

THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

THE GRAHAM COMMITTEE

**Bute Room, National Museum of Scotland
Chambers Street, Edinburgh, EH1 1JF
27 June 2006
Public Hearing
Morning and Afternoon Sessions**

Members Present:

Sir Alistair Graham (Chairman)

Lloyd Clarke QPM
Rita Donaghy CBE
Baroness Maddock
Dr Elizabeth Vallance
Dr Richard Jarvis (Secretary)
Peter Hawthorne (Assistant Secretary)

Witnesses:

Mr Douglas Fraser (Glasgow Herald)
Sir Neil McIntosh (Electoral Commission)
Mr Andy O'Neill (Electoral Commission)
Mr William Pollock (Administration Manager, South Ayrshire Council)
Mr Alan Henry (Electoral Registration Officer for Dumfries and Galloway)
Mr Jeff Hawkins (Returning Officer for East Renfrewshire Council)
Mr Mark McInnes (Scottish Conservative Party)
Dr Derek Barrie (Scottish Liberal Democrat Party)
Mrs Lesley Quinn (Scottish Labour Party)
Mr Peter Murrell (Scottish Nationalist Party)



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1. SIR ALISTAIR GRAHAM: Good morning, everybody. Welcome to the Edinburgh hearing of the Committee's Eleventh Inquiry in the Review of the Electoral Commission. We are delighted to be in these splendid premises. We are here to take oral evidence to inform our consideration of the issues we have raised in the consultation paper we published in February. We have already received some written evidence from interested parties and individuals, for which we are grateful, and we look forward to receiving more. This hearing forms part of a series we are holding across the United Kingdom between now and September. We plan to publish our conclusions and recommendations towards the end of this year. This Committee has held hearings in Edinburgh for many of its 11 inquiries and we are, as always, delighted to be here and looking forward to learning about the work of the Electoral Commission in Scotland and the approach taken to the administration of elections, voter registration and party political funding. We hope that, as in previous inquiries, lessons can be learned from other parts of the United Kingdom.

2. This Inquiry is an important one. If we look at the foundations of our democracy, then healthy competitive political parties and confidence in the electoral process are two critical cornerstones. Any doubts about the integrity by which political parties are funded or in the trust we can play in free and fair elections have the potential to critically undermine the health of our democracy and the extent to which the public is prepared to engage in the political process. The Inquiry will examine the current responsibilities of the Electoral Commission set up five years following the Fifth Report of this Committee in 1998. The Commission is an independent UK-wide body set up by Parliament as the regulator of political party funding rules and to promote integrity, effectiveness and participation in the democratic process. It is important to ask now, some five years after its creation, whether the Commission's mandate, governance, arrangements and accountability framework are properly able to deliver public trust in our electoral system and in the way political parties are funded. The integrity of current political funding arrangements and issues around electoral fraud, voter registration and electoral administration all raise questions about the nature of the Electoral Commission's present role, but also wider questions about electoral affairs. We are particularly interested to learn how and whether the differing electoral responsibilities of the Scottish Executive, Scotland Office, Electoral Commission and local authorities come together to ensure that elections in Scotland are free, fair and meet the needs of the public.

3. At our hearing today we are interested to learn how the Commission has discharged its mandate in Scotland and whether the governance and accountability of the Commission takes sufficient account of its mandate here. Before moving to today's proceedings I want to stress that the initiation of this Inquiry should not be seen as making a judgement about standards of conduct in the areas we are looking at nor about the performance of individuals or organisations in the areas covered. The Committee is coming to these issues with an open mind. We are an evidence-based committee and we are helped immensely by the high quality of the written evidence we receive, by the exchanges in public hearing and by the research we commission for each inquiry. All those who contribute to our written and oral evidence, either in person or on paper, do so entirely voluntarily and the Committee is most

grateful to them. Today we have a high quality and busy programme. This morning we welcome Douglas Fraser from the Glasgow Herald who will help to set the scene for us. He is followed by representatives from the Electoral Commission and then a panel of experienced electoral administrators. Then this afternoon we are pleased to welcome representatives of the four main political parties in Scotland. The procedure will be that one member of the committee will take the lead in putting questions to each witness. After that other members will join in and put particular points they wish to raise. Where a witness has prepared an opening statement, these will be copied and made available on the table in the reception area. Uncorrected transcripts of each day's hearings will be placed on our website within five days of the hearing. I am sure it will be a productive day. Perhaps now we could start by welcoming Douglas Fraser from the Glasgow Herald. You provided us with an opening statement which we are very happy to take as read, if you are happy about that, and move straight into questions. Will you be comfortable with that?

4. MR FRASER: The opening statement seeks to deal with the questions you have raised, whereas I was asked to provide an additional context of Scottish politics.
5. SIR ALISTAIR GRAHAM: Well, by all means you kick off with that and then we will move into questions.
6. MR FRASER: That would be grand. My role, as I am told, is to provide a context and I hope to offer some breadth and a limited range in depth. I think that will come later in the day. And perhaps, who knows, I can bring some impartiality. In my comments I am assuming a knowledge of the institutional framework of the devolved institutions and the difference between reserved and devolved powers. As with Westminster, there is a wide range of alternative political issues. The issues in Scottish politics that are either dominant or seem relevant to your Inquiry include the current stage in the electoral cycle. We are only ten months from a Holyrood Scottish Parliament election, with the benefit of knowing exactly when that election will take place. The timing raises political questions about the impacts of judicial instability and Westminster mid-term blues on Labour in particular. The election takes place a few weeks after the 300th anniversary of the Act of Union, with that constitutional issue a key one in the election. That could have interesting implications too. The mostly lively home-grown debate now is about the arithmetic of potential coalitions. The current pairing of Labour and Liberal Democrats sees a diminishing appetite, I think on both sides, for remaining in partnership. Both the Scottish Green Party and the Scottish Conservatives are talking up the possibility of playing a role in government, perhaps with different types of coalition, perhaps in support of a minority administration. Many more combinations are becoming possible, and we have entered unfamiliar terrain by British political standards in which the Liberal Democrats could make substantial gains next May – they claim they are about to – and yet as a result of that they could actually move from being in power in government into being in opposition.
7. Running alongside the constitutional debate, the liveliest debate in Scottish politics at Westminster is the future of the funding mechanism for

Holyrood, with the Barnett Formula, allied to the question of Scottish MPs' voting rights at Westminster and the rights of Scottish MPs and one in particular to take on English or UK roles. This may be a result of brief World Cup mania and the politics of identity and national loyalties reaching deep into England, from our perspective for the first time. It may represent a sea change, however, in the way England sees itself and its neighbours. The phenomenon may have fizzled out soon after England's match against Portugal on Saturday but for the record I wish England well.

8. Of particular relevance to your Inquiry is the fact that elections for the Scottish Parliament take place on the same day next year as elections for Scotland's 32 unitary councils. Local council elections are, by English standards, very straightforward, at least all taking place on the same day. This has happened before in 1999 and 2003 and resulted in council campaigns being largely eclipsed in both the national and local media. The Executive has been warned that this is not desirable and should not happen again, but it is determined to go ahead with elections on the same day next year.
9. A complicating factor at this time is that council elections, which are the responsibility of the Scottish Parliament and are not a formal part of the Electoral Commission's statutory role, will be fought for the first time under the proportional single transferable vote system. There is plenty of potential for voter confusion with two proportional systems, two Holyrood votes, each requiring a single cross, the outcome of the regional list dependent on the outcome of the constituent vote, and another ballot form with prioritisation not by crosses but by numbers. We are facing this complexity. The Scotland Office and the Scottish Executive jointly set up a commission to examine the confusion of voting systems and two sets of parliamentary boundaries as a means of answering the unhappiness of Scottish Labour backbenchers at Westminster in particular who are complaining their numbers are being cut but no such pain is being visited on MSPs in Edinburgh. And the Arbuthnot Commission reported last January, saying that the council and Holyrood elections should be decoupled. That advice was ignored. They recommended some adjustments to the Holyrood voting system while leaving most of it intact. It said we can live with dual parliamentary boundaries but suggested a complete overhaul should be based on council borders and it had the cheek to tell Westminster that its own first past the post system is now out of step and overdue for a proportional overhaul. It also examined the case for making it impossible to stand on both a constituency and a regional list, and concluded that would be undemocratic, which did nothing to stop precisely that reform being enacted for Wales. Hence its recommendations look set for the dustiest of shelves in the Scotland Office. Now, I could go on to deal with some of the issues particularly relevant to your Inquiry which you have in front of you or you could move to questions and answers, really up to you.
10. SIR ALISTAIR GRAHAM: Thank you very much for that, that is very helpful. Shall we move to questions then? My colleague Baroness Maddock is going to take the lead in questions.

11. BARONESS MADDOCK: Good morning, Mr Fraser, and thank you very much for your submission which we received this morning. I think you have indicated to us that you think the Electoral Commission here in Scotland has established its credibility and authority. Do you think it has a very high profile amongst the general public?
12. MR FRASER: First of all, apologies you did not get the submission earlier than this morning. You have that in common with my colleagues at the Herald, who suffer from late copy supplied regularly. I exist, for my sins, inside the political hamlet that is Scottish politics and I am not ideally placed to be able to tell you how high its profile is outside. What I would say is that Scotland itself is often described as a village and the key players are fairly well known around, for instance, the party political conferences. This is a country where you can get a lot of the key players in any one issue into one room, including the returning officers, something I do not think you can manage down south. So with that in mind I think it probably has managed to get itself known proportionately better simply because the country works in a different way with the general public. I sense in the reports that I have done for the paper about the Electoral Commission that it has an instantly recognisable brand because the name itself explains what it does, so it is really easy to communicate its authority through the newspaper.
13. MR LLOYD CLARKE QPM: Again, it is helpful, your opening remark, not only as my colleague says about the credibility and authority, but I think it is important that you have also told us that your impression is as though it is an imposition from London. But I wonder if the spread of responsibilities that there are here in Scotland, and I am not just talking about with the Electoral Commission, I am talking about the Scotland Office, the Scottish Executive, Scottish Parliament, Department for Constitutional Affairs and of course the Electoral Commission, could that lead to confusion or has it led to confusion with so many people involved in it?
14. MR FRASER: I think it could lead to confusion between the running of the Scottish council elections on the same day as the Scottish Parliamentary elections, given, as you say, that there are different departmental responsibilities for running these. It is one of these areas where informal arrangements between the Edinburgh institutions and London departments are, I am assuming and hoping, working fairly hard to make sure any problems are ironed out. I mean, devolution has worked because of informal relations. I think people recognise that if there were great tensions between administrations of different political hue north and south of the border you would find a lot of problems and this would be probably the least of them. So it may be that formal structures are required, not to say that the role, as I have seen it, of the Electoral Commission has been to facilitate that informal process rather than cluttering up the furniture.
15. MR CLARKE: That is helpful, and particular because of course, as we know, the Electoral Commission does not have a responsibility for the local elections, but are you saying that the confusion could come just because they

are both being held on the same day?

16. MR FRASER: That is one of the confusions. The key confusion could be with voters about the two very different systems and a challenge to us in the media also to try to explain to them how they are going to work.
17. MR CLARKE: Do you feel the Electoral Commission has a responsibility to explain how that is going to work? Do you see that as being one of their roles and functions therefore?
18. MR FRASER: I do. Apart from anything else because nobody else has that function and, as I understand it, and you will be able to get this from them later, they recognise that role. If you are going to take on a legal responsibility for explaining the Holyrood voting system it would be pretty daft if they stopped before the council voting system kicked in, because clearly it has to be something which is understandable to voters and cannot be demarcated along departmental lines.
19. MR CLARKE: And I suppose then the next question to that is, do you feel that the Electoral Commission have been proactive enough in that which is seen as a role in terms of making the electorate aware of what the voting systems are, et cetera?
20. MR FRASER: So far, yes, but the big test is yet to come. I do not think it will really kick in until the early months of next year when voters begin to focus on the choices that they face. And it will be a very big test, and to my understanding the Electoral Commission recognises that. This is going to be pretty complex stuff. It has never been here before in British politics.
21. MR CLARKE: So we would expect, therefore, the Electoral Commission playing a very active role from the start of 2007 onwards. And from what you are saying, your intimation is that they are aware of and look as though they are going to take that active role.
22. MR FRASER: That is correct.
23. SIR ALISTAIR GRAHAM: If I may just intervene, in your view, why was the decision taken to hold both those elections on the same day? Was it a fear if you decouple them you will get a much lower turnout for the local council elections and therefore that will affect the result quite significantly?
24. MR FRASER: It would affect the result and the legitimacy of council elections. As with any elections, if you have a particularly low turnout the legitimacy has, at some point, to be called into question, though we have not quite hit that point yet in British politics. That explanation of maximising turnout for council votes has been given as the main reason. I am in the happy position of being able to speculate, which others are not today I suspect, about the other political reasons. This is a decision taken, of course, by those in power in the Scottish Executive and I would guess that there is a calculation by the Labour Party in particular that it has a machine which operates through the building

blocks of local council wards. It is a rather worrying prospect for them that they are likely to lose a matter of hundreds of councillors out of the 1,200+ in Scotland as a result of this system. That is a given, it is not just a bad political day for them. That is the starting point because of this.

25. But also a point, which I think you may find coming across speaking to party representatives later today, is that the issue you will face in London about millions of pounds being donated by single individuals or loans or whatever is turned on its head in Scotland. They would love for the parties here to be given the opportunity to turn down these loans and gifts. The parties here are, in my view, underfunded for their responsibilities that they have within the electoral system, which is a completely separate issue about the state funding of parties. And when you start from a position where every two years there is a major parliamentary election to be fought, plus European elections which are not quite so major, the notion that you can have an additional council election to be fought on perhaps alternate years, you could have an election every year, and from a party resourcing point of view that would be a finance nightmare.
26. SIR ALISTAIR GRAHAM: So are you saying that really the party in government in taking this decision - have them on the same day - was acting in a party political sense really rather than as a government concerned about how well people can participate in the democratic system? Their primary concern was to minimise losses, given that the introduction of the new system will involve some loss for them, and to minimise costs?
27. MR FRASER: I would not say it is primary, I would say it is a significant factor. The evidence of that is that the opposition parties are critics of them having chosen to keep going through the same day election.
28. SIR ALISTAIR GRAHAM: And was there considerable opposition from the opposition parties or was it sotto voce?
29. MR FRASER: The opposition is coming also coming from Civic Scotland. The Arbuthnot Commission, a completely independent one-off committee, made it very clear that these should be decoupled and in fact today in the Scottish Parliament there will be a discussion in one of the committees about an opposition member's bill which would decouple them which stands very little chance of getting anywhere. But it is being pursued by the opposition to try to draw attention to the problems that will be faced next year.
30. SIR ALISTAIR GRAHAM: How does the government then disregard a key recommendation of an independent commission? How did they get away with that politically?
31. MR FRASER: It is the only recommendation of the Arbuthnot Commission which had to be dealt with quickly. All the other recommendations are still being considered and waiting for a response. And in dealing with it quickly they simply said, "We have to do what we can to maximise the council vote", for the reasons that you yourself are sitting.

32. BARONESS MADDOCK: Before I move on, in your earlier evidence you were talking about the relationships between the different bodies that are responsible between England and Scotland and you said it had worked informally rather well. Do you think that is because many of the people involved knew each other beforehand and therefore as time moves on the need for it to be formalised becomes more important?
33. MR FRASER: You mean basically the Labour Party level of people between Edinburgh and London?
34. BARONESS MADDOCK: When you answered my colleague's question, you were talking about the fact that the different bodies, everything worked together in an informal way and you thought there ought to be something a little bit more structured and formal.
35. MR FRASER: One of the points I was making was the way Scotland operates, because you can get hold of key players in one room fairly easily, allows for informal structures to operate fairly well. Across the border there is a point that you are raising about the extent to which people know each other. I think actually if you look at the make up of the Scottish Parliament it is astonishing how little expertise there is from Westminster on the seats of the Scottish Parliament. The First Minister, for instance, and I think it is true of his entire ministerial team with the exception of a few months by a Liberal Democrat minister, had no experience at all of sitting in Westminster. I think the relationship they have is on a shared party interest, and an interest indeed in making the system work, which would be true, I guess, of most combinations of parties, but it requires one side, generally the Scottish side, to remind the other side, generally the London side, that there is an interest in trying to make things work and it may require a bit of effort to do so.
36. BARONESS MADDOCK: Thank you very much. Going on to where we got to really, you were talking about the funding of political parties in Scotland and you particularly mentioned the lack of funding here in Scotland. Despite that, part of the Commission's role is to regulate party expenditure and donations. What is your impression of that work from the Commission in Scotland?
37. MR FRASER: I do not know that there is a distinctive Scottish position on that at all. I am not convinced that we have full transparency from the parties which have London headquarters about the extent to which they are supported from London headquarters and that may be something you find echoed if you ask the Scottish National Party representative later today, because clearly there is support, either financial or in kind, that comes from London headquarters.
38. BARONESS MADDOCK: Moving on to electoral administration, do you think that the administration system needs any reform in Scotland, or is it working fairly satisfactorily?

