

# **THE ELECTORAL MANAGEMENT BOARD FOR SCOTLAND (EMB)**

## **Comments regarding issues in the Local Government and Elections (Wales) Bill**



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Malcolm Burr  
Convener of the Electoral Management Board for Scotland  
c/o City of Edinburgh Council Elections Office,  
249 High Street, Edinburgh EH1 1YJ

## BACKGROUND

### ***The Electoral Management Board for Scotland***

The Electoral Management Board for Scotland (EMB) was created by the Local Electoral Administration (Scotland) Act 2011, which gave the Board “the general function of co-ordinating the administration of Local Government elections in Scotland.” The EMB’s prime focus is ensuring that the interests of the voter are kept at the centre of all electoral planning and administration. It operates through the close community of electoral professionals in Scotland and seeks to work by consensus rather than the issue of formal directions, wherever possible. Leading and supporting Returning Officer (RO) and Electoral Registration Officer (ERO) colleagues the EMB coordinates elections and referendums to produce results in which the voter can have full confidence.

While the EMB has a specific remit for local government elections, over recent years it has provided extensive guidance and recommendations to the electoral community in Scotland for UK Parliamentary Elections and other events. The former Convener of the EMB was the Chief Counting Officer (CCO) for the Scottish Independence Referendum in 2014 delivering that event with the support of the Board and its officers. That Convener also led Scotland’s delivery of the European Parliamentary Elections in 2009 and 2014 as Regional Returning Officer, the AV Referendum in 2011 and the EU Referendum in 2016 as Regional Counting Officer (RCO) for both events.

Governments, politicians, the Electoral Commission, Returning Officers and Electoral Registration Officers now recognise the EMB as the expert body delivering electoral events while leading, supporting and advising ROs and EROs,

### ***The Local Government and Elections (Wales) Bill***

The Equality, Local Government and Communities Committee in the National Assembly for Wales is currently scrutinising the Local Government and Elections (Wales) Bill.

As part of its evidence gathering, the Committee contacted the EMB as the Committee is interested in exploring how some of the provisions in the Bill are used elsewhere. In particular, as the Bill includes provisions to enable each local authority in Wales to decide which voting system to use to elect its members, whether first past the post or STV, the Committee would like to understand the impact of changing to a system of STV on Scottish elections. The Bill would also extend the franchise to enable 16 and 17 year olds to vote in local government elections in Wales.

The Committee contacted the EMB with an invitation to give evidence but as this was in the immediate lead up to the UK Parliamentary General Election on 12 December there was no capacity for this to be completed at that time. This paper identifies some issues that may be of interest to the Committee in their scrutiny and highlights sources that would be of interest in providing useful background. However this paper is not formal evidence submitted by the EMB as there has not been time to draft such a paper or for it to have been reviewed and approved by the EMB. These are therefore general comments rather than developed formal evidence.

**Members of the Board or its Secretary would be happy to meet with Welsh Government officials or Ministers to discuss any of the points in this response more fully and to engage in broader discussions around the practical delivery of electoral activity in Scotland.**

As is usual in such submissions, the EMB primarily addresses practical issues with respect to the delivery of elections, rather than issues of policy which would be outwith its remit.

### **Issues identified as of interest by the Committee**

#### **Voting by 16 and 17 year olds in local government elections**

*Section 2 of the Local Government and Elections (Wales) Bill proposes to extend the right to vote in local government elections to 16 and 17 year-olds, and eligible foreign citizens. Has any analysis been undertaken on the initial and longer term impact on voter turnout of extending the vote to 16 and 17 year olds in Scotland? What work has been undertaken to promote the franchise extension in Scotland, and what have been the cost implications of this?*

With respect to the extension of the franchise to foreign citizens this is dealt with in the Scottish Elections (Franchise and Representation) Bill – see below.

With respect to 16- and 17-years olds, the expansion of the franchise to include 16 and 17 year olds happened for the first time in Scotland for the 2014 Scottish Independence Referendum. In the months leading up to that event there was significant work around the compiling of the Register of Young Voters and an extensive programme of public awareness and political literacy initiatives, both at the national and local level. According to the Electoral Commission's research 109,593 16 and 17 year olds were included on the registers by the registration deadline and 75% of those spoken to claimed to have voted. 97% of those 16-17 year olds who reported having voted said that they would vote again in future elections and referendums. This is dealt with extensively in the Electoral Commission report on the Referendum at

[https://www.electoralcommission.org.uk/sites/default/files/pdf\\_file/Scottish-independence-referendum-report.pdf](https://www.electoralcommission.org.uk/sites/default/files/pdf_file/Scottish-independence-referendum-report.pdf)

With respect to research on the impact on turnout of the extension of the franchise this is primarily an academic issue. I understand that some work has been completed on by academics for example Jan Eichhorn has done significant research in this area.

