended.*

10:40

*On resuming—*

**The Convener:** I welcome everyone back to our round-table session. Obviously, we will be talking about the bill itself, but I expect that the discussion will also cover wider issues such as registration, access and information. This will not be a normal evidence session; I want to let the conversation flow as much as possible and, instead of going through a series of questions, I will highlight a number of areas for discussion.

I welcome to the meeting Professor Aileen McHarg, professor of public law at the University of Strathclyde; Bill Scott, chief executive of Inclusion Scotland; Colin Borland, head of external affairs Scotland at the Federation of Small Businesses; Kyle Thornton MSYP, vice-chair of the Scottish Youth Parliament; Euan Page, parliamentary and Government affairs manager at the Equality and Human Rights Commission

Scotland; and John Downie, director of public affairs at the Scottish Council for Voluntary Organisations. At this point, I should also give apologies from Stuart McMillan, who cannot be here because of a private engagement.

We will start the discussion with the three areas that I have highlighted: registration, access and information. Some of the organisations around the table have addressed the issue of registration in their submissions, and I want to harvest some ideas about how we can get as full a register as possible before the referendum.

Who wants to kick things off? John Downie, how about I pick on you? What are the SCVO's thoughts on how we might make a better contribution with regard to registration?

**John Downie (Scottish Council for Voluntary Organisations):** A few weeks ago, we held a round-table session, chaired by Charlie Jeffery of the University of Edinburgh, to which we invited both campaigns, academics, the Electoral Commission, third sector organisations, Dave Moxham from the Scottish Trades Union Congress and Willie Sullivan, who gave evidence to the committee last week. Concern was expressed at the fact that just over 50 per cent of people voted in the last Scottish Parliament elections and 39 per cent voted in the local government elections; indeed, in Glasgow Shettleston, only 37 per cent voted in the Scottish Parliament elections and not quite 22 per cent in the local government elections. It is clear that many of our citizens are disengaged from the democratic process or politics itself and the purpose of the round table was to discuss what a better democracy would look like and how we can engage people more in the process.

A lot of interesting stuff is happening. Last year, the SCVO gave seedcorn funding to the so say Scotland project to run an event at our gathering fair to get people together and discuss the future of Scotland and this year, we have given seedcorn funding to Angus Hardie's Scottish Community Alliance local people leading organisation to help it to set up about 20 community events that it wants to run in the autumn. We feel that it is important to engage people; part of that might be to do with the debate or the media, but it is obvious that people are disengaged and we need to make stronger efforts in that respect.

At this stage, it is not really about providing information or raising awareness; we just need to engage people in the process and the issues that affect their communities. In what it is calling its big vote campaign, local people leading has proposed the interesting process of getting a community together to decide on the issues that it wants to be discussed and then say to the referendum campaigns, "This is the issue we want you to talk

about instead of just coming in and making a political speech."

We need to do much more of that. We and the STUC believe that the UK and Scottish Governments need to think about how to facilitate that process, for instance by setting up a fund that community organisations can access in order to set up a series of discussions.

10:45

We have plenty of strong local organisations that could be leading on the matter but, if we do not make an effort now, the referendum turnout might not be as high as people want it to be. We will have the European elections, the referendum, the UK elections and Scottish Parliament elections in a short period. We must think about the voter engagement process in the medium to longer term, because people can be turned off.

Tomorrow, I am going to go to a session of the poverty truth commission, at which there will be people who are active in the community but disengaged from the political process. It is those people, who are concerned about issues and want to change things, whom we need to engage. We think that we could facilitate organisations such as local people leading, which I mentioned earlier, to do something about that. We are not talking about big national organisations, although the effort would have to be overseen. Helping those local organisations would be a neutral way of engaging people in the debate, and I think that we can facilitate that. However, we need to start now.

**Bill Scott (Inclusion Scotland):** I very much agree with John Downie. There is a serious degree of disengagement among a lot of people in our most deprived communities and in particular marginalised groups, such as disabled people. Some good work was done by the civic participation network, which was funded by the Scottish Government equality unit. It evolved a toolkit called talk for Scotland. That was designed to meet the needs of people with communication difficulties, but it can be used to enable any community to gather round and talk about their issues and then say to the decision makers, politicians and campaigns that those are the issues that they want them to speak about. It allows people to set their own parameters. A lot of people who live in our most deprived communities might not have a communication impairment, but survey work by the Scottish Government has shown that a lot of them have communication difficulties.