39. MR FRASER: I think all the issues you will be discussing in England would apply in Scotland too about the nature of the electoral register. One of the issues I have raised in the paper, I have not spoken to it but which you have in front of you, is this question of the electoral register, potential for fraud, the identity required at a polling station, the postal vote system, all of them are relevant in Scotland but less salient. Postal voting is a much lower proportion of the electorate in Scotland and accusations of fraud, which arose at recent elections, have been very much more an English phenomenon than in Scotland.
40. BARONESS MADDOCK: Do you have any idea why there is less fraud here? Is it again because everybody knows each other in Scotland?
41. MR FRASER: It may be that, yes! It starts from the question of the proportion of postal voting. It seems that the potential for fraud is directly related to the extent of postal voting and for reasons I am not clear about the level in Scotland is very much lower. It may be that we are just rather more conservative in our approach. That was shown, for instance, by the returning officers collectively resisting the pressure to be part of an all-postal vote ballot in the European election in 2004. Scotland was particularly attractive because it did not have any council elections that year and you could really focus only on the European elections. But the returning officers, who had had some experience of getting slightly burned by the proportional voting system in 1999, took a fairly conservative viewpoint and most local people would agree in hindsight they were right to have done so. I think also the accusations around electoral frauds, around postal voting in particular, which have arisen in England, are because of what you might call a different household family profile in parts of England which is much less of an issue in Scotland, where the head of a household in parts of England will have a great deal more power and sway over other people in the household than you would find typically in Scotland.
42. BARONESS MADDOCK: Could you expand a bit on that?
43. MR FRASER: I think it is a much less culturally diverse country, Scotland, as you will see from walking through Edinburgh. It is not to say it is not an issue, but it is proportionately much less of an issue.
44. DR VALLANCE: Could I just come in there, Chairman? You say in your evidence that there are numbers of reasons which may contribute to electoral fraud in Scotland, but you also say, "I am not aware of any evidence of these things being factored". Is this the kind of the thing you would expect the Commission to pursue, actually trying to find out what the evidence is?
45. MR FRASER: I think if it was a significantly salient issue to be raised then I would expect the Commission to be responsive to it. These are not issues which have been raised. I mean, we have watched the debate around electoral fraud and potential electoral fraud as something which is largely an English issue and the responses which were made in England would probably benefit us from having a modernised electoral register and a much safer voting system. But they are not being driven from here. None of the issues that you

are raising here are salient issues.

46. FEMALE SPEAKER: You said it was the electoral officers who said that they did not want to go down the road of all-postal voting in the European elections. Was there any discussion about that or was that just their decision? Was this an issue in the press and Parliament?
47. MR FRASER: It did not become a public issue. I think it was reported simply to be noted and the discussion, I think, was really between the Electoral Commission which was quite keen on piloting this issue and saw Scotland as a good pilot area for the reason I told you.
48. FEMALE SPEAKER: So in fact they did not take the advice of the Electoral Commission on that?
49. MR FRASER: I do not know that it was advice and you will have to speak with them to get the truth on this, but it was a request that the Scottish returning officers should take on this role. It was a request, I think, that was politely turned down.
50. MR CLARKE: Could I pursue the issue of electoral registration, please? One of our academic witnesses has said that it may well be that the electoral register is wrong by about 7 million; 3½ million people are on it who should not be and vice versa. I wondered if that surprises you. What he did say as well, I think I am right in saying, he thought it was probably more accurate in Scotland than elsewhere. But I wonder if that surprises you, the accuracy of it, and maybe a feeling about Scotland.
51. MR FRASER: It astonishes me and concerns me that there should be that level of inaccuracy and it astonishes me that there is not more concern about reliability of the electoral system. The Commission and others have raised with the Government about the fact that you can walk into a polling station without any ID and vote. It is amazing that we are promoting democracy around the world and have such an unreliable system in Britain. I do not think people are really aware of what you have raised in terms of the electoral register.
52. SIR ALISTAIR GRAHAM: A point is worth making, in Northern Ireland it is different. There you have to have photographic identification.
53. MR FRASER: I think anybody would recognise, whatever the civil liberties arguments might be, that that makes perfect sense.
54. MR CLARKE: That is a debate that is going through Westminster Parliament at the minute in terms of whether it should be household registration, individual registration. Again I wonder if you have a view on that and what might the population of Scotland feel about, for example, individual registration.
55. MR FRASER: I am personally something of an enthusiast for the civil liberties end of the debate, but I cannot see a problem with that and I can see

many problems with continuing household head registration. But to return to what you are asking about specifically Scottish issues and the reliability of the electoral register, I would suggest, and I have made the point in this that I do not have evidence on these things and others coming later today may do so, there are several reasons why Scotland could be different. One is there may be less fluidity of people around households than you find particularly in the London area.

56. MR CLARKE: You referred earlier to the possible conservatism with a small 'c' in Scotland about some of these matters, do you think most people could really care less whether it is the head of the household who completes the form and of course if does not complete the form disenfranchises other members who are living in that property or would they prefer the individual voter registration arrangement?
57. MR FRASER: I am guessing here. If it were presented to people about the extent of inaccuracy of the electoral register, I cannot help feeling they would feel strongly that we should move to a new system, but I do not think it has been presented to people.
58. SIR ALISTAIR GRAHAM: Of course it is not the Electoral Commission's responsibility, the electoral register at the moment, therefore a question is, should it be? Clearly they have an interest in it, but should they actually have a responsibility for ensuring the accuracy of that register?
59. MR FRASER: I can see a role for them policing it, but the actual responsibility for making it happen, for being in charge of it, is a very major task which would change the whole nature of the Electoral Commission and I think would also risk unnecessary centralisation.
60. MR CLARKE: So in other words their role should be as a regulator of whoever's responsibility it is to compile the register and make sure that it is accurate.
61. MR FRASER: It seems we are in need of a regulator on this issue with a reasonably light touch and it would seem also the Electoral Commission is perfectly placed to take on that role.
62. SIR ALISTAIR GRAHAM: We have seen, as I think my colleagues have already mentioned, there was the opportunity for the Government to move to individual voter registration. The House of Lords passed an amendment to the current Electoral Administration bill going through the House of Commons. They chose not to do so. As I put to the Chairman of the Labour Party, Hazel Blears, they are open to the charge they were doing that for party political reasons, even though the Electoral Commission and all the other political parties were in favour of supporting such an amendment. If the Committee was to recommend we should move to a system of individual voter registration, as you say, it would have significant implications for Scotland. Clearly the fear of some in the Labour Party, and this may well have influenced their decision about the Lords' amendment, is in inner city areas, particularly if you say to

register you have got to produce certain bits of information, the numbers on the register in inner city areas might go down quite significantly. That might affect the number of possible supporters of the Labour Party on the register for a period of time which might have electoral consequences. So do you think that would be a real fear of the Labour Party in Scotland?

63. MR FRASER: I am mystified by the Government's strength of opposition in the face of all the evidence and opinion to the contrary on this one, but I think your explanation is the only one I can think of for the Government taking that position is has. Would it affect Scotland in particular? I do not believe so. If we leave aside the question of the loyalties of those people who are mostly likely to fall out of the system completely, I think there is a responsibility on the Government to prove, to give some evidence, that that would be a problem. I stress leaving aside the party allegiances. But I raise this in the paper I presented you with at the start. We do have historically in Scotland one distinctive element about individual household registration. In fact we have two. One is that if you go back to the poll tax protests of the late 1980s and early 1990s a lot of people fell out of the system deliberately and discovered that they could stay out of the system and as I understand it, and you would have to check that with those more in the know that myself later today, it remains a problem of forcing people to register they exist in certain households. That is quite apart from the problem of highly fluid populations of students, for instance, of which Scotland has a disproportionately large number. Then again Scotland also has, I think, a disproportionately large number of students who stay at home, which may work against that.
64. The other issue which I think may kick in in coming years if you are going to make this recommendation has to do with identity cards, that there is clearly a civil liberties issue. There are substantial numbers of people who are very unhappy about the implications of ID cards. The Scottish Executive, I think because of the presence of Liberal Democrats, is opposed to using ID cards for any devolved services, which could complicate things quite substantially as the system is rolled out. And I think if you have the electoral register being changed and people being required to identify themselves in a different way, it could get muddled up with issues of civil liberties around ID cards.
65. SIR ALISTAIR GRAHAM: But we have to try and resolve these issues, do we not, because the quality of electoral register is at the heart of a democratic system, is it not? If it is failing in some way, either because it has got people on who should not be on or significant numbers who are not on who if they want to fully participate as citizens in our democratic system should be on the register, surely there are ways around these systems. The experience as we heard in Northern Ireland is that they had a drop when they moved to individual of something like 10%, but over a relatively short period of time they have been able to build their registers up quite successfully.
66. MR FRASER: I can think of no reason for disagreeing with you. I think if we look at ourselves objectively, it is a bit like 19th century lessons in rotten boroughs and the legislation required to get rid of them. It is almost as if we have an enormous but unidentifiable rotten borough in British politics and we

kind of allow it because we assume that by swings and roundabouts the advantages to one party in one area will be levelled out by its advantages to opposition in another area, which may work in a largely two and maybe three-party system. We are talking here about a six-party system in Scotland and possible moves in Westminster towards more fractured voting and that means the balancing out effect that you get by the inaccuracies being evenly distributed do not necessarily apply any more.

67. MR CLARKE: A final area, if I might, and again reference back to the submission that you have given us this morning when you talk about regulating the regulators and an opportunity to expand it. I may have not got this quite in context, but we are also interested in terms of the governance of the Electoral Commission whereby at the moment the oversight of them is through the Speakers Committee and is that an appropriate form of oversight in governance. I do not know if that is the same thing that you were talking about, regulating the regulators. Perhaps you could expand on that.

68. MR FRASER: There are two issues: the accountability of regulators and the governance of the regulators. The Speakers Committee issue you raised that you are looking at is the accountability question and the governance question is the one being looked at in Scotland. As I say, it is a debate in its early stages. One of the features of the devolved institution, probably mirrored by events at Westminster, has been to set up a much wider range of regulators with different levels of independence, answerable to either the Parliament or to the Executive, either to Westminster, the Speakers Committee, or to Whitehall. I do not know about in Whitehall, but in Scotland there is a realisation that having set up all of these commissioners and ombudsmen and what journalists like to call tsars, that there is a conflicting series of responsibilities, some of them seem to think they have more independence than the parliamentarians who set them up and the real driver behind this is the cost, which in Scotland is fairly modest by Whitehall standards, when you look at the cost for instance of Ofcom, the industry regulators which are very much a Whitehall feature. But in Scotland the cost has caught public attention and the attention of the Finance Committee at Holyrood and there are those who want to rein in the duplication, particularly back office operations. So it is a governance issue which is, as I say, in its early stages in Scotland.

69. BARONESS MADDOCK: There is just one last question about voter participation. The Electoral Commission, one of its jobs is to try and increase turnout, do you think the Commission has had any effect on that in Scotland and what have they done about it in Scotland?

70. MR FRASER: There is no evidence of it and I am not sure that there could be evidence of it, because I get the impression that the Electoral Commission has been born into a particularly difficult period following turnout which has international parallels and it may be that its role is to arrest the decline but you never know how fast the decline is going to be in the first place. I would argue they made an impact with their advertising campaign If You Don't Do Politics You Don't Do Much, which was fairly extensive, and they may be able to talk later about how they hope to update that, move it on, perhaps try

something different for future elections. That has been the public face of the Electoral Commission, if you want, and it was not a bad one to start with.

71. BARONESS MADDOCK: Thank you very much.
72. SIR ALISTAIR GRAHAM: Well, Douglas, I think we have raised all these issues that we would like to. We are very appreciative of you setting the scene in such a frank way that you have. I think that has been a very helpful start to the day. Thank you very much.
73. MR FRASER: Thank you very much.
74. SIR ALISTAIR GRAHAM: Well, we are now going to hear from Sir Neil McIntosh, who is a member of the Electoral Commission, and Andy O'Neill, who, I take it, heads up the Scottish Office?
75. MR O'NEILL: I do.
76. SIR ALISTAIR GRAHAM: Thank you very much. We are grateful for the written evidence, which we have made available to everybody. I think we can share that round. We would like to proceed straight to questions if you are happy about that?
77. SIR NEIL McINTOSH: Yes, we will.
78. SIR ALISTAIR GRAHAM: I think it will be helpful just to first of all clarify, so that everybody understands, Sir Neil, you are a full member of the Electoral Commission. You happen to come from Scotland, but you are not a Scottish Commissioner. Is that fair to say?
79. SIR NEIL McINTOSH: Yes, I think perhaps, Chairman, the best way to express it is that I describe myself as the Electoral Commissioner from Scotland, as opposed to for Scotland. That is the distinction.
80. SIR ALISTAIR GRAHAM: There is not a specific identified position of Scottish Electoral Commissioner now?
81. SIR NEIL McINTOSH: Not as such. The question is whether the Commission could function effectively without a Commissioner from Scotland.
82. SIR ALISTAIR GRAHAM: Of course.
83. DR VALLANCE: But the Commission is a Unitary Board.
84. SIR NEIL McINTOSH: Absolutely.
85. DR VALLANCE: You are not there as an agent or a representative. You are there simply in your capacity as Scotland?

86. SIR ALISTAIR GRAHAM: Absolutely, because, as we heard in Northern Ireland, there is not somebody from Northern Ireland. There is somebody who pays attention to Northern Ireland, who sits on the Commission. It does not automatically originate in the devolved area for the United Kingdom.
87. Now, I think the first thing that would be helpful for us to know is which of the Commission's functions are carried out by the Scottish Office and which are done from London, and why such a division?
88. SIR NEIL McINTOSH: Yes, Chairman. The situation is that in Scottish terms, those activities relate to European, United Kingdom and Scottish Parliament elections for and within the remit of the Electoral Commission itself. It is also determined by the UK Parliament in terms of the actual legislation of the arrangement. In terms of local government, the Commission does not have a statutory role in Scotland. Local government is the preserve of the Scottish Parliament, a quite distinct situation, a quite different situation. And, therefore, the Commission in that sense works on a co-operative and co-ordinated way with the Scottish Executive and also in terms of a Scotland Office, which is of UK interest. So, it is a combination of roles and responsibility. It is quite different from the Commission operating elsewhere.
89. SIR ALISTAIR GRAHAM: But in terms of those responsibilities which are the Commission's, how do you divide them between those which are fulfilled by the staff in Scotland, and those which are fulfilled by staff in the London headquarters?
90. SIR NEIL McINTOSH: I will let Andy deal with the detail.
91. MR O'NEILL: I think you have got to bear in mind, firstly, that we are one corporate body. Obviously some things may be centred in London, but we try to ensure the face for the electorate parties is always the same, whether it be in England or in Scotland.
92. However, in Regulatory Services matters, for instance, that is a function which is centred in the London Office. However, the Commission's office in Scotland is a very crucial part of ensuring that our Regulatory Services regime is carried through. We facilitate discussions with the parties, we develop the arrangements. We ensure the guidance which goes to political parties on various matters is obviously relevant to Scotland. We undertake visits with our colleagues from the London Office to the parties for various issues. We assist in the development of the compliance programmes, if parties need assistance from us beyond the normal. We give an advice service to the parties and to members of the public. So, particularly in by-elections or coming towards elections, we get a lot of inquiries in terms of how you become a registered party. We also deal with those. If we need further advice, we would go to our London colleagues to ensure that happened. It is true to say that Regulatory Services is a centralised function.
93. Again, looking at public awareness, our public awareness is a decentralised function in London. However, because of the particularities of the

Scottish situation where we are not the Local Government Electoral Commission, and we have a major election coming in May 2007, we are working very closely with the Executive to ensure, from the voter's point of view that there is a joined-up public awareness campaign. Now, we cannot achieve that, being based 500 miles in London, so I, and a number of colleagues in the Edinburgh Office, are ensuring our PR professionals, whom we base in London, are full aware of Scottish contexts. We have employed three agencies to advise us on these development arrangements, which we are currently in the process of. We are coming to firm ideas with the Executive.

94. Dealing with electoral administration, electoral administration is particularly different in terms of structure in Scotland than in England. There are different actors playing different roles, who you will talk to later. We have led it much more in terms of developing guidance, developing advice for various professional association bodies, the returning officers. But that is not to say we worked in isolation. We are part of, what we call in the Commission, the practice network. So, we are always giving advice which is consistent. It may be slightly different, because the situation we are facing in my country, Scotland, is different than in, say, England, because we have a different local government structure, a different parliamentary structure, different electoral systems. But we also give consistent advice for what is appropriate for that area.
95. SIR ALISTAIR GRAHAM: How many staff have you got in Scotland?
96. MR O'NEILL: We have five staff in the Scottish Office and we have the PR agency which supports us.
97. SIR ALISTAIR GRAHAM: Thank you very much. Perhaps we could kick off by clarifying logistics. How has the Commission gone about fulfilling this role in Scotland? What has been your approach since you were set up?
98. SIR NEIL McINTOSH: The approach has generally been one of seeking to achieve a co-ordinated joint approach to electoral administration in Scotland. We recognise the point that others made earlier to the OCAs and it is particularly important that there is an approach, which means that we are all singing from the same hymn book in that respect. Therefore, what we have put a great deal of effort into has been to establish working relationships with the Scottish Parliament, Scottish Executive, with the political parties and with the returning officers and other administrations in order to try and get the mass and the impact of that. Therefore, the approach which we have adopted has been to facilitate working arrangements in the interest of the elector at the end of the day.
99. SIR ALISTAIR GRAHAM: So, have you been the lead player on getting the collective act together?
100. SIR NEIL McINTOSH: I think we have been a lead player, because it varies according to the particular legislation which may be in place there. But certainly, I think you will find this from the returning officers and administrators,

the Commission has brought to the scene a focus on electoral issues. Also, as a simple example, we have been instrumental in administrating the electoral working group for 2001, which now is a 2007 working group. It brings everyone into bearing on the election arrangements.

