The City of Edinburgh Council

1pm, Thursday, 26 June 2014

Scotland's Electoral Future – Proposed Consultation Response

Item number	8.1
Report number	
Executive/routine	
Wards	All

Executive summary

This report provides details of a current Scottish Government consultation exercise on Scotland's Electoral Future and seeks approval of a proposed response from the City of Edinburgh Council.

Links

Coalition pledges	
Council outcomes	CO24, CO25
Single Outcome Agreement	

Report

Scotland's Electoral Future – Proposed Consultation Response

Recommendations

1.1   To approve a response to the Scottish Government consultation on Scotland's Electoral Future. The proposed response is provided at Appendix 1.

Background

2.1   The Scottish Government issued a consultation paper entitled '*Scotland's Electoral Future – Delivering Improvement in Participation and Administration'* in April 2014. Submissions to the consultation were requested by the deadline of 11 July 2014. A proposed response on behalf of the City of Edinburgh Council is provided at Appendix 1.

Main report

3.1   The Scottish Government consultation addresses how improvements could be made in the quality of democracy in Scotland by encouraging wider engagement and participation in electoral events. The consultation paper primarily reflects on responses to the 2012 Scottish Local Government elections but the focus is not restricted to local government elections.

3.2   A number of tactics are proposed to increase voter turnout. These include the use of alternative voting methods, such as all-postal voting pilots, methods to engage young people in democracy and reach those who are disinclined to vote, and addressing concerns about "alphabetical bias" for candidates with the potential to vary the order of candidates' names on the ballot paper.

3.3   The paper also raises questions regarding the eligibility criteria to stand for election, candidates spending and the role of the Electoral Management Board for Scotland.

3.4   A proposed response to the consultation document is given at Appendix 1 to this report.

Measures of success

4.1   Not applicable.

Financial impact

5.1   There are no direct financial impacts as a result of this report.

Risk, policy, compliance and governance impact

6.1   There are no direct risk, policy, compliance and governance impacts as a result
        of this report.

Equalities impact

7.1   The consultation document discusses alternative methods of voting including
        universal postal voting, electronic machine voting, online voting and telephone
        voting. It is important that voters are not excluded through the use of new
        technology and that the voting process remains accessible to all voters.

Sustainability impact

8.1   There is no direct sustainability impact as a result of this report.

Consultation and engagement

9.1   All of the political groups have been consulted on the content of the proposed
        response..

Background reading/external references

Scottish Government consultation document – Scotland's Electoral Future

Sue Bruce

Chief Executive

Contact: Kirsty-Louise Campbell, Governance Manager

E-mail: kirstylouise.campbell@edinburgh.gov.uk | Tel: 0131 529 3654

Links

Coalition pledges	
Council outcomes	CO24 - The Council communicate effectively internally and externally and has an excellent reputation for customer care
	CO25 - The Council has efficient and effective services that deliver on objectives
Single Outcome Agreement	
Appendices	Proposed consultation response

Strategy and External Affairs

Consultation on Scotland's Electoral Future

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

City of Edinburgh Council

Title Mr ☐   Ms ☐   Mrs ☐   Miss ☐   Dr ☐   Please tick as appropriate

Surname

Forename

2. Postal Address

Postcode	**Phone**	**Email**

3. Permissions - I am responding as…

Individual	**/**	**Group/Organisation**
☐	**Please tick as appropriate**	☒

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate
☐ Yes ☐ No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate
☒ Yes ☐ No

Yes, make my response, ☐
name and address all
available

or

Yes, make my response ☐
available, but not my
name and address

or

Yes, make my response ☐
and name available, but
not my address

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate ☒ **Yes** ☐**No**

CONSULTATION QUESTIONS

Question 1: Do you have any views about the introduction of alternative methods of voting such as by internet or telephone?

Would the introduction of any such new methods give rise to concerns about security or the wider integrity of the voting system?

If security and other concerns could be met, would you favour the piloting of new voting methods, for example, in a by-election?

Do you have any general comments or suggestions about ways to increase participation and turnout whether through changes to electoral processes or otherwise?

The principles of delivery of elections would require to be maintained regardless of the method of voting. Elections should be accessible to voters so that there are no barriers to taking part in the electoral process. Elections should be delivered in a consistent manner so that voters have a similar experience of the voting process regardless of where they vote. Election processes require to be undertaken in a visible and transparent way with the security and integrity of the vote being key. Finally, elections are required to be undertaken in an efficient manner taking into account the resources that are available and which would be required for different electoral processes.

