

Submission to the Committee on Standards in
Public Life on the work of the Electoral Commission
in Scotland

June 2006

1. Introduction

- 1.1 The Electoral Commission's mission is to foster public confidence and participation by promoting integrity, involvement and effectiveness in the democratic process.
- 1.2 The Commission's Scottish Office, based in Edinburgh, has responsibility for delivering the corporate aims of the Commission in the context of Scotland . The office ensures that the Scottish dimension is fully represented in the strategic thinking and operational planning of the Commission. The Commission's four offices in Cardiff, Edinburgh, Belfast and London work to the same corporate plan and targets, the development of that plan and targets being informed by the devolved context. One of the Commissioners, Sir Neil McIntosh, is resident in Scotland and maintains a special interest in Scottish affairs, although his Commission responsibilities are UK-wide and not confined to Scotland.

2. Responsibility for electoral matters in Scotland

- 2.1 In common with the rest of the UK, there is no single body or organisation responsible for elections in Scotland and a number of different bodies and institutions have varying responsibilities. The nature of the devolution settlement spreads election responsibilities still further and responsibilities vary between Wales, Scotland and Northern Ireland. Key responsibilities in Scotland are as follows:
 - The Secretary of State for Scotland (Scotland Office) is responsible for legislation governing the conduct and the funding of Scottish Parliamentary elections.
 - The Department of Constitutional Affairs is responsible for legislation governing and the funding of UK Parliamentary and European Parliamentary elections.
 - Scottish Executive Ministers (Scottish Executive) are responsible for legislation governing the conduct of local government elections in Scotland
 - The Scottish Parliament is responsible for the local government funding settlement which includes funds for electoral services. Local government meets the cost of its own elections from its own resources.
 - Local authority Returning Officers in Scotland are responsible for the conduct of council elections as they are in England. All local authorities in Scotland are unitary.
 - In Scotland whilst the administration of an election is the responsibility of the returning officer, the electoral registration officer, a separate officer often not part of the council has the duty to prepare and maintain the register of electors.

- Returning Officers for the UK Parliament and Scottish Parliament constituencies are appointed on the basis of who the returning officer is for the council elections. If the constituency crosses a council boundary the appointment is made to the council with the larger number of electorate. Scottish Parliament Regional Returning officers are appointed by the Secretary of State for Scotland and the Regional Returning Officer for the European Parliament election by the Lord Chancellor.
- Election planning amongst the various parties is facilitated via a Steering Group of all interested parties whilst they retain their own statutory responsibilities. This mechanism, currently described as the 2007 Elections Steering Group has existed since 2001.
- Scotland's electoral community is, like the country, small enough to lend itself to developing a cohesive approach to planning and solid professional relationships which have assisted Scotland meet the challenge of what has been a period of change in the last decade.

2.2 The Commission's responsibilities and functions in Scotland, with regard to all parliamentary elections currently reflects those it has in England and Wales. For example, the Commission has responsibilities to provide advice and guidance on electoral practice and procedure; to register political parties and regulate their election campaign spending; to scrutinise election law; to raise public awareness and to report on major elections, including those of the Scottish Parliament. The Commission has also established productive working relationships with Members of the Scottish Parliament and the Executive.

2.3 Local government in Scotland is a devolved matter and therefore the responsibility of the Scottish Parliament and Scottish Executive Ministers. Under the Political Parties, Elections and Referendums Act 2000 Scottish Executive Ministers can make an order extending the Electoral Commission's role to local government in Scotland. To date Ministers have chosen not to do so. However, since elections for local government are combined with those to the Scottish Parliament, and given the consensual nature of working well established via the steering group concept in Scotland, the Commission and Executive have in our view made the current arrangements work well. The Commission and the Executive have undertaken a number of activities together in relation to guidance on practice and procedures and awareness raising. The Commission reported on the 2003 council elections at the request of the Executive and will do so again in 2007.

3. The Electoral Commission in Scotland

Corporate plan

The corporate plan which is published annually sets out our key objectives and targets over the coming five year period. The 2006-07 to 2010-11 plan contains four key objectives and 17 targets against which our performance as an organisation is measured. The remainder of this submission sets out the work and planned activities of the Commission's office in Scotland as defined by the Commission's four key objectives.