101. SIR ALISTAIR GRAHAM: Did you have a view about, for example, these local elections being held on the same day as the Scottish elections next year?

102. SIR NEIL McINTOSH: Perhaps I should declare an interest, first, if I may, in that I am Chair of the Commission which recommended proportional representation for local government and recommended separating the two elections. So, I come with that.

103. The Commission's position on the issue of combination has been that broadly we would favour a quite clear focus on individual issues, individual electoral issues, for instance, combination of referendums and partner entry elections. We would not actually be against, because of confusing these issues in the mind of the electorate.

104. SIR ALISTAIR GRAHAM: So, you like these separated out?

105. SIR NEIL McINTOSH: We have not taken an absolute position on this. The reason for that, I think, is that there are legitimate arguments which Andy advanced, which at the end of the day would argue for combination.

106. SIR ALISTAIR GRAHAM: But just from Douglas Fraser, they were open to the charge of party political issues dominating that decision, rather than what is right for the democratic system.

107. SIR NEIL McINTOSH: I recognise they are open to that charge.

108. MR O'NEILL: What we have specifically said is that parliamentary election should not be combined with referendums. We have not made any principal announcements on combinations of elections. For instance, we have not made an announcement about our principal position on the 3 May elections. But what our concern is ensuring that in all elections the electorate actually understands the questions and how to fill in the ballot paper.

109. SIR ALISTAIR GRAHAM: You are the lead body for electoral issues and you do not have responsibility for local government elections. Do you have a view on different election systems, members of the public having to operate different election systems on the same day, as a formal policy issue?

110. SIR NEIL McINTOSH: I would not have said that. It is a major issue. The Commission has taken the viewpoint, in its submissions to the Arbutnot Commission, which of course was set up specifically to deal with that issue, which indeed came out with exactly the same recommendation as I was referring to.

111. SIR ALISTAIR GRAHAM: But it was ignored by the government?
112. SIR NEIL McINTOSH: And was not accepted by the government, absolutely.
113. SIR ALISTAIR GRAHAM: Did you issue public statements on this matter? I am just trying to understand your leadership role on issues of his nature, where clearly highly controversial decisions were being taken by the government against the advice of Commissions that had been set up to advise on the matter. It would seem odd if you were not taking a significant leadership role in Scotland.
114. MR O'NEILL: I think the decision to combine was taken in the early 1990s, or the mid-1990s, when we did not exist. So, we did not have a view that it did not exist. Since then, the question has arisen periodically, but there have been no huge clamours, as I understand, for decombining the elections amongst the electorate. That is why we have concentrated on ensuring that people can validly and effectively vote. That is why we spent time trying to explain.
115. SIR ALISTAIR GRAHAM: You do not think it is a big issue with the public at large?
116. SIR NEIL McINTOSH: I think it is a significant issue for the public at large in terms of understanding how, when we move to this current 2007 election, the underlying issues in terms of the arguments for and against have been developed. The Commission has made its views known. The Arbutnot Commission has made its view. It is perfectly clear. The government have, in essence, reached a position to which they are entitled to, which is that they are going to hold the position as it is.
117. DR VALLANCE: Sorry, could I just pursue this from a slightly different point of view? If you look at your core aims, as an organisation, then one of them surely has to be, if not the core aim, to make sure that elections are carried out as fairly and freely as possible across the country as a whole, but in particular, in Scotland in this case. So, if you then pursue that and say, you must surely have a strategy in order to achieve that and if you feel that one of your strategic aims is actually being undermined by a policy, do you not have a duty to say more than, "Well on the one hand, one the other" when you feel that actually it is not on a, "On the one hand, on the other" in a very equal way? It is that there a lot of arguments one way and probably a few arguments the other.
118. SIR NEIL McINTOSH: I think we have to work, first of all, on the basis of our experience of the combined elections. The study which we carried out and the turnout at that time, in terms of local government and Parliament, did not demonstrate that there was major confusion on the part of the public in actually having to go out and vote in these elections. The concern on this occasion was not necessarily the combination, but the fact we had a new voting system come into play. That is going to create major problems for the

Commission.

119. DR VALLANCE: It is certainly going to compound the problem you had the last time, which was a great increase, for example, in the number of spoiled ballot papers.
120. SIR NEIL McINTOSH: That remains to be seen. I think there is the possibility that there may be an element of confusion arising from this. The objective is to make sure that is removed.
121. BARONESS MADDOCK: To pick up on this issue of voter turnout, which is one of the Commission's responsibilities, to try and increase voter turnout. You alluded to the fact that maybe having the two together did enhance that. I do not know what research you have done into this. It would seem from evidence that we have heard that this is something that the political parties may be concerned about and that is why they decided to have it on the same day, because they think it affects turnout. Have you got any evidence of this and what is your view?
122. MR O'NEILL: To answer the previous question, one thing we can say is what we try to do is base all of our positions on evidence-based, and at the moment, we do not have any clear evidence on the effect of combination on how the voter actually fills in ballot papers. One of the duties we do have to do is actually look at the Scottish Parliament elections and statutorily report on it. We have been asked by the Scottish Executive to report on local government elections as well. I think one of the things we will do during that review process is look at the combination question and then from that, when we have collected evidence, with Sir Neil and his Commissioner colleague, we can actually make a decision.
123. To answer your question about turnout, the last time Scottish local government stood as stand-alone election, there was 44% turnout in 1995. That obviously went up in 1990 to 59%, and subsequently went down in 2003 to around 49.3%, marginally slightly higher for the Parliament election. So, in a sense it is still higher than it was the last time it stood on its own. If you believe that politicians combine to increase turnout for the Scottish local government elections, that argument still holds.
124. MS DONAGHY: I wanted to ask for clarification about a point that was made earlier, if I may. That was the precise issue of whether the Electoral Commission has a policy on combined elections. My understanding of what you said was that you had made a recommendation that elections should not be combined with referenda, but you actually did not have a specific policy on the issue of combined elections.
125. SIR NEIL McINTOSH: That is correct.
126. MS DONAGHY: As an individual, you were a member of the Arbutnot Commission?

127. SIR NEIL McINTOSH: No. We made our representations to that. We appeared before the Arbuthnot Commission.
128. MS DONAGHY: You made your representations to them?
129. SIR NEIL McINTOSH: Yes.
130. MS DONAGHY: Were those representations consistent with what the Arbuthnot Commission eventually came out with, which was about separating and about postal voting for council elections or were you less specific?
131. SIR NEIL McINTOSH: Broadly. The view taken on the combination was that it was going to create major issues which would have to be addressed if there was continued combination in relation to this particular election with two different voting systems. We were concerned about that. We recognised that we would have a role which would have to be to inform the electorate if that were to take place.
132. MS DONAGHY: But you did not go so far as to actually recommend that they should be separate?
133. SIR NEIL McINTOSH: No.
134. MS DONAGHY: You just raised the issues around the implications of combining?
135. SIR NEIL McINTOSH: Yes.
136. DR VALLANCE: Can I just pursue that? You do feel that it is an acceptable part of the Commission's job to have a view on this and to publicise it when you have the evidence?
137. SIR NEIL McINTOSH: Absolutely. That would be proper.
138. DR VALLANCE: So, in the run-up to 2007, you would then say, "We take a line on this"?
139. SIR NEIL McINTOSH: Yes.
140. SIR ALISTAIR GRAHAM: What would you list as your significant achievements as a Commission since 2001 in Scotland?
141. SIR NEIL McINTOSH: In Scotland, first of all achieving the working relationships with the other agencies, which means we are able to work together effectively, particular with returning officers and administrators; effective co-ordination of the joint activity with other agencies where we have to work together; establishing political party relationships, which again I think are constructive in that sense; developing for the first time guidance and training material for those involved in elections, which have been well-received and which have had significant input in trying to achieve a consistency across the

nation; obviously, on a UK basis, being able to recommend and have the majority of our recommendations accepted in terms of electoral legislation, and carrying that through; being able to achieve the confidence of the Scottish Parliament, the Scottish Executive, in terms of the role which we carry out on their behalf in relation to elections, which means we are, in effect, reporting on both elections and we are also engaged in the campaigns, the public information campaigns for both elections; involvement of wider aspects of Scottish life, such as in the voluntary sector, in planning for elections public information in order to try to reach, as deeply as possible, into all of the areas in which there is a need to do so, in terms of turnout and registration.

142. Also, I think, being able, from the Scottish scene, to influence some of the UK policies of the Commission, to ensure we do actually meet some of the distinctive characteristics of Scotland, for instance, policy development, where there are smaller parties engaged in the Parliamentary scene here than at Westminster, and where it is important that we perhaps recognise that there is a core of expenditure that is needed for any party whatever its size to establish a policy development role.
143. SIR ALISTAIR GRAHAM: What have been the less successful areas? What would you identify have been the tougher tasks that you perhaps made less progress on?
144. SIR NEIL McINTOSH: I think the tougher tasks, in a way, flow from some expectations of the Commission at times, for instance, in terms of an interventionist, investigatory executive role, which we do not have. There can be frustration at times if all we can say is, "Sorry, there is a point at which we cannot assist you any further to be able to follow the matter through".
145. SIR ALISTAIR GRAHAM: What sort of issue would that be?
146. SIR NEIL McINTOSH: For instance, if we have a complaint about procedure during the run up to an election, the returning officer has an independent position in terms of that and we do not have to, as it were, intervene to issue mandatory guidelines in respect of that sense. And, therefore, from time to time a party will be upset about something that is happening, where we are not in a position to actually go in and resolve.
147. SIR ALISTAIR GRAHAM: So, if there is a by election taking place and there is some accusation of dirty tricks by one of the candidates or parties, you have limited powers to intervene?
148. SIR NEIL McINTOSH: Absolutely. I think there is an expectation on the part of the candidate or of the public that the Electoral Commission should be in a position, as it were, to move in and say, "Right, what is happening here?" and to report on it; if it felt the election was being hazarded in terms of the propriety of the way in which it was being delivered, to actually move in and do something about it. In a way, I know the report from the committee was looking for an Electoral Commission which had an executive and investigative role. We do not have that. There are areas where I think there is a gap in the

way in which the Electoral Commission can operate.

149. SIR ALISTAIR GRAHAM: That would require further statutory powers to be able to do that?
150. SIR NEIL McINTOSH: That is correct.
151. DR VALLANCE: Would you welcome that?
152. SIR NEIL McINTOSH: Yes.
153. SIR ALISTAIR GRAHAM: In terms of the different players that exist, Douglas Fraser referred to the role of the Department of Constitutional Affairs, Scottish Executive, in terms of responsibility for local elections in Scotland and officers, as well as yourself, on the Scottish Parliament, is there a lot of confusion in this or, because of the “village aspect” of Scotland can you informally sort yourselves out without too much trouble?
154. SIR NEIL McINTOSH: The latter in many ways. I think there is scope for confusion if people took their particular stand in their own right. What we have found is that we are able, with an objective, to show that the electorate is not affected by this and the credibility of the election process is not affected by it. We have been able to establish close working relationships.
155. MR O’NEILL: We can informally and we have done, but we both set up a formal mechanism which is currently known as the 2007 Scottish Election Steering Group, which has all the actors on it from the administrative elections. We are working together closely to actually ensure that the elections in 2007 are safe and fair. We also have, again because of the village which Scotland is, in effect, close relations with the parties. So, we can bounce, for instance, the guidance off them, so they can see it and comment from the political actor’s point of view. We have tried to involve them in the process, for instance, ensuring the transparency of the count. The political parties obviously have a role for their candidates and agents in ensuring that that transparency is clear and supporting the decision of the returning officer.
156. On election night, or day, in May 2007, there is going to be electronic counting, which is something we recommended. There is going to be a totally different count centre. The parties have to train their workers, the voluntary people, to actually ensure, to be able to fulfil the role which they will need to fulfil. We are talking to them already about the information they need, so they can cascade it down and do their training.
157. I think in a sense, one of the things the Electoral Commission has been able to do in its five years since it started was actually create a centre point. Perhaps we lead on some things, perhaps we are just working with others. We can certainly be there, which was something which did not exist in Scotland before we came along, where people who ran elections and councils always thought you could do things, I say this coming from a local government background, better if it could only be fixed. They were, however, going back to

their day jobs, as it were, after the election. The thing which the Commission brings is the fact that we are permanently here, permanently thinking about elections. So, we can actually action a lot of the issues which the colleagues, from whom you will hear after this, have come up with over the years. That is why one of the big things we did was the Policy Review, which has meant recommendations from us being put into it.

158. SIR ALISTAIR GRAHAM: Can I just take a concrete example in terms of your working together? There was this proposition about having all postal voting in Scotland. Was it the European elections? This was because everybody thought this would be an interesting area to have a trial run. It was opposed by the returning officers in Scotland because they clearly had some concerns about it. The matter was not proceeded with. How exactly was an issue like that resolved? Were the concerns of the returning officers perfectly valid, because it did not proceed, did it?

159. SIR NEIL McINTOSH: Yes, that is right. The Commission, indeed, did not recommend Scotland as a pilot for that reason.

160. SIR ALISTAIR GRAHAM: How did Scotland come up as pilot?

161. SIR NEIL McINTOSH: It came up as a pilot because it was one of those areas which you could see as a natural area in many ways, because in a Scottish context, they would be able to look across the whole range of population and area, geographical situation, in the voting pattern. Therefore, from the point of view of piloting, it had attractions. That is why it would have appeared as one of those areas in which that was possible. Because, of course, it was the Commission presence, the cohesion, in Scottish terms, you could, therefore, run one if you felt it was valid.

162. SIR ALISTAIR GRAHAM: Why did the returning officers take the view they did?

163. SIR NEIL McINTOSH: The prime reason was firstly that postal voting was at a much lower level in Scotland. In other words, it was a big (inaudible) that we would have to make.

164. SIR ALISTAIR GRAHAM: It would be a massive leap?

165. SIR NEIL McINTOSH: Massive. At the time it was difficult. In fact, the position the returning officers took was that if they had to do it, if they were told to do it, they were looking for a clear understanding from government that it may not actually be possible deliver it within the time and under these pressures.

166. SIR ALISTAIR GRAHAM: Were they worried about the possibility of fraud?

167. SIR NEIL McINTOSH: I do not think it was so much fraud as actually just the capability of delivering an operable postal ballot within that timeframe, particularly bearing in mind that you have 32 authorities within Scotland and 32

returning officers having to deliver something of that nature.

168. SIR ALISTAIR GRAHAM: You thought their representations were perfectly legitimate and, therefore, it was not proceeded with?
169. SIR NEIL McINTOSH: Yes. And, therefore, we did not recommend Scotland as a pilot area.
170. SIR ALISTAIR GRAHAM: Thank you for that. Can I just move on to the regulatory role that you have, which I think you said earlier was primarily run from London, rather from Scotland? We probed this issue in Northern Ireland as well. I find it a bit odd really, because it does seem to me your responsibility for monitoring campaign expenditure, political donations, something like a regulatory role like that, in which you are trying to ensure people are abiding by the rules, looking for possible weaknesses to see if they are being bypassed in some way, is the proper job of a regulator in this area. You would think you would have that in your Scottish Office to carry out because you are nearer the parties, you are nearer the ground. You are more likely to get intelligence of something going wrong, which requires your full investigation. This is an area where you can investigate to a substantial extent, can you not? You have the powers to do that.
171. SIR NEIL McINTOSH: Yes. First of all, we have a presence in Scotland and, therefore, there is a person, there is a point of contact. But we have the main activity carried out in London, that co-ordinated activity for all parties. In the case of some of the major national parties, they are operating on a national framework as well as in a Scottish context and, therefore, the broad-brush regulation which applies to the party in terms of general accounts, operates there. In terms of the local situation, we have the ability to move into parties, if we believe that is necessary. We do work closely at the local level and I think that is adequate.
172. SIR ALISTAIR GRAHAM: If somebody raises something, somebody gave you some intelligence, "Look, I think that party might be getting a disproportionate amount of assistance there from the London headquarters which has not been fully reflected in their campaign expenditure for Scotland" - because there must be those slightly tricky issues where you have a national party operating in Scotland, operating in the UK - what transfers of resource there are and how they are fully accounted for in campaign expenditure must be a real issue. Say somebody raised something and said, "I think they're slightly fiddling the books on that issue" could you, in your Scottish Office of the Electoral Commission, initiate an investigation into those areas of concern?
173. MR O'NEILL: The Commission, if it chose to initiate an investigation, would choose to do so as the Electoral Commission. Where we are based is to me relevant.
174. SIR ALISTAIR GRAHAM: You would have to bring people up from London to do it, would you?