We are very much in favour of there being good written material that is easy to read and understand, but you need to engage someone's interest before they will read it. You and I know

that any number of leaflets drop through our doors, but it is only the ones that we have an interest in that make us stop and say, "What does this mean to me?"

The work is about active participation and drawing people into the process rather than just letting things flow and hoping that people turn up on the day. A lot of good work could be done by local authorities, community learning and development workers and the third sector on this issue to try to increase voter engagement.

Voter engagement is an important issue for all of the elections that John Downie mentioned, but the referendum is the most important political decision that people will make in their lifetimes. Further, if we get the approach right for the referendum, that will have a knock-on positive effect for future elections.

**Kyle Thornton (Scottish Youth Parliament):** The referendum has generated a lot of debate. Speaking as a member of the Scottish Youth Parliament, I can see that, although a lot of young people are not interested in party politics, the referendum has sparked a little bit of thought and debate among them.

My biggest worry in terms of information awareness raising is that people are not registered to vote and will turn up on the day thinking that they can cast a vote, only to find that they are not on the electoral register. A lot of people who have not voted before or who have rarely voted will want to vote in the referendum. The Electoral Commission and the third sector have to make a big push to raise awareness among 16 and 17-year-olds of the need to register to vote and of the process of voting. That must go along with the debates that are held in order to raise the profile of the referendum.

It is for the campaigns to make the case and for the third sector to help to provide the forum for, and access to, that debate. The Scottish Youth Parliament can help gather young people together and mediate a debate between the two sides. They can make their arguments but, ultimately, all that work can be undermined on the day by people turning up and not being able to vote.

As a group who do not ordinarily vote, young people in particular need to be educated. It is important that schools educate them about the process of registering to vote and rolling registration so that they know, if they have not registered before, what the deadline is for them to submit their form to get on the register. That will mean that all the good work on the debate can be actioned at the ballot box.

**The Convener:** I will let John Downie in as well. Can we bore down a bit more on registration? Kyle Thornton has begun to flesh out how we can get

better at registration and increase the percentage of people who are registered. That would be a useful matter to go into.

John, I do not know whether you were going to go into that anyway.

**John Downie:** Partly. My comments follow on from Bill Scott's point. We need a bottom-up approach, not a top-down one from Governments and the campaigns. I have spoken to both campaigns and they seem to be on board and want to participate.

In our written submission, we used the example of the active citizenship campaign that was run in Ireland to increase voter registration. There are many other good ideas but, as Bill Scott said, we need to fund and resource trusted local organisations—well-established community organisations—to get out and engage people on the issue. It is about local issues—the issues that people are concerned about in their communities and which get them active.

Bill Scott and I see that at the moment in the welfare reform debate. We know how hard it has been to reach people and get to talk to them about the changes that might affect them, because many people are putting their heads in the sand about potential changes. It has been difficult for statutory agencies to engage with people on that. There are lessons to be learned in that. The partnership that Bill Scott's organisation and other third sector organisations have with West Lothian Council on welfare is a good example of how we can reach people and engage with them on the issue if everybody works together.

**Professor Aileen McHarg (University of Strathclyde):** Although registration and turnout are connected, they are not the same. Lack of engagement is only one reason why people might not be registered. Non-registration is much more localised to particular groups of voters. Therefore, whatever strategy you adopt needs to be targeted on the particular circumstances of those groups of voters.

With young voters, the issue is primarily knowledge, because they do not normally get to vote in elections. I would think that that is relatively easy to deal with through awareness campaigns in schools.

There are all sorts of other reasons why people in deprived communities do not register. Those are connected with fear of being on the register and the publicity that comes with that. That is a much more difficult issue to address. It requires different sets of strategies, but I do not know what those might be.

**The Convener:** I have a specific question for Bill Scott. I ask him to expand on some of the stuff

in his written submission about easy read and British Sign Language issues. That leads into registration and encouraging people to vote.