There is a paper at <https://academic.oup.com/pa/advance-article-abstract/doi/10.1093/pa/gsx037/4316143?redirectedFrom=fulltext> which is discussed in a blog at

<https://blogs.lse.ac.uk/politicsandpolicy/votes-at-16-new-evidence-from-scotland/>

#### **Scottish Elections (Franchise and Representation) Bill - Consultation**

*We are aware that the Scottish Elections (Franchise and Representation) Bill is currently progressing through the Scottish Parliament, are you aware of what level of consultation and debate has taken place about including foreign citizens on the register?*

The Scottish Elections (Franchise and Representation) Bill has been the subject of extensive consultation and debate. This is detailed fully in the Policy Memorandum that accompanies the Bill and is published at

[https://www.parliament.scot/S5\\_Bills/Scottish%20Elections%20\(Franchise%20and%20Representation\)%20\(Scotland\)%20Bill/SPBill51PMS052019.pdf](https://www.parliament.scot/S5_Bills/Scottish%20Elections%20(Franchise%20and%20Representation)%20(Scotland)%20Bill/SPBill51PMS052019.pdf)

For ease of reference I have copied the relevant material below

*Following the enactment of the Scotland Act 2016, the Scottish Government has held two separate public consultation exercises on electoral reform and prisoner voting in relation to Scottish Parliament and local government elections. The consultation on Electoral Reform was undertaken between December 2017 and March 2018 and sought views on a number of issues, including:*

- term lengths;*
- extending the franchise in relation to foreign nationals;*
- extending the role of the Electoral Management Board for Scotland;*
- access to voting and elected office;*
- electronic voting;*
- the role and remuneration of Returning Officers; and*
- boundary reviews.*

*This consultation paper was the first step towards electoral reform. It included a number of suggestions as to how the new powers could be used to bring about improvements in the administration of devolved elections. Over 900 responses were received from organisations and individuals. The consultation was independently analysed and the analysis report as well as individual responses published in line with Scottish Government guidance.*

*As well as the online consultation, a range of roundtable discussions were held with a range of accessibility and equality organisations. The consultation on Electoral Reform revealed that there was general support amongst organisations and individuals for extending the electoral franchise for devolved elections to everyone who is legally resident in Scotland, with 78% of those who responded agreeing to this proposition. A further consultation exercise, on Prisoner Voting, took place from 14 December 2018 to 8 March 2019. Over 260 responses were received from organisations and individuals. The consultation responses and analysis report have been published. Further details are set out at paragraphs 36 to 39.*

*Ongoing consultation with electoral organisations, including the Electoral Commission, Electoral Management Board and Electoral Registration Committee of the Scottish Assessors Association as well as the Scottish Prison Service continued during the consultation period and the development of the draft legislation, and their views were taken at various stages. Consultation with these groups will continue during the implementation period in order to ensure a smooth introduction of the proposed changes, including updated forms and guidance.*

The EMB made written submissions to each of these formal consultations that could be shared if required and were published on the Scottish Government website.

## **Voting Systems and the Impact of STV**

*Sections 5 -10 of the Welsh Bill would enable each local authority to decide on its own voting system (first past the post or STV). Are you able to provide information on the impact of STV being mandated for Scottish local government elections? What has been the impact of*

*electronic counting? Has there been a review of electoral arrangements since the voting system changed to STV? Has this raised any issues?*

This is a very detailed question and it is not possible to provide a full answer in this short paper. The issues have been addressed in a number of documents and reports but primarily I was point to the Electoral Commission's published reviews of the Scottish Local Government Elections which include comments regarding the STV system, the degree to which voters understand the system and the approach to eCounting.

The most recent such report reviewed the 2017 Scottish Local government elections. [https://www.electoralcommission.org.uk/sites/default/files/pdf\\_file/Scottish-Council-elections-2017.pdf](https://www.electoralcommission.org.uk/sites/default/files/pdf_file/Scottish-Council-elections-2017.pdf)

Practically there are a number of observations with respect to eCounting that may be made from the perspective of the electoral administrator:

- A consistent national system allows economies of scale in contracting for the system;
- A consistent national system prevents voter confusion and supports public awareness activity;
- Manual STV elections are possible – some councils do count by-elections manually - but for multiple vacancies across several wards such an approach would be time consuming and introduce potential for human error;
- The transparency of elections is in some ways enhanced by electronic counting as the data generated allows a deeper understanding of voting patterns than is available manually;
- The procurement of an eCounting system us a major procurement exercise that takes around two years from tender to deployment;
- IT security needs to be addressed.
- There is a need to communication to candidates and agents so they have confidence in the system and understand its approach.

The tender documents relating to the eCounting Contracts for 2017 and the current procurement for 2022 would be good sources of information on all these issues.