175. MR O'NEILL: We may bring people up from London. There is a person in the Scottish Office who is part of the Regulatory Services Network, who is involved in providing intelligence to our officers who are based in the London Office, who has the field knowledge. Obviously the investigation may need more than one person and we would obviously use someone in London.
176. SIR ALISTAIR GRAHAM: Has this ever happened?
177. MR O'NEILL: We have had a case where one party found it very difficult to comply with the regulatory requirements of the system. We have assisted and I suppose it would be a joint effort, if you think in terms of staffing, between the London staff and the person in my office, who have developed a programme of assistance to that party which will run through the year. At the end of the year, there will be a report go to the Commissioners and they will decide whether or not there is any action to be taken.
178. SIR ALISTAIR GRAHAM: The powers you have, you can either put a case for criminal prosecution, can you not, or you can name and shame by identifying, in your annual report, for example, your concern about how a particular party does approach that. Have you done either of these things in Scotland?
179. SIR NEIL McINTOSH: Not to the extent that there has been an issue or a case in which it has been necessary to do that. We have had circumstances, particularly in the early stages of introducing the regulation, where parties were having difficulty in providing information, but we were able to work with them and address it without having to go to that stage in the process. It was not necessary, because the parties responded in a very immediate way. I am struggling to think of a situation where we have had to take it to that extent. It has not been a feature of life in Scotland in terms of the parties' approach to the challenge.
180. MR O'NEILL: What we try to do is actually assist them in complying with the regulations. Therefore, we run training events at their party conferences. We have executive days. We try to assist in the early years, because obviously parties, by their nature, are voluntary organisations who find it difficult suddenly to have to comply with this regulatory system, which has been imposed on them. So, we try to do all of that. Whether or not we would name and shame, at the end of the day, it comes from the Electoral Commission. It does not come from the Electoral Commission of London Office or Scotland Office, or Belfast Office; it is actually from the Electoral Commission. For me personally, I do not actually think it is that important.
181. SIR ALISTAIR GRAHAM: But we have received evidence which has suggested the Electoral Commission generally has, perhaps, concentrated on its other functions rather more strongly than the issue of its regulatory functions. Now, we have to come to a judgement whether that is fair or not. But the fact that you really have never taken any real sanctions against anybody in Scotland does suggest that you have been a bit of a soft touch in this area?

182. MR O'NEILL: I would not say we were a soft touch. Maybe we are quite lucky in that all the parties simply comply with all these regulations. There has been one instance where a party has failed to comply with certain returns they have to make and we put in a programme to assist that party. Given my understanding, that is only one for such aid programmes, if you wanted to call it that, across the UK, that is 25% of the aid programmes for a country which is always seen as 10% of the population. So, perhaps we are above average.
183. DR VALLANCE: How trusting are you of political parties? Are you proactive in going out to have a look at the returns?
184. SIR NEIL McINTOSH: Again, obviously, in terms of returns, they are checked and analysed and there is a system in approaching that, to identify issues. If there was an issue, then that would go through the process that Andy has spoken of and we would be involved in being able to follow that through.
185. DR VALLANCE: But do you identify in advance, perhaps on a rolling programme, "Right, we'll go out and audit this lot this year"? Is there any kind of attempt to do that?
186. MR O'NEILL: There is a risk assessment basis which is done with all the returns which are sent.
187. SIR ALISTAIR GRAHAM: So, tell us a bit more about how you would approach risk assessment in terms of operating? For example, is this issue you have identified, of possible transfers from the headquarter party to the regional party, is that an issue that causes difficulty?
188. MR O'NEILL: My office because we do not do that; it is based in the London Office. They take factors into account for, say, campaign expenditure where the campaigns have been very close. There is a number of criteria which I believe colleagues in London have already given you evidence on. This office in Scotland does not actually carry that function out.
189. SIR ALISTAIR GRAHAM: But that is the point I am trying to clarify really, in terms of yes, we know it is in the main London base. But we are trying to understand your capacity to pick up possible additional risks in Scotland.
190. MR O'NEILL: We have a number of staff where one of the jobs is delegating Regulatory Services functions. They act as the eyes and the ears, they act as advice giving to parties, to members of the public, to people who want to establish parties. We ensure that the gains which is formulated in the London Office is suitable for a Scottish situation. That is our role. The centralised function of checking all the returns, et cetera, is done by London.
191. BARONESS MADDOCK: In answer to Elizabeth Vallance's question, could I clarify? She asked about audit. For example, if you do your own tax return, every so often somebody comes and takes a rather closer look at what you do. You are saying you never do that to political parties?

192. MR O'NEILL: I am saying that is not initiated by my staff.
193. BARONESS MADDOCK: Does the London Office do that?
194. MR O'NEILL: I believe they do.
195. SIR ALISTAIR GRAHAM: But they do it in consultation with you?
196. MR O'NEILL: Yes.
197. SIR ALISTAIR GRAHAM: That must be the risk management approach, must it not?
198. MR O'NEILL: Sorry, I should have said. When such events take place with visits to parties to go through their campaign expenditure, the member of staff who is responsible for Regulatory Services in my office will accompany colleagues from the London Office.
199. SIR ALISTAIR GRAHAM: That was not quite the point I was trying to explore. The point I was trying to explore is as we have identified London is primarily responsible for carrying out this regulatory function, in terms of developing the risk management approach, how far do your staff play a role in helping develop that risk management approach, relevant because you are more likely to understand the Scottish context?
200. MR O'NEILL: The staff who are responsible for this issue are members of what we call the Regulatory Services Network. They meet to discuss issues and they come forward with strategies to take such responsibilities forward. In that sense, the office is involved in these discussions.
201. SIR ALISTAIR GRAHAM: Let us move on to the electoral administration area. What is your role in the electoral administration process in Scotland?
202. SIR NEIL McINTOSH: The role is from the national role, which is to work with electoral administrators and to develop, in our own case, guidance, information and support, and also to work, as far as we can, to develop common system practice across elections. That operates on a working party basis. As we move towards elections, we form a group which operates on that basis and forms sub-groups, which will address particular issues such as information to the public, or other related matters. And, of course, in this particular case, the counting arrangements is one of those.
203. MR O'NEILL: One of the areas we have led in terms of developing guidance is the production of "Managing Electoral Services, the Good Practice Guide to Scotland". Before that was published last year, we never had a guidance document about all Scottish elections. We have led that in the sense that we have brought together all the major players, all the professional associations, who you hear from next. We obviously have a role in Scottish local government. We talked to the Scottish Executive and the Scottish

Executive came on board on our steering group. So, where that document talks about local government guidance, it is effectively Scottish Executive guidance, although it is published under our logo.

204. SIR ALISTAIR GRAHAM: It is only one set of guidance then?
205. MR O'NEILL: One set of guidance for all elections. The parties are involved and they comment on it as well. I think it is an area where the Commission, because we are permanent, we have created a focal point, and actually produced something which I think adds value to Scottish elections.
206. SIR ALISTAIR GRAHAM: Do you think consistent standards are applied across Scotland, or does it vary from local authority area to local authority area.
207. MR O'NEILL: I think consistency is something we want deeply. It is an issue we share with the political parties. If you look at our report for the 2003 elections, it was something we highlighted and something we said we would try and develop through best practice guidance, which we did through NAS Scotland. I think one of the interesting things which we will again look at in the review of the 2007 elections is how far that consistency has been achieved. It certainly is a deep desire of political party officials, who you will talk to this afternoon.
208. SIR ALISTAIR GRAHAM: Would Scotland be better off with a centralised administration system similar to the one they have in Northern Ireland?
209. SIR NEIL McINTOSH: I think the answer would be, "No" because of the backdrop which we have here. It might be better off in a situation in which it was possible, as the administrators and the returning officers in their submission to you have said, where the Electoral Commission might have an over-riding opportunity to issue some directions on matters of consistency and commonality.
210. SIR ALISTAIR GRAHAM: At the moment, if, in fact, you feel a particular local authority area is not investing the resource to get the electoral administration right, how would you intervene at the moment?
211. SIR NEIL McINTOSH: All we could do is include in our report, at the end of the process, that there was an issue there which should be addressed. We could, of course, approach the returning officer, discuss it and look to the returning officer to go to his or her authority to raise the matter. We would not have the power to, as it were, move in and say, "This is not acceptable and something needs to happen".
212. SIR ALISTAIR GRAHAM: But have you intervened in the way you describe? How often have you had dialogue with electoral returning officers to say, "We're a bit worried about the approach in this area"?

213. MR O'NEILL: Returning officer talk to us all the time about various matters and seek our advice and we give them that.
214. SIR ALISTAIR GRAHAM: I mean from the more general sense, where you felt either the quality of the administration or the resource going into electoral administration is not sufficient to produce the consistency that you are concerned about.
215. SIR NEIL McINTOSH: This is not so much the quality as so much the question of, in part, resource, but more perhaps interpretation; that you can find that in different electoral situations in different areas that there can be differing interpretations taken on approaches. In that sense, the guidelines are particularly useful and it is also guidance for the candidate and agent, which means that they know what to expect to follow through. But inevitably, you come up at the end of the day to the point at which the returning officer, who must work within the law, has the independent power to determine issues. There is a question, I think, whether that can continue in order to secure the consistency the parties need.
216. SIR ALISTAIR GRAHAM: Do you think there would be any advantage in having a Chief Electoral Officer for Scotland in the same way you have got for Northern Ireland?
217. SIR NEIL McINTOSH: I think it would be difficult. The only way you could do it, I think, would be if you actually, for instance, declared that the Chairman of the Electoral Commission was the Chief Electoral Officer for the UK, for instance, he was operating in that sense. But you would still have to deliver the services through the local returning officers. I do not think they could set up an all-Scotland Elections Office to actually deliver elections readily. The background and the history in Scotland is that local authorities put major resources in their own area into elections. There are local skills there, local arrangements. These can operate perfectly well and very effectively and be sensitive to the law, as long as there is a standard of consistency which ensures that this may carry through effectively across the country.
218. MR O'NEILL: I think as well there are a couple of other tools which you could possibly look at before you went to the Chief Electoral Officer for Scotland, for instance, the Performance Standards Regime, which is being brought through through the Electoral Administration Bill for Parliamentary elections. For Scottish local government elections, a similar power goes to Scottish Executive ministers. We are developing for the Parliamentary level in Scotland standards. We are working and ministers have said they are keen to work with us to mirror what we do with standards. The standards can be used to enforce consistency, what those standards will become in the future. So, you have got that tool which you can look at. You can also look at the power of direction from the Electoral Commission to ensure that consistency. I think there are other things you can talk about before you actually simply go to a Chief Electoral Officer of Scotland.

219. SIR ALISTAIR GRAHAM: One approach is one which, to some extent, depends on how accurate an electoral register has been produced. What is the electoral register like in Scotland in terms of accuracy?
220. SIR NEIL McINTOSH: Slightly better than in the English and Welsh figures. We are looking at something which will range from 93-96% accuracy in the Scottish context. I am not saying that is good even if it is 4%, or even 3% or 2% below the figure.
221. SIR ALISTAIR GRAHAM: So, what is the biggest problem you think you have? Is it a register that is inaccurate because it has got people on it should not have, or people who should be on the register who are not?
222. SIR NEIL McINTOSH: For now, we are talking about people who should be on the register and who are not.
223. SIR ALISTAIR GRAHAM: You have less concern about people being on the register who should not be there?
224. SIR NEIL McINTOSH: I thought you asked what was likely to be the preponderance of that gap. I think the preponderance of that gap would almost certainly be those who should be on the register and they are not. Insofar as those who might be on the register, but should not be, that is another essential element to address.
225. SIR ALISTAIR GRAHAM: Have you any estimate of what the proportion is in Scotland who have names on the register? This arrangement for carrying forward; if somebody had not filled in a form, for example, a householder had not filled in a form, I understand your input is to carry it forward, which must lead to inaccuracies, must it not?
226. SIR NEIL McINTOSH: It does in the sense that it is a two-year carry forward that we have in Scotland. The question is whether that is inaccurate in the sense of the names on the register where the individual has not registered. That may be perfectly accurate in that that individual exists, but the problem is getting them to register, as opposed them having disappeared. There are obviously movements that take place, but there are underlying issues in relation to registration which mean that there are undoubtedly those who should be registered who are not. In Scotland, as you know, we have electoral registration officers combined with assessors, who carry out the task of electoral registration.
227. Certainly, I know from just one of the reports that I have here, which I think is a model of good practice, where there is an analysis of the register. There is an identification of gaps, there is an identification of possible means of addressing these and also areas where special resources need to be applied in order to maximise the register. There is also an indication over a period of time where the move to the two-year deadline has meant that a number of names have come off the register. There is no question about that. The register, prior to that, was carrying people who were not there. There is a tie-up to information

which is held in terms of council tax. There is a tie-up to information that is held in terms of property. And there is a process where they are matched and if you have properties which are showing as being empty, that you know that they are occupied, it is possible to home in on that and address that.

228. SIR ALISTAIR GRAHAM: Do you think the Scottish system is better in dealing with these potential inaccuracies than elsewhere in the UK?
229. SIR NEIL McINTOSH: I would not like to go as far as that, because I have no evidence on which to base that in relation to the rest of the UK. I think the information base is there in which to address it. I think the performance indicators made an opportunity actually for the Commission, with the assessors and the returning officers, to look at particular areas and say, "Why is it that we are finding this? If someone can achieve 99%, what about the rest? What is happening here?" Certainly, the issue has not been neglected. I know and I would be quite happy to put on the record for the Commission the report I am referring to, which was in May 2006. It was addressing some very interesting issues in terms of analysis that was taking place in one of the electoral areas, as an example of the sort of issues that arise and the way in which they are addressed.
230. SIR ALISTAIR GRAHAM: Have you got some analytical work which you could let the Committee have?
231. SIR NEIL McINTOSH: We can give you an example of how, in this case, a valuation joint board has addressed this and has provided information which homes in on the issues you are concerned about.
232. SIR ALISTAIR GRAHAM: That would be very valuable.
233. SIR NEIL McINTOSH: That is a very positive light and I think you would find it genuinely interesting. If I may just mark one other point. There is also an issue about young people and how they disappear from the register if they're not in a continuing educational setting, and there's an issue of individual registration.
234. SIR ALISTAIR GRAHAM: Now, the Commission is in favour, naturally, of moving towards individual registration as opposed to householder registration. As we know, an amendment was carried in the House of Lords that would have implemented your recommendation. All the political parties are in favour of this except the Labour Party. If that amendment was accepted and had to be implemented in Scotland, what would be the difficulties of implementing it?
235. SIR NEIL McINTOSH: Of implementing individual registration? Only the process of the switching from one system to another, and of actually moving from a household registration system to gain all the registration that follows. I think certainly it is possible, again looking at a carry over of individuals who disappear, to address that. Indeed, it is difficult to see the major concern about a drop off in registration, other than where people should not be there at all,

because you could simply carry forward the old register, and where people had not registered, you would chase them in reality.

236. SIR ALISTAIR GRAHAM: Why is it then do you think the government, in the form of the current Labour government, rejected this. I pressed this matter with the Chairperson of the Labour Party, Hazel Blears, and she basically just said there was not a consensus. But the view is, it is this drop which we saw 10% in Northern Ireland when it was introduced, which is addressed over a period of time. It seems to be worrying the government and the Labour Party, when really the point you have just made is they really should not concern themselves at all about this.
237. SIR NEIL McINTOSH: Like I say, it is still not easy. You have still got to actually move to collect everyone. But I do not believe that it is an issue which is make or break in terms of individual registration by no stretch of imagination. The argument for individual registration are so powerful, in my view and the Commission's view, that the question of how you implement it is one to be addressed effectively and efficiently. But if you believe, as I do, that individual registration, and the Commission does, is a fundamental human right. It is an individual right. If you remove that and if you leave it to other people to register you, or not, as you wish, and you lose that initial recognition that it is a personal right, then that is actually not a very happy situation.
238. SIR ALISTAIR GRAHAM: You do not see any extra special issues in Scotland as far as this is concerned?
239. SIR NEIL McINTOSH: Not in terms of the broad process of registration. I would have expected that the electoral registration officers, who are highly professional in their own field, would address that. You will be speaking to them later on, but I certainly have confidence in the professionals who are handling this to be able to address it, given that they have got resource to do so, of course, that is always the issue, and given the proper arrangements. In Northern Ireland, those who have not registered were taken off the register immediately in the first stage, whereas it is perfectly possible to let carry over follow through before you address the point of the loss of some individuals as a result of that.
240. SIR ALISTAIR GRAHAM: Just before we move on, can I just clarify one point about you referred earlier to a performance standard for returning officers in Scotland, these sort of intermediate roles before moving to, say, a more centralised system or Chief Electoral Officer. Who would be setting those standards for returning officers in Scotland? Will it be the Electoral Commission nationally or will you do that via the Scottish Officer here?
241. MR O'NEILL: The Electoral Commission will set the standards in Scotland for Parliamentary elections. Obviously my office will be involved in developing standards. For Scottish local government elections, that is an Act now. That will be Scottish Executive ministers. Ministers are on record saying that they want to work closely and develop as close as possible standards for

local government.