**Bill Scott:** Particular impairment groups have difficulties in engaging with the electoral process because the information about it is not in a format that they can readily understand. Easy read in particular is a really good way of communicating with the whole electorate. It has been designed for people with learning impairments, but it works very well with people with low literacy levels.

We know that we have a large section of the population with poorer literacy than we would like and they live in the most deprived communities. They tend to be in low-paid work if they are in work at all. To reach them with the information that they need in order to understand what is happening, we need to render it in a format that they can readily grasp. That means symbols, pictures and an easy-to-follow process. That is a lot easier with a two-question, or rather one-question, ballot—I am sorry; I will not get into the politics around the questions. Essentially, people are being asked to go one way or the other in this vote. People can follow that a lot more easily.

The idea of getting people together is important. We can then tackle some of the mythology around non-registration. A lot of that started with the community charge/poll tax and so on. That is not really relevant any more, but people got into the habit of not registering. We need to get through to people, and the best way of doing that is through word of mouth and local events.

One of our member organisations, Glasgow Disability Alliance, held an event on the referendum about five or six weeks ago. Both campaigns were represented and had speakers. About 300 disabled people turned up to that event. There is not a lack of interest, as long as we can say what is happening and why people should be there to hear the issues being discussed first hand.

It is possible to stir up interest, and people can get a better handle on why the question is important to their lives. That is the main thing about the whole referendum: it has to be made real to those people in deprived communities who are disengaged from the political process. That includes a lot of disabled people, who are more likely to live in social housing and in deprived areas.

I have said that easy read is for disabled people, but I have worked in deprived communities for just about my whole adult working life, and people there need to know what the referendum means to their everyday lives, to make it real for them. They need to be involved. Once their interest is

engaged, they will take the steps to register and they will be able to vote on the day.

It is a good thing, in many ways, that people will be individually registered to vote—registration used to rely on the head of household. There could potentially be problems with 16 or 17-year-olds not being registered, simply because the head of household did not register, meaning that none of the people in the house was registered. Hopefully, some of those difficulties can be overcome through individual registrations.

**Patricia Ferguson:** I was really interested in what Bill Scott was saying about easy read. You gave us some examples. Could you expand a bit on what that would look like on the registration form? Sorry—I am not asking you to be specific about the text.

**Bill Scott:** That is just as well—I am not a specialist.

**Patricia Ferguson:** In general terms, though, how would a form using easy read be different from the forms that are currently available?

**Bill Scott:** It would be image heavy and text light. The way in which the text and the imagery are aligned helps people to follow a flow of information, which can otherwise be quite difficult for somebody with a learning impairment or literacy difficulties. They will be able to follow it, in an easy, staged process: they need to do this, this and then this. That can be helpful for people with lower literacy levels or with learning impairments. The more text there is, the more chance there is that the person will become confused about what they are meant to do.

The issue is one of confusion, lack of confidence and disengagement. People do not like to think that they might make a mistake, which can mean that they do not want to risk doing it at all—they do not want to look a fool in public, going into a polling station and not knowing what to do. They can ask for help, but they would rather not be the person who has to ask for help. They want to look up at something on the wall and think, "Right, that's what I'm doing."

Some of that has begun to happen, but more needs to be done, by the campaigns as well as by the Electoral Commission and other organisations, to ensure that the information is there and that it is easy for people to follow what to do in the process.

**Patricia Ferguson:** Would you make all the registration forms in that format?

**Bill Scott:** That would be the ideal. If there was other information that a person needed or wanted to see, it would be useful to have that somewhere else, rather than having references to legislative processes on the registration form, for example.

**Patricia Ferguson:** That is very helpful.

**Tavish Scott:** Bill Scott touched on the issue that I wanted to ask about. Forgive me if this is a stupid question, but I have been struck by taking voting and polling stations for granted. Voters go into a strange little box and someone gives them a piece of paper—it all seems bizarre if a person thinks about it from first principles. Is there a role for returning officers and local authorities to work with the groups that you are describing to make the process better, easier and more comfortable?