Objective 1: Confidence and participation in the democratic process

- 3.1 A key aim of the Commission is to promote and encourage involvement in the democratic process. Voter participation at the second election to the Scottish Parliament came under wide scrutiny. Turnouts of 49% in 2003 raised concern that turnout had fallen below the 50% mark. The Commission has undertaken research to help understand electors' motivation and behaviour in Scotland and published and disseminated this widely, in order to inform both the development of Commission's promotional activities and the strategies of other key players, particularly the political parties, the Scottish Parliament, and electoral practitioners. To date, we have published:

Scotland votes? Electoral Commission 2002 (a research study looking at public attitudes towards the Scottish Parliament and the factors which might motivate people to vote in 2003.);

Scottish elections 2003 (our statutory report on the Scottish Parliament elections and, at the request of the Scottish Executive, also reported on the local government elections, which contains a comprehensive analysis of voter participation). The voter information campaign that the Commission lead, in co operation with the Scottish Executive, in 2003 was the first campaign which delivered awareness messages in relation to both Scottish local government and Scottish Parliament elections.

- 3.2 Our reports on the general elections in 2001 and 2005 and the European Parliamentary election in 2004 were also informed by experience in Scotland and included analysis covering Scotland.
- 3.3 In autumn 2006, we will be publishing the findings of a research study on voter motivation and attitudes to the Scottish Parliament and local government ahead of the forthcoming Scottish elections in 2007. Our statutory reporting on the parliamentary elections in 2007 will again be complimented by reporting on, at the request of the Scottish Executive, the council elections which are combined and the report will again include analysis of voter participation.
- 3.4 In a Scottish context the main area of current work for the Commission is the forthcoming Scottish elections at which STV will be introduced for the local government elections alongside AMS for the Scottish Parliament. Although the introduction of STV from the perspective of statutory responsibility is the remit of the Scottish Executive, the

Commission has agreed to assist them in various areas. With regard to awareness initiatives we will work together in the months leading to 3 May 2007. From autumn 2006, the Commission will focus particularly on encouraging voter registration and participation at the 2007 Scottish elections. This public information and promotional activity will complement a Scotland-wide advertising campaigns aimed at encouraging participation in the 3 May Scottish elections. Given the uniqueness of the election in Scotland on 3 May 2007 (a combined election using the AMS and STV electoral systems) greater emphasis will be given to participation/outreach type activity designed to inform the electorate about the electoral systems to be used to ensure valid and effective voting on the day.

- 3.5 Over the last two and half years, the Commission has actively engaged community groups, schools, colleges, universities and the voluntary to encourage participation in the democratic process. Activities have included “Build your own politician” events for young people, involving interactive workshops organised with local councils. We have worked with the Scottish Parliament’s Education Unit in a number of events and assisted in the development of the MSPs in schools initiative. We have also worked with the Hansard Society in Scotland to deliver 2003 Scottish Parliament mock elections and the 2004 European elections and currently are developing plans for the 2007 elections. We have recently launched the Democracy Cookbook, an activity-based resource aimed at those working with young people and we are currently encouraging councils to roll out a programme of ‘political speed dating’ as a precursor to an autumn programme of work targeted at the 2007 elections. In addition, as part of a UK-wide approach, we are producing a ‘voter awareness toolkit’ to aid local democracy officers promote participation at local level and to build on work we have already undertaken on these lines. Again this will have specific tools for the Scottish electoral systems to be employed in May 2003.
- 3.6 In April 2006, the Commission launched the Partnership Grants Scheme as a way to involve more people in democracy. We will be awarding grants to organisations with people who currently have low levels of participation in democracy. We are particularly interested in projects that work with young people not in formal education, people from minority ethnic communities and people with disabilities.

Corporate Plan Objective 2: Fair arrangements for elections delivered to consistently high standards

- 3.7 Under PPERA Section 5, the Commission has a statutory duty to report on the administration of elections and referendums, including UK Parliamentary elections, European Parliamentary elections and elections to the devolved institutions, including the Scottish Parliament. The Commission is not required to report on local government elections but can do so at the request of a relevant body.