242. SIR ALISTAIR GRAHAM: So, you try to have one centre of common turnout?
243. MR O'NEILL: We try to have one, but two organisations. And because of that, I personally think the Scottish role in developing standards at a UK level is actually very important. That is why we have been intimately involved in the process today. I have been involved on an officer project board to develop this.
244. SIR ALISTAIR GRAHAM: I think we would like to move on to boundaries issues.
245. DR VALLANCE: Good morning, Sir Neil, Mr O'Neill. We want to talk just briefly about boundaries, because as you know it has been suggested that the Commission might take over responsibility from the Boundaries Commission for Parliamentary boundaries. Does it strike you as being the sort of thing that the Commission should be doing or would it muddy the water, or would it make things more consistent across the piece?
246. SIR NEIL McINTOSH: I do not think it would muddy the water, because we would deal with it as a discreet activity, and that is very important. There is an understandable logic on UK terms if you take the view that the approach to boundaries should be a common approach to carry that through. Indeed, that was the intention, as you know. The Commission, from my point of view, has been mentally preparing itself and officers are considering the issues. But I think it is fair to say the situation has changed. There is no sign of an immediate transfer of responsibilities. There are also arguments which stem, in part, from devolved areas, stem perhaps from the Arbuthnot report here in Scotland, where there was a view that there should be a commonality on a Scottish basis of the Westminster boundaries, the Scottish Parliament boundaries and local government, a perfectly legitimate view.
247. There is no weakness in the present situation in that again in Scotland, where the boundaries are dealt with separately by the Local Boundary Commission and the Parliamentary, they work with a joint resource and operate in a very effective way. Therefore, it is not a question of our having to take this over in order to address any shortfall. So, there are legitimate arguments there depending upon the way in which you construct the boundary arrangements.
248. DR VALLANCE: But are there particular issues in Scotland which you think would be addressed better by the Commission? Arbuthnot you talk about and one of Arbuthnot's things is, "Well, let us not get so hung up on size, let us go for regionality or whatever".
249. SIR NEIL McINTOSH: Yes. I think there is an argument for a Scottish approach in itself on the basis of perception and credibility, and also the role of the Scottish Parliament is a key one there and local government. Therefore, you can see our argument for that. The problem, of course, is if you have different standards across the UK, in terms of electoral boundaries, that could

be difficult. But there are separate boundary organisations at the moment and that has not presented itself as a problem. So, there is an argument in that sense.

250. Whether that then should be within the Commission or should be external is a consideration as to how you approach it. It has to be independent. I think that is certainly the view. If that is the case, and if there were an all-Scotland Boundary Commission for all purposes, it is feasible to operate it within the Commission in that people will see that as a natural place.
251. I find, as I go about party conferences and from the public, people assume we do it at the moment anyway. That is their perception of what happens; Parliamentary boundaries, Electoral Commission, that seems a natural thing to do. And, therefore, I think the issue is where is the benefit of creating a separate entity? It may not be that it eases some of the broader issues of the Commission's priorities and its resources. But its underlying principle, the electoral map resource has a natural harmony in that sense.
252. DR VALLANCE: Can I just turn briefly to educational issues and the Commission's role in that context? How effective do you think the Commission has been in increasing electoral participation in Scotland? It is a difficult one to judge, I guess.
253. SIR NEIL McINTOSH: It is. I heard Douglas Fraser and he was right. You could argue that we have not moved turnout up. On the other hand, you could argue it has been effective because it has not dropped further than it might have been. It is annoying in that sense. Therefore, what you have to measure, I think, is the effectiveness of the campaigns in their own right and our own attainment to doing that, actually carry out analyses and produce results on industry-based standards. I suspect you may have been offered information, but certainly there is no problem providing it. That does seem to point out that the recognition factor for the activity is high and also that the carry through is positive in terms of, for instance, the (inaudible) that person, that way round, meaning that people were aware there was no action, they were aware of issues that were important. We will be doing this work in the run up to 2007.
254. There is a change of emphasis here, because of course the important thing is to ensure that people go into an election like that with confidence in how they are going to vote and in the system itself.
255. DR VALLANCE: So, this is less than publicising voting as such; it is more about telling them about STV and the MS systems?
256. SIR NEIL McINTOSH: To an extent, it has the same extent, because you are totalling the fact there is an election, but there is a much higher priority on this occasion. The other point, of course, is registration and there will be a campaign prior to the election on registration.
257. DR VALLANCE: To encourage people to register?

258. SIR NEIL McINTOSH: One instance is that some people assume that if you pay council tax, you are on the register. They must assume nothing automatically. That might be a reasonable assumption, you may think, until it is pointed out, but that is not the case. It is important to ensure that they understand they may not actually be on the register.
259. SIR ALISTAIR GRAHAM: Douglas Fraser mentioned a hangover from the, sort of, poll tax days where people came off, because they thought there was some personal advantage in doing that. That is still having an impact on the registration side of things. Do you think he is correct in that?
260. SIR NEIL McINTOSH: I think he is right that there was an issue and I think it is right that there is a memory.
261. SIR ALISTAIR GRAHAM: It seems a long time ago, does it not?
262. SIR NEIL McINTOSH: Yes, but if you consider students at that time, who were very vocal and very effective in that sense, they are still influencing others in terms of perhaps a feeling about that.
263. There is another point related to that, which again some of our work tends to point out that there may be a fear that by registering, you affect your credit rating in some way, even by registering. There are issues, I think, which are related and I need to find out just what is causing this, because it is not just a matter or a question of the registration process negligently missing people. There are cases where the returning officer can identify properties where people live where they have been visited, but where they still have not actually chosen to register. Why should that be? What can you do about that?
264. DR VALLANCE: You accept that would be an important thing for the Commission to find out, because you said you are evidence-based. The fact that you are not doing that at this stage, is that lack of resource?
265. SIR NEIL McINTOSH: What is important here is a result of very recent research.
266. DR VALLANCE: So, you have got research?
267. SIR NEIL McINTOSH: It is not yet at a finalised stage, but I shall introduce it in the presentation, and we will be identifying registration as an issue in Scotland.
268. DR VALLANCE: And will that identify the issues you mentioned about students, the issues on young people, the issues about property, about hangover, this historical hangovers from the poll tax and so on?
269. SIR NEIL McINTOSH: It does not appear to register the historical hangover as a major issue now in that sense, but it is part of people's perception.

270. DR VALLANCE: When will this research be available?
271. SIR NEIL McINTOSH: It will be available in September. What I could do obviously is to see whether there is something we could give you from that and will be helpful to you. I would be happy to do that.
272. DR VALLANCE: It would be enormously helpful to us.
273. BARONESS MADDOCK: Just on this question of investigating who is and who is not on the register. In Scotland, you are operating in a slightly different way; that the person in most of Scotland responsible for this is responsible for quite a wide area in England, it is always local authorities. Do they have their own staff to do this and do you think there is more follow up on this in Scotland than there is in England, where often it is the local authority and some very small local authorities have not got very much in the way of resources to give to this process?
274. SIR NEIL McINTOSH: Yes, I think the best person to answer that definitively is following on through. Can I say to you that I do think that because registration is focused, has a clear function, a very clear function, that that is likely to mean it is given greater attention in the Scottish scene. I would have expected, you are quite right, that only a very large authority can do that in England. I am quite sure, quite readily a small one might not be able to do so. But this is a discreet mirror for people in Scotland, a neat mirror to share experience among peers. Scotland have to deal with that with a clear remit and from the paper which I will provide, you will be able to see that it is being addressed seriously and, actually in some ways, in best practice in that setting. It will differ across Scotland. I am not claiming that this is necessarily -- and that is why performance indicators, again, gives the Commission, along with the duty, in terms of registration, to ensure that we are able to start with the arrows moving into a comparative assessment and analysis, and taking it forward from there.
275. SIR ALISTAIR GRAHAM: In September, we can get a copy of this research?
276. SIR NEIL McINTOSH: What I would suggest we would try to do is give you something earlier than that.
277. SIR ALISTAIR GRAHAM: That would be very helpful.
278. SIR NEIL McINTOSH: I stress it is not specific research on registration; it is research on the basis of a range of issues, in terms of public attitudes building up to the election. There are points I have mentioned that flow through from some of it.
279. SIR ALISTAIR GRAHAM: We are holding some further hearings in September. If it was possible to have it, say, by the end of August, I think that would be very helpful.

280. DR VALLANCE: That would be excellent, because there is very little evidence base in this area. Can I just ask you about the balance of your various roles? It has been suggested to us, for example, in terms of the Commission as whole, that there is a huge emphasis on educational matters and the emphasis on participation, and consequently less involvement with the financial regulatory role. Do you feel that is the case in Scotland?
281. SIR NEIL McINTOSH: Not in those terms. I think it is fair to say it is a major financial involvement in relation to the information and the public information role.
282. DR VALLANCE: You mean financial in a sense of that is what you are funded for?
283. SIR NEIL McINTOSH: No, if you look at the budget, you will say, "This must be a big part and this one does not appear to getting the same attention". But both are discreet areas of the Commission's operation and both are important. I will take that view.
284. The role in a Scottish setting, I think the information role and the public information role, is an important one. The Commission is, in a way, able to operate that in conjunction. We will be sharing the costs for this election on a 50/50 basis with the Scottish Executive. It will be joint branding on what we are doing. I think that brings something to it. It also means that if the Executive are just doing it, I think they could be open to accusations of political interest, because we are dealing with a sensitive area.
285. DR VALLANCE: In the Scottish context, you feel this is very important because of the changes there have been in the electoral system?
286. MR O'NEILL: Absolutely. I think because of the uniqueness of an EMS/STV election, I think the focus of the devolved office in Scotland, as we call it, is educational in terms of ensuring that awareness, valid, effective voting of the voter, it can take place on 3 May. I think one of the major things from the point of view of the returning officer is we ensure that guidance for the returning officers is there in good time, and briefing sessions, so that they can actually administer the election as well, because obviously this is a unique event.
287. DR VALLANCE: Can I just quite briefly turn to governance and accountability? Do you feel that the governance arrangements at the moment are satisfactory and that they take account of the work of the Commission in Scotland?
288. SIR NEIL McINTOSH: I think perhaps there are two gaps in terms of governance and function. One I think I alluded to earlier. It is more in relation to the linkages with politicians as opposed to parties. I think we need to address the process of that.

289. In terms of governance in relation to Scottish Parliament, of course the Scottish Parliament has no over-riding responsibility for the Commission.
290. DR VALLANCE: Let me keep that separate, because that is, in effect, accountability. If we stick to the governance thing and the Scottish Commissioner's not-representative role, but is it useful to have somebody from Scotland yourself there to have a special overview?
291. SIR NEIL McINTOSH: I hope so. As I say, it is actually essential, but not in a personal term, but in terms of the way in which it will be viewed, as a UK Electoral Commission. If it did not have a Scottish member, in my view, it would be detrimental to the standing of the Commission. From that point of view, I believe it is essential there should be one.
292. DR VALLANCE: Do you feel that the relationship between London and Scotland works well?
293. SIR NEIL McINTOSH: Yes.
294. DR VALLANCE: We have already talked about it to some extent, in relation to regulation.
295. SIR NEIL McINTOSH: Yes, in terms of governance, at my level, yes, because I think we have a very good working relationship with Commissioners. We do have lively discussions, where we reach consensus at the end of the day, which we believe is sound. The opportunity is there to ensure that any Scottish differences or issues are reflected in the work of the Commission.
296. DR VALLANCE: You feel they are?
297. MR O'NEILL: Yes. I think it is a truism held within the Commission that the Commission as a whole is stronger because of its devolved offices, because we can bring Scottish thought to the UK as a whole and we can also bring UK thought into a Scottish context, which I think is particularly important when we still have the Scottish Executive, who are effectively officers for local government elections.
298. DR VALLANCE: It is quite iterative, yes.
299. SIR ALISTAIR GRAHAM: Neil, do you think it should be a statutory requirement that there should be somebody on the Commission from Scotland?
300. SIR NEIL McINTOSH: I would think if there was the prospect of the possibility that there might be, I would have said yes. I would say the same for the others as well. I am not trying to claim a special Scottish side on this.
301. SIR ALISTAIR GRAHAM: But there could be an argument that Scotland, Northern Ireland, Wales, because of their separate requirements, that there should be a requirement to have somebody on the Commission?

302. SIR NEIL McINTOSH: Subject always to the point that that person should have the qualities and the capability and expertise to bring to bear on this.
303. DR VALLANCE: But you are content it is done in an informal way?
304. SIR NEIL McINTOSH: It is certainly the character we want. I have no reason to expect it to be other than that, but certainly I would equally be alarmed if there was any prospect of that.
305. MR O'NEILL: And if it was formalised, you would prefer that a Commissioner was not going to be restricted just to Scottish issues and played the full role?
306. DR VALLANCE: Yes, we are back to the role of a unitary order, which we started with. Can I just finally ask you about accountability and the way in which the Commission itself, as you know, obviously is accountable through the Speaker's Committee. Does that seem to you to give enough of a forum for particularly Scottish issues within the Commission to be aired?
307. SIR NEIL McINTOSH: Yes. Accountability is an interesting point. I will be very brief, as I appreciate the time. Accountability in a UK sense is appropriate to Parliament. That is a function which relates, I think, primarily to budget and propositions related to budget, and to answering questions in the House of Commons is appropriate effectively from that point of view. I think, perhaps, there is again a gap in what you might call scrutiny accountability of elected members, who would actually engage on a stronger basis.
308. DR VALLANCE: There are two issues really. One is whether the Speaker's Committee is the best form of accountability through to Parliament, or whatever, of the Commission as a whole. The sub-issue, if you like, but more important issue from our point of view this morning which is does this allow specifically Scottish issues to be considered. Would it be better to have some kind of accountability through, for example, to the Assembly, to the Scottish Parliament?
309. SIR NEIL McINTOSH: What we have done, because we recognise that we cannot actually be accountable to this Scottish Parliament. We are accountable to Westminster and that is the way it is. But we can account to the Scottish Parliament and the way in which we have addressed that is that in an appearance before the Transport and Local Government Committee. We said that it would be useful to have a point of contact where we briefed the members regularly on what was happening, particularly because with performance indicators, whilst the Scottish Parliament could develop its own for local government, it would be a nonsense to have different standards of performance when somebody else is doing the same thing. From that point of view, those indicators that we develop both influence what happens in local government and we feel it proper and right that the Scottish Parliament should be involved in it. From that point of view, we are developing briefing arrangements with that Committee in order to achieve that point of contact, which I think is quite proper.

There is an interest there.

310. DR VALLANCE: You find that quite satisfactory? You do not think there is another form of governance or another form of accountability, which would be better?
311. SIR NEIL McINTOSH: For Scottish interests, I think that that would address that particular aspect. There is the gap which is verging slightly off accountability, which is contact and communication, where we have parities, but not politicians at the moment, where I think there is something we have to address there as well.
312. MS DONAGHY: I wanted to ask you about the view that has been expressed by some witnesses that there should be party political representation on the Commission. It is interesting, in view of your close and co-operative relationship with the Scottish political parties, that you might have a view on this, that is enlightened by your working relationships up here. Would there be a particular point of view about having party political representatives on the Commission?
313. SIR NEIL McINTOSH: There is no Commission line on that as we stand, obviously. But I can see and can understand the view that the Commission should have access in its own deliberations to those who are actually politicians, elected politicians. I am not an elected politician. I know that the life for a politician is different from life for an official in a political set-up, which is where I come from. And, therefore, I can understand the argument which says, "Yes, it is a different approach and the Commission needs that input". It can, of course, be achieved by working arrangements, by an advisory committee, by involvement which does not necessarily mean that there is need to have members of the committee (inaudible).
314. We have to define what we mean by party representative. In other words, not an accountable governmental politician, perhaps, in terms of ministerial authority or otherwise, which would purely work with the Commission. But if, for instance, you had a minority, let us say three members of the Commission who were drawn from people who had party political experience to monitor this.
315. SIR ALISTAIR GRAHAM: These would be people who had left politics, perhaps.
316. SIR NEIL McINTOSH: I see. For instance, someone who had been three years out, who was recognised in their own right as having an authoritative view, who was respected. As long as it was not a majority, because I think that would remove the independence. As long as also there was a rotation, because if it was just the main political parties, it may be seen as a bit of a carve up. There would need to be rotation and I would argue there should be at least one who would be drawn from devolved areas from perhaps some other parties in order to ensure that.

317. SIR ALISTAIR GRAHAM: Do you think they should be nominated? Taking your point about the other parties, apart from the main parties, should they be nominated by those parties or should they have to go through a competitive process?
318. SIR NEIL McINTOSH: I would be attracted to a competitive process. I see no reason why, in terms of the standards of public life generally, that should not be the case. The party could nominate and they could go through. Competitiveness is difficult, because you are looking at parties. That would mean that parties would have to nominate more than one person.
319. SIR ALISTAIR GRAHAM: Well, it does happen. I chair the British Transport Police Authority, for example, and we have to have people from the industry, but they still have to go through what people call a Nolan-type competitive process.
320. SIR NEIL McINTOSH: There is just one distinction there, which is that if you have it on competitive terms, and let us assume a member of the Green Party every time came through, you would be excluding.
321. SIR ALISTAIR GRAHAM: You would be defeating the intention.
322. SIR NEIL McINTOSH: It is not easy. I think we have to work it through and we have not tried to do that obviously. But I could see a structure where you would say, "Right, three members, two from the major UK parties representative of Westminster, one from a devolved area, which might be a non-major UK party", having to rotate, because otherwise you would be excluding parties. But actually putting that into it".
323. And something that I think could also be achieved is by having a group of politicians nominated by all the parties of a certain level, in terms of communication. It does not have the same effect, I think, if I felt the independence of the Commission was still --
324. SIR ALISTAIR GRAHAM: Was not jeopardised? That is the over-riding.
325. SIR NEIL McINTOSH: And, of course, some politicians in a situation like that would be very, very independent, I suspect.
326. SIR ALISTAIR GRAHAM: Thank you very much. We very much appreciate the offer of further information which will help our deliberation.
327. We are very grateful to Mr Henry, Mr Pollock and Mr Hawkins to come and give evidence from their experience from the actual administration side. Would you like to introduce yourselves and the areas that you are going to specialise in?
328. MR HENRY: Yes, my name is Alan Henry. I am Electoral Registration Officer for Dumfries and Galloway representing the Scottish Assessors

Association, and I will talk on the electoral registration matters.