11:00

**Bill Scott:** Yes, there is a role for them to do that. We ran an event—to consider what barriers to voting remain—with the Electoral Reform Society, registration officers who work for local authorities and disabled people, and in which there was good engagement. The registration officers in their evaluations said that it had been really useful to hear at first hand what the barriers really are, as opposed to what they thought that they were.

People think that once the physical barriers have been removed that is the end of the access issues. For example, if a wheelchair user can get into a building, people think that the problem has ended. However, the disabled people—they had a range of impairments—said that it is sometimes difficult to follow the information that is provided and wanted to know whether more could be done on that.

A person with a visual impairment might not be able physically to use the ballot paper because it is too small for them to see where they should place their cross. However, when they ask for assistance they are told that they cannot have any. It is strange that a person who has a physical impairment such that they cannot use their hands is allowed to nominate a person to place their cross the ballot paper, whereas somebody who has a visual impairment and who literally cannot see where to place a cross is not allowed such help. That anomaly needs to be addressed. However, that is getting into the voting process rather than registration.

**The Convener:** I have a list of MSPs who want to come in, but I will break up the discussions as much as I can, so I encourage witnesses to indicate to me when they want to speak. John Downie wishes to make a point.

**John Downie:** To pick up on Tavish Scott's point, leaving aside young people who are in the Scottish Youth Parliament, we have a group of young people at college and university who are particularly disengaged. The referendum is about their future, so we must think about how they communicate and see things. I know that we

cannot do it for this referendum, but we need to think more about electronic voting and how we connect with people through mobile phones, for example.

I was struck by what the chief executive of the Scottish Court Service said in relation to tackling the numbers of witnesses who do not turn up for cases. Witnesses now get a text two days before their appearance, which has led to an increase in the numbers who turn up at court. There are lots of simple things like that to consider. For example, how do we use the National Union of Students Scotland—there are 48 students unions in Scotland—and similar organisations to engage and connect with young people? There are ways to do that, but those relate to the process, which, as Tavish Scott said, people do not see.

**The Convener:** I will ask Kyle Thornton to talk about that matter because he is less chronologically challenged than the rest of us.

**Kyle Thornton:** It is thought that election campaign information must be on paper and that, in the name of fairness, nothing can be done electronically or put online. However, it would be good to do things electronically for young people and for people who have difficulties accessing information on paper. For example, a text could be sent to say what day the poll is on and where the polling station is. That could be a simple reminder to turn up on the day. Most people intend to vote, but when you talk to those who did not do so, they say that they forgot or that it was not top of their list of priorities on that day. We must make a real push on voter information and engagement, especially for young people, for this referendum.

We make our work in the Scottish Youth Parliament more accessible—it is less about half-hour speeches from every candidate and then sitting in plenary for questions and answers, and more about something a bit more like a round table with quick-fire questions and answers, so that it is less dry. That engages young people, especially on the issues that they are concerned about in relation to the referendum campaign.

The decision that the country makes will affect young people from any group in society for a long time. You might think that pensions, for example, are of no concern at all to young people, but if someone says that pensions will be £X here in 50 years, pensions will begin to become an issue for young people because it will be a factor later down the line. If we vote to change our constitutional settlement, that will not be reversible easily in 15 years. The importance of the vote means that we need to focus on it.

Using the Electoral Commission and local electoral offices alone would be a mistake—especially for young people—because they do not

do things very well now anyway, in that they are not great at encouraging young people to turn out in normal elections. The people who already engage with young people need guidance and support, whether through resources or financial support, to get out there and engage with young people and have face-to-face conversations.

**The Convener:** I have a specific question about texting. An organisation such as the Electoral Commission or the Electoral Management Board for Scotland perhaps would have to capture all the telephone numbers. Would young people or, indeed, anybody be comfortable with giving their mobile number to an organisation that would, in effect, be acting on behalf of the state, although it would not be an organ of the state?

**Kyle Thornton:** That is not so much an issue for young people; young people give their telephone numbers and email addresses on electronic forms every single day. I would phrase my answer by saying that it would become more of an issue the less comfortable a person is with technology.