The introduction of alternative methods such as internet, telephone voting or electronic machine voting raise some issues for the Council. Any new methods of voting would require voter education. There may be accessibility issues as all voters would not have access to the internet or a telephone. If these methods were introduced it would be important to provide voters with alternative methods of voting such as Postal Voting or voting at a polling station. It is important that voters are not excluded through the use of new technology.

There would be possible issues with the secrecy of the ballot as it would be likely that voters would be voting in their homes. This would create the opportunity for outside influences in the voting process. At a polling station voters are able to vote in a polling booth without any outside influences. A proportion of the people who do regularly vote are unlikely to be comfortable with the internet or telephone voting. Any alternative method of voting would have to maintain confidence in the process by candidates and the electorate.

Whilst electronic machine counting would maintain the secrecy of the ballot as voters would still have the option to vote at a polling place there would need to be contingency arrangements to cope with possible mechanical or electronic failure.

Internet, electronic machine voting and telephone voting may create difficulties in the result of an election petition if the election result was called into question. Appropriate record keeping would need to be put in place. Currently ballot papers and other documentation are stored for a period of one year.

The introduction of an early voting period, with polling places open for a longer period of time, would provide an alternative method for people to vote particularly for those who are not able to attend a polling place on polling day.

It would be preferable to pilot any new voting methods at a by-election however there would be a danger of causing voter confusion with a pilot. Voters often assume that an election will be the same as the last election.

Voters need to be aware that an election is taking place to ensure that they are registered to vote and will vote at the election. It is important that there is publicity about the event. The Council took a decision at the Council meeting on 2 June 2011 to ban election posters.

For the European Parliamentary Elections the Council has undertaken a number of methods to encourage voter registration as well as participation in the election. This has included lamppost wraps in the City Centre and Leith Corridor, a display on digital screens on Princes Street and in Morningside, the production of posters and postcards, information on the Council website and Council intranet, displays on plasma screens in Council offices, messages posted on twitter and facebook, an eflier and an email to all Council staff.

To ensure that younger people vote when they are able to it is important to help them form the habit of voting. It is important to talk to younger people about voting and provide assistance to first time voters. Young people in secondary education are not universally well educated about democratic processes. A consistent message to young people may help increase participation in future years.

Voters need motivation to vote and it is important that people feel that taking part in an election is important and relevant to their lives. Turnout in local government and European Elections tends to be lower as people may not be aware of their responsibilities. It's important for candidates to be given some support in explaining who they are and what their policies are to voters through, for example, the provision of a candidate mailing. Changes to electoral processes alone may not be enough to encourage people to vote and there may require to be a wider discussion around the motivation for voting.

Question 2: [PILOT PROJECT QUESTION]

The Scottish Government welcomes your views about the potential for using a local government by-election to pilot a form of universal postal voting.

This pilot voting method would mean postal ballot forms being issued to all registered electors. Electors would then be able to opt to either return their voting form by post (prior to polling day) or to hand in the completed form to their local polling place on polling day.

Do you have any views on this proposal?

If the same standards of integrity were to be achieved as are currently applied for postal voters, in order to undertake a pilot the Electoral Registration Officer would require all voters in that area to complete a Postal Vote Application form so that their personal identifiers can be checked when they return their postal vote. Publicity would be required to ensure that voters in the area were aware of this requirement. Publicity would also be required regarding the reasons why personal identifiers are required on the postal voting statement when the votes are returned. Previous experience has shown that some voters do not want to include their signature and date of birth on the postal voting statement. This would also introduce potential confusion for voters after the pilot period unless it was clear that they would return to their previous method of voting following the pilot.

Postal Voting would usually take place in a voter's home rather than in a polling booth. It is more likely that voters could be put under pressure to vote in a particular way due to outside influences.

There would be financial implications of issuing all votes by post. There would be additional printing costs as return envelopes and postal voting statements with instructions would be required. There are also postage costs of issuing packs and the cost of their return. Postal vote opening sessions would require more staffing to be able to process the larger volume of postal votes. There may also be increased equipment costs as potentially more scanners and adjudication computers would be required.

If voters also had the option of handing completed postal vote packs at a polling station there would be financial costs of hiring and staffing polling places in addition to the extra costs for postal vote printing and postage.

The processing of postal votes received on the polling day may also impact upon the count arrangements, delaying the count or the announcement of results. Before a postal vote ballot paper can be placed in a ballot box the personal identifiers on the postal vote application and postal voting statement require to be checked to ensure that they match.

A universal postal ballot would also introduce an additional risk in the process as voters would be required to rely on the mail provider.

Question 3: Do you believe that young people in secondary and further education are sufficiently well educated about the political landscape and electoral process?

Do you have any views about how best to engage young people in local democracy? What more could be done?