329. MR HAWKINS: I am Jeff Hawkins, the Returning Officer of East Renfrewshire Council. I am also the Chair of the SOLAS Election Working Group. SOLAS is the Society of Lawyers and Administrators in Scotland and we number among our membership three returning officers and most of the deputy returning officers in Scotland.
330. MR POLLOCK: I am Billy Pollock. I am Administration Manager with South Ayrshire Council. I am also the Deputy Returning Officer there and I am Chair of the Scottish branch of the APA. I am also a member of SOLAS and some of the SAA members are members of the APA too!
331. SIR ALISTAIR GRAHAM: We have had some background information made available to us. Are you happy to go straight into questioning? Thank you very much. I think first of all it would be helpful if you could tell us your reflections on how you think the Electoral Commission have fulfilled their mandate in Scotland.
332. MR HAWKINS: From the perspective of SOLAS I would say that the Electoral Commission have fulfilled what I understand to be their mandate in terms of promoting integrity and involvement and effectiveness in local democracy. I think they have done that by providing a focus for modernisation and standardisation and simplification by all administrators in Scotland. We might not regard ourselves as iconoclasts, but we have been keen to move and modernise the electoral process and I think that the Electoral Commission has provided that focus for us, and I think it could be very effective.
333. SIR ALISTAIR GRAHAM: Do you think they have been less effective in some areas compared to others?
334. MR POLLOCK: Over the board, over the piece, I think they have been generally effective.
335. MR HAWKINS: They have welcomed the Commission's input to the whole election process in Scotland. Until 1996 when local government was reorganised there were nine parliamentary returning officers in Scotland, by nature of the fact that only nine of them could get together and, in effect, decide how to implement policy at a grass roots level. That obviously disappeared when we moved to 32 local authorities. To some extent the Commission was able to fill that gap by then co-ordinating how they were actually going to deliver the goods once government had put the legislation in place. So, the Commission has certainly been welcomed by the APA and I think largely has fulfilled the expectations we had of it.
336. SIR ALISTAIR GRAHAM: Do you think in terms of, for example, I think you were here for a discussion about the interesting issue of having local elections and Scottish Parliament elections on the same day next year. Do you think they took a sufficient leadership role in an issue like that?

337. MR HAWKINS: Yes, I think so. It is no secret that a few professional associations in Scotland lobbied for decoupling of the elections because of the complexity of the existing set up of the combined elections is quite complex and if you add STV to that we have got effectively three different voting systems on the same day, three different ballot papers. We were very keen to decouple and I felt we got reasonable support from the Electoral Commission.
338. SIR ALISTAIR GRAHAM: Why were your representations not successful on that issue?
339. MR HAWKINS: At the end of the day I think the decision was taken to go down that particular route. All I can say is that I think --
340. SIR ALISTAIR GRAHAM: Do you think the government were thinking in party political terms rather than democratic process terms when coming to their conclusion on that issue?
341. MR HAWKINS: You would have to ask them.
342. MR POLLOCK: It may be a view that to get out of the house once is easier than to ask them to come out twice. That might have been political thinking. That is all I can say.
343. SIR ALISTAIR GRAHAM: So, a drop in turnout might have had a disproportionate effect on one political party compared to another.
344. DR VALLANCE: Just before you leave that, although you say you think the Commission gave you adequate support on the decoupling issue, you are actually, implicitly at least, very critical of the fact that this has gone through and therefore one would have thought of the fact that the Commission were not stronger in what they also admit was their chosen option.
345. MR HAWKINS: Well, I think we tried to be as strong as we could and we thought, the three associations, we all thought we put forward very cogent arguments and we think we had reasonable support from the Electoral Commission. I think at the end of the day no matter the strength of our arguments, I do not think we would have won that particular battle.
346. SIR ALISTAIR GRAHAM: Does the split between the different parties, the Department of Constitutional Affairs, Scottish Office, Scottish Executive, Scottish Parliament, in their differing responsibilities for different aspects of election administration, election process; does that cause any particular difficulties or does, as we heard, the capacity for the village in Scotland to work out sensible, informal arrangements really override what might in theory look like a fragmented set of arrangements?
347. MR HAWKINS: I think that is very much the case. There are a number of key players in Scotland who all work well together: the Scottish Office, the Scottish Executive, the Electoral Commission and the professional associations and the linkage with DCA probably is not just as good but we are trying to work

on that, and I was recently asked to attend a meeting which DCA convened one year for returning officers. So, we are hopeful it will bring that to the same standard.

348. SIR ALISTAIR GRAHAM: We have heard why the Electoral Commission in Scotland are not accountable to the Scottish Executive. However, they do account to them, to some extent, is I think the way they put it. Do you think the Scottish Executive are genuinely listening to the Electoral Commission in terms of the points of view it had?
349. MR HAWKINS: Yes, I think so. I do not know if they account to the Scottish Executive but certainly work with them and I think Mr O'Neill and Sir Neil gave some examples of where they are working together.
350. SIR ALISTAIR GRAHAM: Okay, can we move to the electoral registration system? What are your thoughts on the effectiveness of the current household registration system?
351. MR HENRY: Well, I think it is fairly effective. If we perhaps look at the set-up in Scotland whereby although it is 32 councils, in effect it is 15 electoral registration officers, 14 of whom are also assessors; although there is an anomaly in the City of Dundee which goes back to 1975 but if we leave that aside, it does mean we have 14, 15 larger units. Scottish Borders I think is the smallest area with something like 86,000 electors; the largest being Lothian at 591,000 electors. So, there are certain benefits of that. The role of assessor, very traditionally I think, goes right back to the days when the vote was basically based on property ownership, so that is why he was appointed years ago.
352. SIR ALISTAIR GRAHAM: Can you just describe this role, because I think this seems to be a speciality? Can you just describe this role of the assessor?
353. MR HENRY: Well, there are 14 assessors in Scotland and the assessor's job is to do valuation for rating and valuation for council tax. So, they make up the valuation and make up the council tax valuation list and they also make up the register of electors. The commonality there is, in effect, at the moment the electoral register is householder-based, so it is property-based, and as we make up the council tax valuation list we obviously have a vested interest in making sure that is up to date for that purpose, and that information is passed on to the electoral registration side of the business. In effect, the three functions are intertwined and the staff who carry out that work are multi-functional.
354. SIR ALISTAIR GRAHAM: But, the heart of the system is still the head of the household completing the form of the number of people eligible to be on the register in that property? Is that right?
355. MR HENRY: That is right.

356. SIR ALISTAIR GRAHAM: That is still the heart of the system; and the Electoral Commission has recommended, and indeed the House of Lords has passed an amendment to the current Electoral Administration Bill, to move to an individual registration system. Do you have any difficulties with that?
357. MR HENRY: As an association we recognise that in this day and age people will say it is ridiculous you have a head-of-household type of system. On the other hand I think we would say that it works and it has worked for a long time, and that if you are going to move to an individual system, and I can see good reasons for it, I think you are almost forced to do it that way if you are going to go to electronic voting for example; but we can also see a lot of administrative problems in it and I have a feeling that it will be very expensive to introduce. In a past life all assessors were also community charge registration officers, poll tax days, so they are used to the concept of working with people in that context as well. Despite all the problems the community charge has, I think at the end of the day we certainly felt that we nearly cracked it.
358. SIR ALISTAIR GRAHAM: Why should an individual in the 21st century have to rely upon the concept of the head of the household to determine whether they go on the electoral register or not?
359. MR HENRY: That is actually a misconception, because that only applies for three months in the year at the canvas time. For the other nine months of the year you have a rolling registration, which is in effect individual registration. I can give you information to the effect that certainly in my office, we have a system whereby where there is a change of council tax payer, the revenues section of the council inform me of that on a weekly basis, so we know there has been a change, we have one name. We write to that person, we enclose rolling registration forms, and we have designed them. It will take four names, but it is still individual. It is four names on the one piece of paper. So, very proactive that way on a weekly basis and less than 40% of the forms that we send out are returned. Whereas at the annual canvas period, we get something like -- last year I think it was 88% return of forms, and that generated about 20% changes to the register at that time.
360. SIR ALISTAIR GRAHAM: So, your worry is if you were required to send forms out to individuals on, say, an annual canvas basis for individual registration you would end up with a very much smaller register?
361. MR HENRY: I think that is possibly what would happen. Of course, we also send out roughly twice as many forms as we do on a householder basis. It is like reading out a history lesson. I know I have mentioned community charge there. Community charge had the same concept on the householder. It got away from the householder by calling it the responsible person, and they were responsible for giving the names. As I say, it is a very dangerous move to concentrate just on the annual canvas three-month period where the householder is involved. For the other nine months you do have individual registration. And certainly on the basis of --

362. SIR ALISTAIR GRAHAM: Still, it is slightly illogical for nine months of the year to be operating an individual registration system and then for the other three months of the year be relying on the head of household.
363. MR HENRY: Well, the head of household, in effect, is confirming their position in that household. As I said, in 88% of cases in my area, and it is higher in other areas, that system works at that time.
364. SIR ALISTAIR GRAHAM: You have heard Sir Neil say in very strong terms about he thought the arguments were overwhelming, it was a human right to be able to register. So, you are confirming for nine months of the year the individual has that right, but for three months they do not. It is not very defensible, is it?
365. MR HENRY: Well, for the three months they still have that right. They can still write into us individually.
366. SIR ALISTAIR GRAHAM: But, they will not know, will they? They will not know if in fact the head of household has not completed the form, for whatever reason, they will not know that, will they, unless they go and check whether they are on the register.
367. MR HENRY: If they check on the register they will know. Maybe the problem area has been highlighted elsewhere and that is houses of multiple occupation. I accept that is a problem area with who is your head of household. But, certainly I think, I am pretty sure most EROs are in the same position that they have identified those properties and they make special provisions for them.
368. SIR ALISTAIR GRAHAM: So, how accurate is the register in Scotland?
369. MR HENRY: Well, how long is a piece of string? That is the problem, we just do not know. What I can tell you is --
370. SIR ALISTAIR GRAHAM: Have your associations not done various studies?
371. MR HENRY: Yes, it is a basic, if you like, but what we have done, we have looked at the Registrar General's estimate of the population, and the latest one here is 30 June 2005, and compared that with the number of electors at 1 December 2005, and overall in Scotland the relationship is 96%. That is the electors are 96% of the population 18 and over, extrapolating that figure. That varies from, somewhat surprising I must say, 103% in one area to 92% in the lowest. At the risk of embarrassing my colleague in Shetland who has 103%, Paul Duncan does tell the story about the rate of return of forms and he says, "I had a couple of people who hadn't actually sent them back. However, I had a wee word with them in the pub last night and they'll be in tomorrow". So, I suspect that is why he was (inaudible).
372. I mean I think it comes out in the figures, we have compiled that the average is 96%. The city areas tend to be lower, and I think you would expect

that. Bear in mind the two sets of figures, you are not going to get 100% because they are based on different things. There are foreign nationals, there is how are students counted for example, you have fast movement of population, especially in the city areas. The other thing in that, that I have to say, is that at the end of the day the Registrar General's figure is his estimate, so I do not know what figure is right. I know the 2001 census they had a fair rate of non-return of census forms, and there were adjustments made to the figures to take that into account. So, that was not necessarily an accurate figure. It might be as accurate as they get, I am not knocking it, but it was not necessarily a 100% accurate figure that has then been upgraded each year by estimates. So, as far as 4% difference between the two, to me indicates there is certainly not widespread non-registration, and I do not think it is anything like it is sometimes made out.

373. I think the other thing I want to stress when I say that is of course, and Sir Neil mentioned it, is that at the end of the day registration is voluntary. If somebody does not want to be registered, they will not be registered. So, 100% is never going to be the answer, because part of the (inaudible) is 100%.
374. SIR ALISTAIR GRAHAM: At an earlier hearing it was put to us that the register in Scotland was likely to be more accurate because you had a much larger proportion of the population in local authority housing and, therefore, you did not get the movements in the housing system that you might elsewhere.
375. MR HENRY: Well, that does not really bear out when I think about it, because the worst areas are the areas where there are large stocks of local authority housing. And looking at Renfrewshire here is 93%, Glasgow 94%, whereas the likes of my area, Dumfries and Galloway, it is 97%. There are higher ones that are 100%. I think probably movement in population is a factor undoubtedly, but I do not know if it is local authority.
376. SIR ALISTAIR GRAHAM: Normally when you apply for a passport or a driving licence, you have to provide certain information. Under our system you do not have to provide anything, do you? The head of the household completing on the register, you do not have to ...
377. MR HENRY: That is right, but you are making a statement to the effect that that person is there, that they qualify.
378. SIR ALISTAIR GRAHAM: Do you think that is a defensible system, relying so much on trust rather than having some concrete evidence to justify being on the register?
379. MR HENRY: I think it is pragmatic. The difference is the entire population does not apply for a passport every year.
380. SIR ALISTAIR GRAHAM: Yes, but large numbers do apply for a driving licence or other --

381. MR HENRY: A driving licence is a once in a lifetime thing.
382. SIR ALISTAIR GRAHAM: You have to provide all sorts of basic information.
383. MR HENRY: I agree, but at the end of the day a passport is once every 10 years, a driving licence is until you are 70.
384. SIR ALISTAIR GRAHAM: But there are lots of circumstances where you are used to providing some concrete evidence of who we are for the purposes of registering. Why do we take this on trust rather than requiring some evidence to avoid the possibility of fraud?
385. MR HENRY: I suspect because we are British.
386. MR HAWKINS: I think it is an historical thing and I think it also applies to when you turn up at the polling station. We are probably one of the few countries in the world where you can turn up at a polling station and not have to prove your identity.
387. SIR ALISTAIR GRAHAM: But can we any longer justify that, really? I mean that sort of trust-based approach rather than --
388. MR HENRY: In my view, I think you should have to provide some form of identification or verification of who you are when you apply for a postal vote and also when you turn up at the polling station. That is a personal view.
389. MS DONAGHY: May I ask a technical question about registration being voluntary? My understanding was that it was a legal requirement that one should register on the electoral register, and the fact that prosecutions are not made does not take that away, that it is the responsibility of the citizen to register. So, in that sense it is not voluntary. Have I got that wrong?
390. MR HENRY: My understanding was that you have to supply information when requested to do so. That is a requirement.
391. SIR ALISTAIR GRAHAM: Does the householder have a legal duty, when he gets that form, to put all of the people in there that he thinks are in that household and appropriate to go on the register? That is a legal duty, is it?
392. MR HENRY: That is a duty on that householder.
393. SIR ALISTAIR GRAHAM: So, it is not voluntary in that sense, he has to supply information.
394. MR HENRY: No, it is not voluntary in that sense.
395. MS DONAGHY: But in practice it is voluntary, because nobody is prosecuted for not doing it, is that what you are saying?

396. MR HENRY: I cannot recall in recent years there have been any prosecutions.
397. SIR ALISTAIR GRAHAM: But you are of the view that you can no longer sustain the system just dependent on trust; that when people come to registration, seeking a postal vote or going to vote they should be required to give some form of identification? And would you have a view about what would be the identifiers?
398. MR HENRY: Very basic, sample signature and date of birth, to keep it as simple as possible.
399. SIR ALISTAIR GRAHAM: Which is the proposal in the Lords' amendment, is it not, signature and date of birth? What about perverting? In Northern Ireland it is a requirement to show some sort of photographic identification. Do you think that would be appropriate more generally?
400. MR HENRY: If integrity is a main concern, you would have to turn up with a passport photograph or an ID card of some sort.
401. MR POLLOCK: Also you have to bear in mind that there is not much anecdotal evidence of impersonation at elections in Scotland, which I believe was the situation in Northern Ireland, where they were voting for dead people and all sorts of things. So, you have to put a balance of safeguards against the possibility of mismanagement.
402. SIR ALISTAIR GRAHAM: We have had, not in Scotland but elsewhere in the United Kingdom, we have had some police investigations, have we not, and prosecutions relating to electoral fraud, so it is an issue that has come up the electoral agenda in that sense, has it not?
403. MR HENRY: Yes, it has come up more in the last few years.
404. SIR ALISTAIR GRAHAM: What about the role of the Electoral Commission in relation to registration? Do you think they have played a positive role in that?
405. MR HENRY: Yes, they have been very helpful. I mean the position in Scotland has been that, through my association, we have always got together to share practices and we meet on a regular basis, and that goes back donkeys' years.
406. SIR ALISTAIR GRAHAM: And the fact that you have a common guidance arrangement, have you not, for the electoral administration system for both local and national elections, is that valuable?
407. MR HENRY: Indeed, yes. I mean the Electoral Commission, by its very nature, took a while to take over in Scotland, to get up and running. But now it has, we find it very useful and the members of staff always come to our meetings, for example, as do members of the Scotland Office staff. We have a

very good, close working relationship. We have mentioned the Scottish village and the family and I think it is a very, very valid point.