**The Convener:** Okay. I will not ask you any more questions like that one.

**Colin Borland (Federation of Small Businesses):** There is a business angle to that. The more we use alternatives, the less we have to go through the rather bizarre process of closing down primary schools, which means that working parents have to make alternative arrangements for childcare. As we know, that is incredibly expensive, and may have a knock-on effect on their wage packet and their employer. Moving towards smarter ways of voting or voting at weekends would have a measurable impact on business, although I know that we are not going to do that this time.

**Annabel Goldie:** I have two practical points that arise from Inclusion Scotland's submission and Bill Scott's comments on it. The first is to do with physical access to polling stations. It should not be beyond the wit of man to get local authorities to confirm how many of their polling stations do not have access for people with disabilities. It would be helpful to Bill Scott's cohort to know that a station that will be used is not accessible for them. Individuals could then make alternative arrangements—for proxy voting, or whatever. What could the committee do to help with that? As I said, it is not beyond the wit of man to get the 32 local authorities to confirm which polling stations are unsuitable. Something practical could then be done to anticipate the situation and to help.

Secondly, I have learned something that I did not know. Inclusion Scotland's submission says that people who have visual impairments find that

"polling station staff are under instructions not to assist"

them when they

"ask for help in casting their vote."

Bill Scott enlarged on that by saying that people who have physical disabilities can get help. I was completely unaware of that. Is that the law?

**Annabelle Ewing:** Yes—it is because of the possibility of an attempt to interfere with a person's democratic secrets.

**Annabel Goldie:** Surely somebody, such as the polling officer at the polling station, could help. We are not talking about allowing maverick wayward individuals to help.

**Patricia Ferguson:** People other than the polling clerk could do that.

**Bill Scott:** That is right.

**Patricia Ferguson:** I do not necessarily think that it was right, but when I took an elderly lady to the polls about 20 years ago—long before I was personally involved in elections—the polling clerk more or less told me to help the lady to cast her vote. I was very disappointed by where she wanted me to put her cross, but that is another story. I abided by her wishes.

**The Convener:** The issue plays directly into the bill, obviously.

**Patricia Ferguson:** What Bill Scott has said is absolutely right. I have always thought that that is an anomaly that should not be allowed to continue unchallenged.

**Bill Scott:** It is very frustrating for people who have a visual impairment. Most polling stations now display a large-scale version of the ballot paper. People go in and ask for it, look at it and take it to the polling booth, and the polling booth clerk has to say, "You can't use that. You have to use the standard-sized one." The person then says, "I can't see where to place my cross on that. I can see where to put it on this," but they cannot use it. There is a real problem, which could be addressed by having a nominated individual who can assist people in casting their votes.

**Annabel Goldie:** Would it be competent to make a one-off provision for that in the bill?

**The Convener:** That is possible. Do you know why that has not happened before?

**Bill Scott:** I am not sure. There was a review of electoral arrangements in 1999 or so, and people were allowed to nominate someone to accompany them to the polling station and assist them with voting if they had a physical impairment that prevented their doing that—if, for example, they had no use of their hands or had cerebral palsy and were unable to hold a pen. However, the change did not apply to people with visual impairments; a person had to be literally physically

unable to make a cross. A person who has a visual impairment would be able to make a cross but might not be able to see where to put it. It is an anomaly that has not been taken into account.

**Rob Gibson:** There was a lot of ironic laughter when we talked about awareness raising and the need for materials that people can use in the polling place. We have been discussing with the Electoral Commission how it tests out material, and we are looking for it to do more of that in different languages and formats. You talked about easy read and you laughed. If the Electoral Commission is to use easy read in the various processes of awareness raising through to the polling place, should the bill insist on that range of materials being available?

**The Convener:** I apologise, Rob, for not paying attention. I am getting carried away with the bill.

**Rob Gibson:** We all get carried away with bills, convener. We are looking for the Electoral Commission to test materials such as those that Bill Scott mentioned—indeed, we are looking for such materials to be included in its detailed development plan. However, it has not yet said when that will kick in, nor has it given us any indication about such matters.

**The Convener:** Would that be helpful, Bill?

**Bill Scott:** That would definitely be helpful; it would provide an opportunity for the Electoral Commission to test run materials with people who know best whether they would work. There are specialists who can assist the Electoral Commission in devising easy-read formats without losing the information that people need to go through the process.