Young people in secondary education are not universally well informed about democratic processes. Individual schools have fabulous educational interventions, often in partnership with Community Learning and Development workers or voluntary sector agencies, for example democracy week at Broughton High School. However, in other schools any democracy education is limited to option classes, so is not available to everyone. Our experience is that some young people have heard incorrect rumours and 'folklore' about the electoral processes; for example that people can vote more than once or that being on the electoral roll will expose people to unwanted attention from statutory agencies. So, the overall understanding of formal democratic processes is similar to that in the adult population, there are those that are 'expert', those that know very little, and all points in between.

Youth work offers some solutions to this, in that young people who choose to can attend youth work projects in their area or city wide that offer formal and informal democratic education. Unfortunately, youth work is non statutory, so there is a problem with our capacity to deliver this kind of project at every point across the City.

It would be beneficial to ensure that young people are educated consistently about the democratic process and that best practice about methods to do this is shared.

Question 4: Do you agree that the power to decide the franchise for Scottish elections should sit with the Scottish Parliament?

What are your views on extending the franchise for all Scottish elections to those aged 16 and 17 years who are eligible to be registered on the electoral register?

It would be inappropriate for the Council to comment on this question.

Question 5: Do you have any views about how best to engage people who are at present disinclined to vote?

What might be the best approach to remedying low voter turnout – geographic targeting at wards or constituencies with a history of low turnout or alternatively focusing on key social groups (e.g. students or those from ethnic minorities) whose participation rates are lower than average?

Following the Local Government Elections in 2012 the City of Edinburgh Council undertook detailed analysis of voting data. The total electorate across the city was 331,954. The turnout was 42.6% with 141,552 votes being cast. The postal vote electorate was 62,367 with a turnout of 65.5% and 40,850 votes cast. The electorate at polling places was 269,587 with a turnout of 37.4% and 40,850 votes cast. Turnout at polling places varied between polling districts with 7.2% being the lowest and 60.5% the highest.

The Council used Mosaic Scotland data and data from the Scottish Index of Multiple Deprivation 2012 to examine the relationship between polling places turnout and several socio-demographic attributes and determined that age and deprivation were the strongest predictors of voting behaviour, accounting for 62% of the variation in turnout at polling places across the city. Turnout tended to be lower in areas of high deprivation with a lower proportion aged 60 plus.

Reasons identified for why people decided not to vote included a high concentration of students in the polling district, that the polling district was too large, that the polling place may be located too far away for many of the voters in the polling district, possible perceived personal safety issues and that the polling place was in an alien or threatening environment.

Suggested methods for combating these potential reasons for lower turnout may include working in partnership with higher and further education institutions. Consideration of splitting polling districts and providing more than one polling place for the polling district area. Another suggestion was the introduction of a mobile polling place that could be placed more closely to a densely populated area. In the European Parliamentary Elections the Council used a mobile library as a polling place for the first time in a polling district where previously voters would have had a ten to fifteen minute walk to reach the polling place. This has now reduced to an approximate five minute walk. At the European Parliamentary Elections in 2009 the turnout of this polling district was 14.3% (76 out of 531 voters) in 2014 this increased to turnout of 25.2% (123 out of 488 voters).

It is also key to ensure that voters are aware that an election is taking place and to create motivation for people to vote. When promoting the fact that an election is taking place it is important to provide a consistent message in its promotion.

Question 6: Do you have any views on the ballot paper ordering of candidates' names?

Do you consider that listing candidates' names alphabetically by surname is discriminatory?

The present system of ordering candidates in alphabetical order is easy for voters to understand. The current system is transparent as it is clear the

order that candidates will be placed. Any changes would require to be publicised to voters and should be thoroughly tested with voters to ensure that it is easy for voters to navigate and complete the paper.

The method for ordering candidates would require to be agreed in advance so that all candidates and political parties understood the chosen method. If there was to be a public lottery to decide the order of candidates on the ballot paper additional time would require to be added to the election timetable for this process to take place. However, such a system simply replaces potential alphabetic discrimination with one derived from the luck of the draw.

The 'Robson Rotation' system could be particularly confusing for voters and campaigners trying to promote the election. Campaigners have an important role in the process of promoting participation in democracy. There could be more than one Postal Voter in the same household and they may receive ballot papers which listed the candidates in a different order. In order to combat the potential confusion it would be important to provide publicity regarding the fact there would be different versions of the ballot paper. At Polling Stations this system could create difficulties with voters who are partially sighted. Currently large print ballot papers are produced to provide to voters at Polling Stations. If there were multiple versions of the ballot paper this may not be possible.