408. MR POLLOCK: For the APA meetings, the four meetings a year we have with the Commission, when we have our meeting in Scotland it gives a written report which is distributed to our members who do not make the meetings. We also have representation from the Scotland Office at these meetings too and a report by the Commission and the Scottish Executive. So, the civil servants and the Electoral Commission meet us face to face at least four times a year, which is beneficial for everybody.
409. SIR ALISTAIR GRAHAM: Very good. What are your views about the measures in the current Electoral Administration Bill giving the Commission new powers on setting standards for registration officers? Do you think that arrangement is going to work?
410. MR HAWKINS: Are they setting standards for returning officers as well?
411. MR HENRY: Yes, for both. Yes, I mean I have actually been involved in one of the steering groups that is looking at it and they have appointed KPMG to evaluate, so we have all been involved in that.
412. SIR ALISTAIR GRAHAM: What do you think are the key areas for setting standards?
413. MR HAWKINS: I think one of the key areas is to set standards over which we have control, because at one time there was talk about having staff performance standards, or performance indicators by electoral turnout, and I do not think that is appropriate for professional associations. There are many areas where performance indicators could be applied.
414. SIR ALISTAIR GRAHAM: So, you think that is going to be a valuable development in which you are already playing an active role?
415. MR HAWKINS: It is all part of the move towards standardisation and uniformity, I think, which we have been striving for over the years.
416. MR HENRY: From my side of the business, once again through the Assessors Association, we share common knowledge. We do not publish it, but we do look at various factors over the year, return of forms, that sort of thing, how can we do better, that type of thing. What this will do, it will put it into a national context.
417. SIR ALISTAIR GRAHAM: Going back to the integrity of the system, I asked you a question about personal identifiers. In Northern Ireland they did very much use, for registration purposes, national insurance numbers, something which could be objectively checked. Do you think that is valuable or is that possibility, given there have been some recent publicity about national insurance numbers being rather handed out like Smarties out to children, that in

some ways the national insurance number would not be an appropriate identifier?

418. MR HENRY: Well, I think whenever you start to use something for one purpose and people find different uses, then they will find a way round that. I did hear that in Northern Ireland in the past they used to use your National Health Service card. When they got wind of that, that killed a cottage industry overnight apparently. I think if you go into personal identifiers, especially if it is going to be for everybody on the register, once again from the practical side of it, and I tend to be a practical type of person, I can see all sorts of problems with it. I mean how do you authenticate somebody's signature? Over the years it changes so much. I mean I know people who sign business papers quite often. You sign your name one way in business and another way personal. Of course, there are systems which can compare signatures. I suspect it is rather expensive. It is interesting that the likes of the credit card companies, for example, are doing away with signatures as a means of identification and relying purely on the pin number, because signatures, in effect, were discredited.
419. You can probably see where I am going here. The obvious thing is an identity number. Now, it may well be for the vast majority of people that they already have an identity number and that is their national insurance number, and certainly I think that a numeric identifier, from a systems point of view, is far, far better. It can be machine-read, it can be identified in various different ways, it can be compared a lot easier. Of course if you are using that, you must have access to government records to verify it. The whole thing about collecting these things is it is all very well collecting them, but how do you verify them? You get somebody's signature, fine, but how do I know it is your signature? You have given me a date of birth here, but we have not looked at your ...
420. SIR ALISTAIR GRAHAM: We have spoken to people from Oregon in the United States, where they have a purely postal voting system based on signatures and it is by manual comparison, so there are some parts of the world where that system works.
421. MR HENRY: I think you would have problems covering the count in that night.
422. SIR ALISTAIR GRAHAM: Possibly. Now, in terms of funding of registration systems that is a local authority responsibility, is it, in Scotland? And are there differences between one local authority to another in terms of the level of funding provided?
423. MR HENRY: Yes, it is done as part of the annual budget process. Certainly in my case, it is total funding for my department and how I shift the resources about within that, that is my problem really. I think it is fair to say I have never heard anybody complain about lack of resources. You can always use more. I do not know. I think if we kept saying, "Can we have some more,

please?" you are in a mythical ...

424. SIR ALISTAIR GRAHAM: It is not a sort of natural, when cuts are around, as we very often know there are at local authority level, the electoral registration part of the local authority is not normally the first area for cutting, is it?
425. MR HENRY: No, the fact that it is a statutory thing tends to safeguard it, and the same with other things that I do. They are three-year-old statutory requirements. Where you might get into problems is coming up, whether the majority percentage of the cases there will be extra funding for the extra duties under the bill. And I understand that that is -- there are people better able to speak about this than I, but I understand that money will be allocated to government as part of the annual settlement under the Barnett Formula. So, it goes to the Scottish Executive, who then gives it to the local authorities, who then give it to the individual EROs and I think I should just say maybe in front of each one of us, there is no guarantee the money actually ends up in my budget at the end of the day.
426. SIR ALISTAIR GRAHAM: But on the whole, funding is not an issue that all three of you are concerned about?
427. MR HAWKINS: Not for registration, but as planning officers we have concerns about what we refer to as our meeting subsidy, and that local government picks up some of the cost of running the national elections for the Scottish Parliament, UK Parliament, even, European Parliament.
428. MR POLLOCK: One of the issues that has come up, and I think relates to this, is that the Electoral Commission has come up with best practice and sound advice to implement locally, which we do within the resources we have available, we hope. We then try to reclaim the cost of that from the Scotland Office as part of the general claim of costs of administering the election, who in turn may say, "No, there was no legal reason for you to do this, so we are not reimbursing you for it". This has happened repeatedly in the last three or four years. We then enter into a kind of dialogue with the Scotland Office to try and resolve this impasse. I can speak on behalf of my colleagues throughout Scotland on this, that it is an issue that we do feel the Scotland Office, and the DPA, could in fact somehow (inaudible) advice and guidance issued by the Electoral Commission, otherwise the bottom line is some returns are (inaudible). Because if the local authorities cut the cost, that causes issues.
429. BARONESS MADDOCK: Could I just ask about the practicalities of the registration process? I am fairly familiar with what happens in England, but I am not very familiar in Scotland, and because you operate in a different way, it is the assessors that do it, you cover a wider area. You indicated that you very much rely on the council tax registration to cut across the two lists. What other methods do you have and how many staff do you have? I am aware in England that sometimes some local authorities will spend more time sending out individual people to try and find out those who are not on the list, but I am not

sure how it works in Scotland.

430. MR HENRY: I will probably go right back to the start of the system. Through the local planning departments, we get to know about new property being developed, so the assessors have to go out and survey those properties to put them on the council tax list. In effect that creates a central database of property and we use that then to send out the annual canvas forms. Also new property, it is back to the lone registration thing, as a new property is built, we also send out rolling registration forms to those people, so that that is how the individual bit comes in there again.
431. We move our staff around. The rolling registration side of it is ongoing and, as I say, we send the forms out as we go, and the clerical staff involved in that will also be involved in the administrative side of making the entry in the council tax list. Hotels, for example, will go on the valuation roll as well. When it comes to the annual canvas time, it varies from assessor to assessor. It depends on the resources you have. We all do it by post.
432. BARONESS MADDOCK: So, there is no individual going out?
433. MR HENRY: It is all postal in Scotland. Some bring in temporary staff to help out at that time. Others are getting to the stage where they are managing to cut out that and they are doing it on a telephone registration basis for non returns.
434. SIR ALISTAIR GRAHAM: Just overall, if there is a bit of a balance between the integrity of the system, being pretty sure it is right, the right people are on the register, and its comprehensiveness, where would you put the balance? On which side of the equation would you put it, towards integrity or comprehensiveness?
435. MR HENRY: I think you have to be careful on the integrity side, because at the end of the day one of the big issues that started a full conversation on elections is falling turnout. The more difficult you make it for someone to go, the less inclined they are going to, and that is why postal votes got the big lift and made it a lot easier to encourage more people to vote.
436. SIR ALISTAIR GRAHAM: But in some areas it was at the expense of the integrity.
437. MR HENRY: The next issue was some people were on the fiddle and yes, it is a difficult one.
438. SIR ALISTAIR GRAHAM: So, where would you put the balance, integrity or comprehensiveness?
439. MR HENRY: I would veer towards comprehensiveness. I am not convinced in my own mind that there are a lot of people out there wanting to fiddle the vote. I think most of the people that are into the fraud side of it are in for totally different reasons. It is credit fraud. And hopefully that gets caught in

other parts of the system. I would far rather see names on the register that should not be, rather than names not on that should be.

440. DR VALLANCE: Would not the way to go about that be to get a clean list established and then to build up the register after that? To feel that you had actually established accuracy?

441. MR HENRY: I think that is a dream.

442. DR VALLANCE: Well, the claim in Northern Ireland, of course, was that they did go down 10%, but they have progressively then built it up again, on the basis of what they feel to be a much more accurate list.

443. MR HENRY: Sir Neil mentioned what is commonly called dead wooding. If somebody does not send the form back for two years, we take their names off. So, that is a cleansing process that is already built in. We do that part of the process at the end of November, just before the close of the register, and people get about four letters from us at that time, and the second last letter is, "I am going to take your name off" and then the last letter is, "I am taking your name off. Here is an application form in case it is wrong". Now, over the course of the next three or four months, I do not know, probably about 50% of those come back. There are people, "You've taken my name off but really I'm still there" and that is what happened in Northern Ireland.

444. SIR ALISTAIR GRAHAM: In Northern Ireland they did move to a centralised system under an independent Chief Electoral Officer. Do you think that would have any value in Scotland?

445. MR HAWKINS: I think things work well in Scotland and there would be little merit in that. To a certain extent you could maybe argue that European elections could make Scotland as one constituency. The regional returning officer, the returning officer for Edinburgh, Tom Aitchison, effectively is the returning officer for the whole of Scotland and that works well without him being regarded as Chief Electoral Officer.

446. MR POLLOCK: I do not think there is a requirement for a Chief Electoral Officer. I think it is up to two local authorities and their returning officers to deliver the service effectively and efficiently as at the moment.

447. SIR ALISTAIR GRAHAM: Thank you very much. I think we will now move on to boundary issues in which my colleague Rita Donaghy is going to take the lead.

448. MS DONAGHY: What do you think the key issues are regarding boundaries in Scotland?

449. MR HAWKINS: The biggest key issue this year is achieving new boundaries for the multi-member wards, because we are moving to this new STV system where historically we had single members. So, it has meant a carving up of every local authority area into multi-member wards, and that

process is ongoing. And according to the local government Boundary Commission's timetable, they are due to finish all the reviews by August, I think. The timing of that is critical, because it affects the input into the register in November/December.

450. MR HENRY: The big issue there is when the Boundary Commission finished their reviews, that then goes to the Scottish ministers and they have to make their orders, and so far there have not been any orders made. Really, the key issue from our point of view is we publish a register on 1 December and we do not know whether it will be the old or the new format for use next May. So, timescales are a big problem.
451. MR HAWKINS: Having said that, I believe that a substantial number are due perhaps the end of this month.
452. MR POLLOCK: I think the other issue is, originally it was envisaged that the constituencies for the Scottish Parliament and Westminster would be have been the same, or have been the same number in Scotland, and the government departed from that view. Originally it was to reduce the overall number of MSPs and our association thought that, from a voter's point of view and a representative point of view, it would be better for the same geographic region to have one MSP, one MP and then list the MSPs as well. That has now fragmented completely. I think it causes confusion and bewilderment on the part of the electors as to who actually represents them in the various lanes of government. That is a Westminster decision that was to keep the Scottish Parliament at 129 MSPs rather than reach -- I think 103 was originally envisaged in the Scotland Act.
453. MR HENRY: From a practical point of view, it is very difficult to produce a register, especially a printed register, which reflects local government, Scottish Parliament and UK Parliament, because the boundaries are ...
454. SIR ALISTAIR GRAHAM: So, it is a bit of a mess at the moment.
455. MR HENRY: It is an absolute nightmare.
456. MS DONAGHY: Would the recommendations of the Arbuthnot Report have helped in this direction?
457. MR HENRY: It will help in the long term, I think, but ideally you have coterminous boundaries. I keep quoting Dumfries and Galloway here, but it is such an excellent example of good practice. In the past, Dumfries and Galloway had two UK members, two Scottish members, within a local authority area which was also, as it happens, the police area, the fire area, the health board area, the tourist board area.
458. SIR ALISTAIR GRAHAM: So, that made it simple for the public to understand it in the first place.

459. MR HENRY: Very simple, yes. Then we had the alteration to the UK Parliament boundaries and we have one constituency within Dumfries and Galloway, and another one which takes in a bit of the Borders.
460. SIR ALISTAIR GRAHAM: Is your plea shared more widely or have you just a vested interest claim strongly here, rather than people seeing the sense of what you are saying?
461. MR POLLOCK: We can administer whatever we have to do. Some things have more difficulty than others. What we have been asked to do will happen, because we have done that. From an investment or electoral point of view, I think it starts to become quite confusing. Because if you are actually in a borderline area, where you are chopping and changing, you have one local authority, you are recognised by, in effect, the neighbouring MP and then a different MSP, who really has more interest in another adjoining area, you then almost say, "Well, who is actually looking after my interests here?" I am sure MSPs and MPs do but it does not build up in a structured building block.
462. MR HENRY: You have to remember, we are residents too. You are trying to run between one thing and another, there is great confusion.
463. MS DONAGHY: So, you are personally blaming --
464. MR HAWKINS: Well, Joe Public is now represented by one UK MP, one MSP, seven European and possibly three or four elected members under the new system.
465. MR POLLOCK: But by next May, I will have 24 elected representatives representing me.
466. MS DONAGHY: You are well looked after.
467. SIR ALISTAIR GRAHAM: But it feels disproportionate, does it?
468. MR POLLOCK: I used to be represented by three people.
469. SIR ALISTAIR GRAHAM: You feel it is over-weighty, do you?
470. MR POLLOCK: Some people might take that view. That is a fact of what has happened.
471. MS DONAGHY: Douglas Fraser said earlier on today that the Arbuthnot Report was likely to end up on the dustiest of dusty shelves. What is your view?
472. MR HAWKINS: I can see why he may think that, but we have actually started looking at implementing one of the recommendations for 2007, and that is having a combined ballot paper for the two different aspects of the Scottish Parliament election. So, we have started looking at implementing some of the

recommendations.

473. MS DONAGHY: So, you are more hopeful than Douglas Fraser that some of the ...?

474. MR HAWKINS: In that particular area. I would not say I was overly optimistic.

475. DR VALLANCE: It was only the decoupling that was completely rejected (overspeaking) and the other underlying uses are still under consideration?

476. MR HAWKINS: Yes. One of the other issues which agitates us greatly, as professionals, is the timing of the combined count. We have all campaigned strenuously for a separation of the day of poll from a day of count, as they do in Northern Ireland and as they have done in London for the GLA elections. But Scottish ministers and the Scotland Office have taken a decision to have one big count.

477. SIR ALISTAIR GRAHAM: We have had a view that on election night, say for Westminster elections, you get this tremendous rush to be the first and to get the results out quickly, do you think people are cutting corners under electoral law to achieve those tight timetables?

478. MR HAWKINS: I could only express a personal view on that. I think in certain cases they must, because of the times that are involved, but that is not something I have been attracted to, trying to be first up with the count. I want to do it quickly and efficiently, but not to be the first.

479. SIR ALISTAIR GRAHAM: It is not part of the culture of Scotland?

480. MR HAWKINS: Certainly not in my part of the world.

481. MR POLLOCK: One of my previous returning officers said, "We'll do it right, we'll not do it fast".

482. DR VALLANCE: What would your view be on whether the Boundary Commission's functions should be transferred to the Electoral Commission? Do you think that would be a function too far?

483. MR HAWKINS: Personally I would not have any difficulty with it. It probably would on employers, but if there was a view -- as I understand it, the Electoral Commission have responsibility for boundaries south of the border, so I do not see any great concern.

484. MR POLLOCK: I think the EU have made the view clear that the UK version still applies to Scotland, even to the point where the various commissions ought not to be merged into at least one, they should be operated separately. They share the same secretariat in Scotland. We have no difficulty on a practical level in dealing with the Boundary Commission and they work well

in that respect, but the whole system is such that it does not then gel together. You have one review taking place at one time, another review taking place at another time. There is a period of a few years when it does not match up, then it starts to match up again in 25 years or so. When an election is there, we have periodic reviews that do not take place at the same time. It might be better to try and pull things together a bit more. I will not be more specific than that but I have no problem with it going to the Commission.

485. DR VALLANCE: Boundary commissions tend not to be the most popular people in the netball team. Do you not think that would give the Electoral Commission a completely different feel?
486. MR HAWKINS: If you are talking about the officers, I think the officers have a good working relationship with the Boundary Commission. Sometimes politicians may not have because they work through particular special boundaries, shall we say. But I can understand why you say that about the Boundary Commission. They are not very popular.
487. DR VALLANCE: You have given some of the benefits about a shared secretariat, which to some extent exist already. What would be the risks, do you think, if this happened, this transfer of responsibility?
488. MR POLLOCK: The possible risk within the Commission itself is to keep the Boundary Commission separate from other activities of the Commission.
489. SIR ALISTAIR GRAHAM: You would need Chinese walls, would you?
490. MR POLLOCK: It seems to operate, I think, in England at the moment. They are better involved than we are in that. So, I can't see it.
491. MS DONAGHY: We have heard quite a bit about people's perceptions of the effectiveness of the current arrangements on boundary reviews, the timeliness and the issue of sensitivity around political party views. What would your view of the current arrangements be?
492. MR HAWKINS: The current arrangements for this specific exercise in 2007 have changed and they are a bit different, they have added in additional periods for councils and political parties to make representation. I do not know whether that is a result of the fact that we are moving towards changing the electoral system, but certainly in the run-up to the Boundary Commission reviews there was a lot more time to prepare than previously.
493. MS DONAGHY: Does that not make the process even longer and more tedious?
494. MR HAWKINS: I do not know if it makes it more tedious, but certainly longer and probably more effective.