**John Downie:** The SCVO hosts the Scottish accessibility forum. We are redesigning our website at the moment, and the forum's advice has been invaluable in our thinking about how to make the website accessible.

The Electoral Commission has a strict remit. In the discussions that we had with it at a round table, its big point was that, as Professor McHarg said, people need a hook to vote. It goes back to what Bill Scott said earlier: if we are going to engage people, we must tell them the reasons why they need to vote. How people then register and vote are the technical aspects, but the broader issue that all the political parties, the campaigns and the Parliament need to address is how we get people engaged in the process. That is a much more difficult issue to address. We can talk about electronic voting and Saturday voting, because there is a case for taking a broader look at the technical aspects of our electoral processes, but the key issue is that we have a multifaceted capacity-building campaign that engages people through trusted community organisations. The

technical stuff should be the easy part; the challenge is in engaging people.

**The Convener:** I take that point, but before we move on let us not lose sight of the other issue—the anomaly. Paragraph 22 of schedule 3 states that

“a voter ... who is incapacitated by blindness or other disability”

can seek help from the presiding officer.

**Annabel Goldie:** The Presiding Officer?

**The Convener:** It states that

“the presiding officer must, in the presence of any polling agents, cause the voter's vote to be marked”.

**Bill Scott:** The difficulty is that people can be visually impaired short of blindness. I know several colleagues in the disability movement who need text to be in size 18 font to make it intelligible, but who are not registered as blind.

11:15

**The Convener:** It would be useful to hear suggestions on how the bill might be improved to deal with that specific anomaly. I am sorry, John. I do not want to lose your point—I think that Kyle wants to comment on it.

**Kyle Thornton:** I completely agree with John Downie. We can get registration right and get people on a register—we can get the process right—but without a debate, people might just decide that they will not bother turning up to vote. “Young people” seems to be being bandied about by both campaigns. We see news stories in the press where “Young person X says this,” and then the other campaign hits back with “Young person Y says that”.

We need local community-led events in schools, youth clubs, colleges and universities. We need to target young people who are in work or who are not in education, employment or training as well. We need to bring people together just to have a chat about the issues. I am sure that the campaigns would be happy to engage in that process. It would benefit them in that they would get to reach groups that they find it hard to reach. The benefit for everyone else is that they would get to hear about the issues.

We need to ensure that specific groups are targeted—groups that find it harder to engage in the debate because a lot of it is quite high level at the moment. A lot of the debate in the media is very detailed and for a lot of people, it just goes over their heads. People are either interested or they find it genuinely difficult to engage with the issue.

**Stewart Maxwell:** I understand what has been said about making it easier to vote, electronic voting and all that, but I am far from convinced that we are anywhere near electronic voting for a whole raft of reasons, not least security, so I would not support it. As far as Saturday voting is concerned, a whole group of people would strongly object to it for religious reasons. It would not be an easy shift to make, although it seems easy on the surface.

My question is: have any of the groups around the table had any engagement yet with the Electoral Commission or with the Electoral Management Board to raise those very points about registration, disabilities, young voters and so on? If not, are there any plans to meet those bodies?

**The Convener:** I will ask Euan Page to start because he has not yet had a chance to contribute. Euan, where does your organisation stand as regards the Electoral Commission?

**Euan Page (Equality and Human Rights Commission):** We have contact with the Electoral Commission. Some of our legacy bodies—the Disability Rights Commission, for example—and organisations such as Capability Scotland worked quite closely with the Electoral Commission over the past decade to learn lessons about improving accessibility in polling stations. The Electoral Commission is the regulatory body with prime responsibility on equality and access issues with regard to elections. There is an on-going dialogue, but we have not had a sustained conversation thus far. We will be looking to have that down the line.

**The Convener:** Does anybody else want to tell us about their experiences with the Electoral Commission?

**John Downie:** We brought along the Electoral Commission to a round-table discussion. We generally tend to engage with it before every election because a lot of third sector organisations, including us, are producing manifestos. Although we are not advocating one political party over another, we certainly always talk to it about the guidelines that it is giving to people. The situation is clearly no different this time.