- 3.8 In addition to reporting on the UK Parliamentary elections in 2001 and 2005 and the European Parliamentary in elections in 2004, which included information on Scotland, the Commission published its statutory report on the Scottish Parliament election in 2003, which included at the request of the Scottish Executive a report on the local government elections. The Executive have asked us to similarly report on the 2007 elections.
- 3.9 The election reports cover a range of issues, including election planning, polling day and the count, voter participation and media coverage, as well as providing comprehensive data and analysis of election results. The reports are informed by a large number of sources including public opinion surveys, focus groups, academic research and analysis, access audits, and feedback from election observers, election staff, candidates and agents, and from post-election seminars.
- 3.10 Our reports have contained recommendations for action by others and by the Commission, including recommendations for changes in the law. All the Commission's recommendations specific to Scotland have been considered by the relevant bodies and most have been acted on or implemented. For example, a key finding in our election reports in 2003 was that both Scotland Office and Scottish Executive consider the use of e-counting at the next Scottish elections on which we expect a positive announcement in the near future. Our report also recommended that whilst there were examples of good practice in many areas of electoral administration and promotion of participation, approaches across Scotland lacked consistency, something which the Commission and the parties would like to see develop further.
- 3.11 To assist in the development of greater consistency of approach the Commission published *Managing electoral services Scotland* in early 2005, a detailed guidance manual for electoral administrators and reflecting similar projects in England and Wales. The Scottish edition, the first such publication published specific to the Scottish electoral situation, was the product of close collaboration with and input from, Returning Officers, Electoral Registration Officers, and electoral administrators and was informed by comment from political parties via our Political Parties Panel. The Commission also ensures regular dialogue takes place between ourselves and professional stakeholders via various meetings with electoral administrators in Scotland, to enable mutual feedback and sharing of best practice, in addition to ensuring all stakeholders are consulted on developments and have an opportunity to inform the shape of initiatives and share practice.
- 3.12 Again, in conjunction with similar approaches in England and Wales, the Commission produces guidance manuals on elections in Scotland for Returning Officers, electoral administrators, with related briefing events. Polling station handbooks have also been produced for poll staff, along with material to support poll staff training at local level. Evaluation suggests these have been well received and work is

underway to provide similar materials for the 2007 Scottish elections. The provision of such materials is another means of promoting consistency of practice and standards across electoral services, bearing in mind the local discretion inherent in the conduct of elections by Returning Officers.

Corporate plan Objective 3: Transparency in the finances of political parties and candidates

- 3.13 The Commission adopts a UK-wide approach on this issue. Financial returns to the Commission can be viewed by the public in the Edinburgh office.
- 3.14 In common with the other offices of the Commission guidance for election candidates and agents in Scotland is published. This has occurred for all major elections since 2001. The candidates and agents guidance is consistently amongst the most popular of all the Commission's guidance documents and is promoted actively by the main political parties in Scotland and by electoral administrators, as the most comprehensive reference source for election candidates. Once again, we have been asked by Scottish Executive to produce a candidates and agents guide for the local government elections in 2007, in addition to that which we would have produced for the Parliamentary election.
- 3.15 The Commission has regular discussions with the political parties represented in the Scottish Parliament through the forum of the Scottish Parliament Political Parties Panel. Meeting three or four times a year, this is a valuable forum for discussion, consultation and feedback, as well as for the promotion of compliance with the regulatory framework of PPERA.
- 3.16 The Commission also arranges briefings in Scotland for the main political parties on regulatory issues, such as sessions for candidates and agents in advance of elections. The Commission usually exhibits and arranges fringe meetings at the political party conferences in Scotland, again as a means of consulting, receiving feedback, advocating Commission recommendations and promoting compliance with the regulatory framework and on other policy issues.

Corporate plan Objective 4: A modern, efficient and effective Electoral Commission which is well regarded in the wider community

- 3.17 A major area of the Commission's work in Scotland, as with the offices in Wales and Northern Ireland, is engagement with our key stakeholders and partners in the area. As will already be apparent, the Commission in Scotland has established a number of regular forums for consultation and feedback with the main representative groups and bodies across the electoral community. In addition, there are many ad hoc or project-based activities, events, and consultations taking place

in Scotland, organised by or attended by the Commission, either as part of UK-wide activity or specific to Scotland.

- 3.18 Through this means, the Commission is able to ensure that the development of its policies and strategies, its corporate planning, its communications and its operations fully take account of the needs and views of stakeholders in Scotland and the devolved context. This is not simply a case of implementing UK-wide corporate plans in the devolved areas, but means that the Commission is able to respond to the increasingly diversified 'home grown' agenda that has emerged since devolution in 1999.

The Electoral Commission
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