This system would also cause a number of administrative issues which could create delays in processes. Following the close of nominations ballot papers are checked against the information contained in the nomination papers. If there was multiple versions of the ballot paper these would also require to be checked before printing and the amount of time that this checking would take. This would cause particular difficulties at a local government election. The City of Edinburgh Council has 17 wards and depending on the number of candidates that were standing in each ward this would hugely increase the number of ballot papers that require to be checked before printing. If this system was introduced there would require to be an increase in the timescales between the close of nominations and polling day in order for ballot papers to be produced. This would delay the issue of postal votes.

The 'Robson Rotation' system would also create difficulties in counting the ballot papers. At a manual election count ballot papers are usually sorted into trays for a particular candidate. This system could cause delays as count staff would be looking for candidates names on different places on the ballot paper. It was be more likely for staff to make errors whilst carrying out this process. A final 'flick' check is also carried out of ballot papers to ensure they have been allocated to the correct candidate. It would no longer be possible to carry out this final check as candidates would be listed in different places on the ballot paper. This would not be as problematic at an electronic count but there would be cost implications of carrying out more counts electronically.

Question 7(a): [PILOT PROJECT QUESTION]

The Scottish Government welcomes your views about using a local government by-election to pilot an alternative method of ballot paper ordering of candidates' names.

This pilot voting method would mean a form of random ordering (including the potential use of public lottery as suggested by Gould) or a method of rotation, such as Robson Rotation, described on page 15.

Question 7(b):

Do you favour any of the alternative systems set out in the paper - or would you like any other system of ballot paper ordering to be considered for a future pilot exercise?

If a pilot of an alternative system was carried out it would be important to have information to compare the pilot data against. As Local Government elections are counted electronically more data would be available from previous elections which could be used for this purpose.

Question 8: Do you agree that a review should be carried out of the criteria for eligibility to stand in a local government election with the business connection to an area having clearer definitions provided?

Do you agree that, for purposes of being eligible to stand for election, a candidate's designated area to stand should also be the area in which they reside?

It would be inappropriate for the Council to comment on this question.

Question 9: Do you agree that the rules should be reviewed to provide clarity on which successful candidates who are employed by 'arms-length' bodies delivering council services would be required to resign from their employment in order to be a councillor at the relevant council?

It would be inappropriate for the Council to comment on this question.

Question 10: In accordance with the Electoral Commission's suggestion and in good time before the next set of Scottish council elections, the Scottish Government intends to consult political parties that contested the 2012 elections, the Crown Office and Procurator Fiscal Service, the Electoral Commission and any other interested stakeholders on the following issues:

- how candidate spending should be regulated and how candidates and agents should be supported to comply with the rules;

- introducing controls on the sources and reporting of donations;

- revising spending rules to include a specific list of items that count against the spending limits for candidates;

- whether candidate spending limits are set at the right level to facilitate campaigning;

- whether party campaign limits should be introduced for council elections;

- whether controls on general campaigning by non-party campaigners should apply at council elections?

Do you have any comments which would inform future work in this area?

It would be inappropriate for the Council to comment on this question.

Question 11: Do you agree that provisions should be introduced to allow Electoral Register Officers to request up-to-date signatures and inform a voter that their postal vote statement has been rejected?

Are there any legislative changes which the Scottish Government could introduce which would help a Returning Officer allow a vote rather than reject it?

The Council agrees that provisions should be introduced to request up to date signatures and inform a voter that their postal vote has been rejected. This could potentially reduce the number of postal votes that are rejected in future elections. For example, if someone includes an incorrect date of birth on their postal vote application their postal vote may be rejected at each election without them being aware of this.

Following the European Parliamentary Elections voters whose Postal Vote has been rejected will be advised that their postal vote was rejected and the reason for rejection and it is important that this process should be carried out consistently for all elections.

Question 12: Do you have any views on the effectiveness of the Electoral Management Board since it came into being in 2008?

Do you have any views on the future of the Electoral Management Board?

The EMB has been effective since it has been introduced providing a

central point of contact for election issues in Scotland, issuing national directives to ensure consistent practice across Scotland. The EMB has promoted best practice through its formal legal responsibilities at the local government elections in 2012 and in supporting the Convener of the EMB in her role as Regional Returning Officer for the European Parliamentary Elections and Chief Counting Officer for the Scottish Independence Referendum.

The remit of the EMB should be extended to cover all parliamentary elections and referendum as well as local government elections. If its remit was extended the EMB would require more support. The City of Edinburgh Council currently provides staff and accommodation above the level of funding that it receives. If the powers of the EMB were to become more wide ranging then more stable and extensive funding would be required.