The third sector has had the Office of the Scottish Charity Regulator putting out some proposed guidance as well on what people can or cannot say, so there is a fairly wide debate about the issues in the third sector at the moment.

**Bill Scott:** We have engaged with the Electoral Commission in the past, but not in the recent past—so not around the referendum. We worked with Leonard Cheshire Disability's citizenship academy, which was funded through the Electoral

Commission to help to increase voter registration among disabled people. We did quite a bit of joint partnership work around the European elections in particular, but we have not done such work of late.

**Annabelle Ewing:** I want to go back to the very important issue that Annabel Goldie raised about access to polling stations for disabled people. I would have thought that, under the Equality Act 2010, there is a requirement on local authorities to ensure that there is access; it is not for local authorities to say, "We'll try our best". Is it not a requirement as a matter of law? We have two experts here: Professor McHarg and Euan Page. Can they comment on that? I think that we are moving on: it is no longer sufficient to try our best; we have to ensure that people can access premises.

**Euan Page:** That is a slightly anomalous area, in that the reserved statute that is the regulatory responsibility of the Electoral Commission takes precedence over our role under the 2010 act. However, there are similar provisions and the Electoral Commission has order-making powers in relation to identifying and requiring improvement to accessibility where barriers are identified. We keep in touch about that. Therefore, there is a statutory obligation.

It is also blindingly common sense that, when returning officers and local authorities look at the location of a polling station, they do not put it at Joe Bloggs primary school just because that is where it has been for the past 50 years. If there is a better alternative up the road, it makes sense to use that. We should ensure that people are aware of the legal requirements and also that they ask the right questions, such as, "Are we going to use this primary school just because that is what we've always done?"

**Bill Scott:** As far as we know, very few polling stations are not fully accessible. There were a few places in 2009, mainly in remote rural areas where there were not easy alternatives, but a lot of communities now have accessible village halls. Therefore, we go back to the issue of whether the usual place is used, rather than a new resource that is in the same community but which traditionally has not been used for polling.

**Euan Page:** That is an important point. We are looking at a picture of steady improvement in physical accessibility but, as Bill Scott says, there is still an issue in some areas. Notwithstanding that, it is important not to lose sight of the wider questions of disengagement on which many of our contributors this morning have picked up: the questions about how we engage in the debate communities and individuals that are several steps removed from even thinking about accessing a polling station.

**Bill Kidd:** I have found this discussion extremely interesting and enlightening.

There is a big crossover between process—how voting can be accessed and so on—and the message: in other words, whether voters can be bothered. That is very important. People from the two campaigns, yes Scotland and better together, should probably have been sitting here and listening to what has been said. Perhaps they will be meeting with all the different people here.

In reality, making people interested enough in the referendum and the result that will come out of it—whatever that is—will be the biggest thing that makes people go out to vote and use the accessible places for which I hope we can press.

Kyle Thornton talked about registration issues, especially the use of rolling registration and so on. As he said, we have to reach out to young people and make them want to register in the first place. I am not having a go at the Electoral Commission because it is a great organisation, but when it is speaking to groups in schools or youth clubs is its message jazzy enough—I did not want to use a pejorative term—to get young people interested?

**The Convener:** The word that you are looking for is “hip”.

**Bill Kidd:** Aye—sorry, granddad. [*Laughter.*]

Are young people going to be interested enough not just to listen to the reasons why they should vote but to pick up on the issues, too?

**Kyle Thornton:** The Electoral Commission tries, but it needs to make much more use of younger people and young community champions. I would obviously use members of the Scottish Youth Parliament as an example of people who are totally neutral on the issue and able to work with the Electoral Commission to present information in a more youth-friendly way, which is important.

If the commission created a three-minute video animation—which it has done before and which has been very good for young people—on the official information that is given out, how to register and the process of voting, that would work really well.

One big thing that I have noticed as a young voter is that the Electoral Commission’s website is really good. Young people can go on to the site and fill out the form, and they are then asked to print it and post it. However, I thought, “Well, I’ll just not bother printing off the form—I’ll wait until the annual canvass comes round and make sure I’m on the register then”, and I am an engaged young person. The Electoral Commission needs to discuss such issues with those who work with young people.

To go back to Stewart Maxwell’s question earlier, I am not aware that the commission has had any real discussion with the Scottish Youth Parliament, which is used to getting young people out to engage in the voting process, as we work with 12 to 25-year-olds.

The Electoral Commission needs to start talking to young people directly. It could start by getting together a group of young experts to advise it on how it can best do that, especially with regard to 16 and 17-year-olds.

**The Convener:** I am very conscious of the time constraints. We need to complete the session by 11.40, and some members may have questions. I see that Tavish Scott is indicating that he does. We will see where Patrick Harvie’s questioning leads, but we are very tight for time.

**Patrick Harvie:** Briefly, is there a danger that the way in which the commission and other organisations engage with younger voters, disenfranchised people, those who have not been voting and particular groups in society—whether that involves disability or any other factor—might end up being a wee bit patronising?

If we try to dress the referendum up as though it is a reality show, we end up demeaning the whole process. It is a serious matter, and all those groups are capable of understanding it as such and of being approached as people who are—as indeed they are—capable of engaging with it at that level. Is there a danger that we might go a wee bit too far down the razzmatazz-and-showbiz route and end up with people feeling patronised?

**The Convener:** How would you go about dealing with the business of show business?

**Professor McHarg:** I am stunned by that. [*Laughter.*]

There is an issue in trying to engage people in a serious way that does not necessarily require jazzy videos and gimmicks, but there is also an issue with people being turned off by the way in which the debate is currently being conducted. We need to find ways to bring into the debate those people who would not otherwise get involved.

The type of models that I have been hearing about involve things such as community engagement events and getting people together with mutual facilitators to discuss issues in a serious—and quite old-fashioned—manner. I do not perceive that there is much show business attached to that, but I may be wrong.

**The Convener:** John Downie submitted a lot of written material on the issue. Perhaps he can capture it for us quickly.

**John Downie:** There is a role for the Electoral Commission in relation to the factual stuff, but we

need to engage local people. The big vote referendum roadshow, to which I referred earlier, is working with local facilitators and local people, and that is the way to engage.

With the best will in the world, the Electoral Commission is a public body, and there are issues with trust and engagement with regard to how it does things. Engagement needs to be bottom up and community led, with expert organisations that provide their expertise. That will provide the help that is needed.

11:30

**The Convener:** Some of the evidence in SCVO's written submission was very helpful and thought-provoking with regard to how we can do things differently.

I will bring in Euan Page before I close the session.

**Euan Page:** It is important that we avoid the patronising dad-dancing-at-a-disco scenario in our engagement; I speak from experience. [*Laughter.*]

As John Downie said, engagement is a bottom-up process, and old-fashioned methods can be among the most effective. We held a useful round-table session last week with civil society organisations, academics and others. What came out of that was the idea that, if we want people to engage in debate about the constitution, the last thing that we want to talk about is the constitution.

People are utterly disengaged from the language and arguments of high constitutional politics, just as they often are from the language and concepts of human rights. We have to start with what exercises people—for example, their frustrations with unresponsive, clunky and bureaucratic public services, getting adequate services for their kid who needs additional support, or trying to ensure that their granny can stay in her own home rather than being put into residential care.

The disconnect between the grating perennial public policy challenges that wear people down and the actual difference that will be made either by having different constitutional levers or keeping the same ones is where we need to start.

**The Convener:** That is a strong message on which to leave this particular conversation.

I thank you all for coming along this morning, helping to stimulate some ideas and giving us food for thought. The Government, the Electoral Commission and the Electoral Management Board—and the campaign groups—will no doubt pick up on the evidence that you have given today, and I hope that it will increase their engagement with you and your groups as we move forward. In

the meantime, I thank you sincerely for coming to give evidence today.

Our next meeting is scheduled for Thursday 6 June, when the committee will deal with stage 2 of the Scottish Independence Referendum (Franchise) Bill. I remind members that the deadline for lodging amendments is noon on Monday 3 June. The committee's next and final evidence session on the Scottish Independence Referendum Bill will be on 13 June, when we will hear from the Deputy First Minister.

*Meeting closed at 11:33.*



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