495. MS DONAGHY: What about the review process itself? Does the Boundary Commission review need reviewing?
496. MR HENRY: It is okay. It is an administrative thing as far as we are concerned.
497. SIR ALISTAIR GRAHAM: There is a feeling around, and we have commissioned some research which we have not published yet, but there is a view around that we have an unreasonable difference in terms of size of spectrum, in terms of size of constituencies. Is that something that is particularly felt strongly in Scotland?
498. MS DONAGHY: You mentioned one earlier on, did you not? The comparison of over 0.5 million in one constituency and I think 59,000 in another.
499. MR HENRY: No, that was a valuation area.
500. MR HAWKINS: To try to standardise the Scottish parliamentary constituencies.
501. SIR ALISTAIR GRAHAM: Is there a big range at the moment in Scotland?
502. MR POLLOCK: I think sections of them in the Western Isles have not been checked. They are geographically unique. Most of the mainland are probably drifting towards some kind of consensus of size. But the cities obviously -- the central belt of Scotland is slightly different from areas like Dumfries and Highland, where you just do not have the population there. If you did, the constituencies would just become geographically unmanageable. That has always been the pace of thinking in Scotland and I think it still will be.
503. MR HENRY: It could be argued that there has possibly been a bit too much emphasis in the past on parity of numbers. Not necessarily at a parliamentary level but maybe at a local level.
504. MS DONAGHY: At the expense of geographical considerations?
505. MR HENRY: Yes. I mean my area is 2,500 square miles. It is big. Just the physicality of getting round it for a member must be very difficult. We hear about the expenses of MSPs in the central belt for their taxi fares, but I shudder to think what it would be for my local MPs if they went around in a taxi.
506. SIR ALISTAIR GRAHAM: Are there any other questions my colleagues wish to raise? If not, can I thank you very much? It has been very helpful to get someone here in the front line of making the electoral system work in Scotland. I think we have found that extremely helpful and I am very grateful for your frankness in the views you have expressed, because we have asked some awkward questions which perhaps you would have preferred not to answer. So, we very much appreciate the way you have approached this.

507. MR POLLOCK: Can I also just mention the issue of training that the Commission has provided? That has been very much appreciated by the polling staff and the returning officer, which really was non-existent until about 2001, and that has been a welcome development from the association's point of view and practitioners, and I hope will continue to be so.

508. SIR ALISTAIR GRAHAM: I am glad you mentioned that. Thank you very much.

509. MR HAWKINS: The professionalisation of the process, the documentation that we use. Previously, it was a random and out of date. So, that is very much appreciated.

510. SIR ALISTAIR GRAHAM: Thank you for sparing us the time to talk to us. I appreciate it. We will break there until 2.00pm when we start on the political parties.

(lunch break)

511. SIR ALISTAIR GRAHAM: Thank you very much for coming today. We really appreciate that. Are you happy to begin?

512. MR McINNES: Yes, quite happy.

513. SIR ALISTAIR GRAHAM: As you know, we are looking at the work of the Electoral Commission. The commission's mission is to foster public confidence and participation by promoting integrity, involvement and effectiveness in the democratic process. Do you think they have achieved that instruction?

514. MR McINNES: I think the balance between increasing participation and improving the recognitions of integrity within the electoral system has maybe been a bit skewed. I think over the last three or four years there is probably less of a recognition amongst the Scottish electorate about the system itself; postal vote issues are the most obvious example thereof. Participation has continued to fall and at the Scottish parliamentary elections in 2003 we saw a fall from 1999. You could say that 1999 was slightly bigger than normal because it was the first time. We are now seeing the Scottish parliamentary elections being on a similar turnout as local elections traditionally were in Scotland, where they were a bit higher than they were in the rest of the UK.

515. In terms of increasing participation, I do not think that has occurred. I think there have been various efforts to increase participation in a means by which the commission could be seen to be doing something to improve participation. I think the relaxation of laws relating to absent votes released the political parties to do that and all have done that and invested a lot of time in getting as many supporters onto absent votes. Where I think the commission has done a very good job in that is by introducing a code of conduct and ensuring the political parties are sticking to that. I think that is more where I recognise the commission has done good work as far as the political parties are

concerned in terms of regulation.

516. Prior to 2000 we all know the amount of regulations in relation to campaign finance in this country was extremely little, and that has dramatically improved.
517. SIR ALISTAIR GRAHAM: You are really saying that on the regulatory side or on the guidance side, they have done a good job; they have been less successful on the participation side.
518. MR McINNES: Yes, with the people out there. I think they have been successful with the political parties in ensuring that we as political parties stick to rules and are far more transparent in our dealings, which I think are all positive. But in terms of the people outside, perhaps the challenge is too great for any one agency to increase that participation very easily.
519. SIR ALISTAIR GRAHAM: Clearly, in Scotland, you have a number of players responsible for elections: you have the Electoral Commission, you have the Scottish Executive and you have the Scottish Office Department for Constitutional Affairs. Do all these different players operating in this field cause confusion and difficulties?
520. MR McINNES: I do not think they do in the eyes of the people out there. I do not think they are aware. I think for the political parties it is incumbent upon us to recognise who does what. I think one very positive movement is the joint political party panels coming together to discuss things with the Scottish Executive, with the Scottish Office and with the Electoral Commission.
521. That is something the Electoral Commission I think had done very positive in bringing us, often with a common voice, to the people making the decisions.
522. SIR ALISTAIR GRAHAM: It has been put to us that the slightly village approach to life in Scotland, because everybody knows everybody, has meant all these informal arrangements can work despite the formal division of responsibility.
523. MR McINNES: I think so.
524. SIR ALISTAIR GRAHAM: Could I move onto the regulatory side? Clearly, the commission and, obviously, the Committee on Standards made a recommendation which led to this, was primarily set up to regulate party funding and expenditure so that confidence would be restored in the democratic system. Has that been achieved in Scotland?
525. MR McINNES: I think there is a transparency. How many people are aware of that transparency is perhaps a different question. I would suspect if we asked most members of the electorate and if they thought there was a transparency in campaign funding and in donations, they probably would think

not, even though there is. As for the political parties themselves, I think there is an acceptance now within the culture of political parties that secrecy has gone. It is in our interest to be open and I think that is obviously positive.

526. The effect it has on participative democracy on the view of politics in this country I am not quite as sure. I think the tools are there, the mechanisms for people to have confidence are there. Whether they have or not, I am not entirely quite sure.
527. SIR ALISTAIR GRAHAM: As one of the political parties that will have to submit campaign expenditure returns and everything to the commission, would you think of them as a tough regulator or as a bit of a soft touch?
528. MR McINNES: I would think I was completely confident that everything is going to be checked. Over the past two elections, we have seen a toughening in terms of the checking of that process. I think that perhaps at the beginning there was a culture problem. I think it was a cultural problem within all political parties that political parties with the people who are involved at the top, or volunteers. In all political parties, there was a cultural problem immediately because a mass of volunteers, which was a positive thing for democracy, were suddenly faced with lots of new rules and regulations that they had not foreseen when they became involved in those political parties. By their nature, many of the people had been involved for a long time.
529. That was quite difficult for the parties and I think we all found it quite tough at the beginning because we all had volunteers who were used to doing things, despite the training we all carried out, and, of course, we all got the Electoral Commission involved in that training. It has been quite a tough three or four years to ensure that the disciplines were being carried out at that level. However, I think that we all have, and we believe that we would be sanctioned if we did not. Within all political parties I think it is fair to say, before the 2000 PPRA, in terms of election expenses everyone was quite sure that no one was really going to check and it was a huge process they had to go through to really try and check or in any way question election expenses. It just did not happen in this country.
530. I think all political parties would now expect that that process is there and go into the form-filling aspects with the expectation it would be carried out. What we have not seen, I think it is fair to say, is a sort of, "It may be because all the political parties are doing everything in a proper way". We have not seen the Electoral Commission taking on any of the political parties to a great degree other than disclosure.
531. SIR ALISTAIR GRAHAM: It has been put to us that in its approach on regulatory approach that the commission has been reactive rather than proactive. If, for example, you as a party representative, had a matter of concern about another party's approach to expenditure, based on perhaps something you had seen at a local level, would you be confident the commission would pick up your point of concern and initiate some special investigation?

532. MR McINNES: That is a point in the evidence I have submitted. My concern is I am not sure what that procedure would be. I think, especially when political parties are involved in an election campaign, I am not sure what the process is when one individual makes a complaint a candidate or a party. That is something I am very concerned about, because on two occasions now, allegations have been made about a candidate in my party by different candidates.
533. The process is that we find out about that in the next day's newspaper when the person making the allegation has gone to the paper saying, "We have complained to the Electoral Commission about that". Then what happens? We are not entirely sure, so I think there is a need for a procedural follow through when a complaint is made, so that we would have confidence.
534. If you are asking me would I make a complaint to the Electoral Commission, I probably would not unless it was of a sufficient scale that I would think was pretty obvious. Electoral law, as you all know, is full of grey areas. If any issue I had fell into a grey area, I would not have confidence going to the Electoral Commission because I think it would probably be fudged, to a degree.
535. SIR ALISTAIR GRAHAM: We have heard from the Electoral Commission this morning that in fact I think they have one member of their five staff in Scotland, who might concentrate on regulatory issues. All the other regulatory staff are in London. Does it worry you that there is not a strong regulatory skill presence in the commission in Scotland?
536. MR McINNES: Not to any great degree specific to my own party because of our nature. We are an accounting unit for the National Conservative Party, so that link is there and I am confident of those links, so it is not really an issue as to whether the regulator is in Thistle Street or whether they are in London. It is not really an issue for us.
537. SIR ALISTAIR GRAHAM: There is obviously some public debate taking place at the moment about the issue of increased state funding for political parties, which has arisen out of the issue of loans to political parties, which we are not concerned with; it is whether it has had an impact on the awarding of peerages and things like that. Where does the Conservative Party of Scotland come on this issue? Really, one has a choice. One of the things that Sir Hayden Phillips is looking at at the moment is to reduce the cap on donations to political parties and increase the state funding. But in reality, you can approach it another way, which is just to reduce party political expenditure on elections anyway. Where is the Conservative Party of Scotland on this issue?
538. MR McINNES: I think as far as expenditure is concerned, we all work within a market and environment where we all spend money and we all tried to use the best techniques to motivate our electors and get members elected. I think it is difficult to perceive expenditure coming down. We all work in a marketplace where we get outside agencies to do specific tasks. The most expensive of those tasks tend to be things like ad agencies, tend to be

advertising, tend to be in party political broadcasts and whatever and yes, there is a degree to which things can be homespun and costs can be brought down to the grassroots level. It is far more difficult to do that in national expenditure

539. Where we stand on state funding is that we would wish to reduce the amount any individual could give to £50,000 and we would also seek to extend the number of people who are giving. I think something all political parties are very bad at in the UK is relying on individuals, whereas in other countries with democracies there is a far larger pool of people. Obviously, all political parties would aspire to have the greatest number of people contributing to them as possible because of the thing of success. But at the same time, I think we would be concerned about the state funding increasing to too great a degree.
540. SIR ALISTAIR GRAHAM: What is your view on the electorate's view? When the Committee on Standards looked at this five years ago, it felt public opinion was not ready for significant increases in state funding. Do you think public opinion has changed?
541. MR McINNES: No, because I still think they view politics as a dirty business that they would not want to be seen to be funding. And there is always going to be, within the media, examples used of extremist parties who would perhaps receive support and as soon as those bogies are raised, you have an issue where people will then therefore naturally say no.
542. SIR ALISTAIR GRAHAM: Let us presume for the moment that there is an increase in state funding for political parties with the parallel cap on donations. Do you think there will be regulatory consequences for people like the Electoral Commission from such a change in the current arrangements?
543. MR McINNES: There would need to be because I would expect that the taxpayer would expect far greater transparency in how that money was being spent and how political parties were judging that money to be spent. We all spend it in slightly different ways. Yes, I think the regulation would have to increase because we would be clients of the taxpayer to a greater degree than we are now.
544. SIR ALISTAIR GRAHAM: That is an issue we are anxious to explore. Do you think the public would react strongly if their taxpayer money is being used for lots of helicopters to take leaders around, or negative campaigning against, say, individual party leaders, for example? What do you think are some of the boundaries that one would have to look at if there was an increase in state funding?
545. MR McINNES: I think there is always an issue over what the taxpayer or the electorate would view as good or bad, depending on how it is presented. I think most people would expect that the leader of a political party across the UK would have to be travelling across the UK during a three-week campaign. However, when shown the cost of that, they would balk.

546. I do think sometimes priorities of political parties would be different from that of the taxpayer and I suppose that is why we are concerned because the taxpayer would be losing control over that money in terms of how it is being spent because it is almost, "We know better". Political parties would always think they knew better on how to spend that money, whether it be negative campaigning, which we would all say works to a degree and the electorate would say they dislike intensely, but we know some of them respond to it. There is that sort of balance always between them and us, the practitioners and the people paying for it. It is difficult enough within a political party just now, never mind the far wider group of people supporting.
547. SIR ALISTAIR GRAHAM: Let us turn to electoral administration. Do you think the current arrangements of administering the electoral process in Scotland work well?
548. MR McINNES: There is obviously a resource argument around electoral services within many local government authorities that do not have the support that they would wish and that makes life fairly difficult. However, I would say that in every local authority I actually think the chief executives, as they tend to be, do a very good job as returning officers and understand the local circumstances very well. I would be very concerned about the local authorities losing that control over elections within their own area. Working with returning officers across Scotland, I think there is a very professional job done in the local authority. I think they do it very well.
549. SIR ALISTAIR GRAHAM: Is it a consistent job? Does it vary from local authority to local authority area?
550. MR McINNES: I would not say dramatically. I think electoral registration can vary more. In terms of the running elections by a council, for example, we have had four parliamentary by-elections in Scotland since the general election, which put them to the test and all four local authorities have dealt with that very well and adequately.
551. SIR ALISTAIR GRAHAM: You have a fragmented system with a fair number of different bodies involved. Is that a sensible or efficient way of doing things?
552. MR McINNES: I think there always has to be a balance. Going back to a participative role, I think there is an underlying confidence by local people in who runs their election. They know it is the council. I cannot think of any examples where a council or a chief executive acting as returning officer has in any way been questioned on what they are particularly doing. I think the danger for that to change would be that it could affect confidence locally because people would lose that direct link.
553. SIR ALISTAIR GRAHAM: You have elections next May in which you are going to have three electoral systems operating for different elections on one day. Clearly, the Electoral Commission are rather uneasy about that. We have heard from electoral administrators and their association that they made

strong representations to decouple local and Scottish Parliament elections, yet the government ignored all that advice. How do you feel about that?

554. MR McINNES: We were in favour of decoupling as well. It is very unfortunate, I think, for local government in Scotland that we again have the elections on the same day and that campaign will be lost under the Scottish Parliament. As we have seen in England with the county councils now twice on the same day as the general election, we have had a situation where that campaign has been lost in many areas. But that is what we have to work with. The big problem next year is that the elections are the same day and the new system for local government, which the vast majority of the electorate know nothing about and are going to suddenly realise in March that they have a new system.
555. SIR ALISTAIR GRAHAM: Why did the government not accept the advice of not only you but everybody else that they should be decoupled? Why did they insist on going ahead on the same day?
556. MR McINNES: For political reasons.
557. SIR ALISTAIR GRAHAM: For party political reasons?
558. MR McINNES: For party political reasons.
559. SIR ALISTAIR GRAHAM: They thought they would do better under one system.
560. MR McINNES: Yes, because it is an increased time out and because it is the same day as a parliamentary election there would be less revolt.
561. SIR ALISTAIR GRAHAM: In terms of electoral administration, do you think it would be better if the commission had overall responsibility for this? The bill going through parliament gives them some increased responsibility, but do you think there is a stronger case for somebody like ourselves to recommend that they really should have total control of the arrangements in Scotland?
562. MR McINNES: I suppose the issue, as I have already said, is I do not view there as being a huge problem at the moment. Electoral services within local authorities, I would fully admit, are not always funded as well as they might be by any local authority. However, the case is that throughout Scotland, I think, we have had the Scottish parliamentary and the local government elections, albeit it under systems, twice now. The local authority mechanism within Scotland and the local administration of those elections has worked.
563. SIR ALISTAIR GRAHAM: So, you would not be in favour of moving toward a Northern Ireland system which has become much more centralised? They have a chief electoral officer for Northern Ireland administering their system. You do not think that would be a good idea for Scotland?

564. MR McINNES: No, I do not think so. I would be fearful that local decision-making would be lost and local circumstances would not be taken into account as much.
565. SIR ALISTAIR GRAHAM: Has there been an increase of electoral fraud reported in Scotland in recent years, which we have seen in other parts of the country?
566. MR McINNES: There have been accusations of electoral fraud, mostly to do with absent voting in certain areas.
567. SIR ALISTAIR GRAHAM: When you talk about absent, you mean postal voting?
568. MR McINNES: Yes, and proxy voting as well.
569. SIR ALISTAIR GRAHAM: Has there been concrete evidence or is this just speculation?
570. MR McINNES: No, there have been arrests. In Glasgow people have been charged.
571. SIR ALISTAIR GRAHAM: Has the Electoral Commission been robust enough in seeking to prevent this or coming up with proposals to avoid it?
572. MR McINNES: No. There are two things, really. Where inquiries have been made and pursued, it has been individuals comparing to the police, rather than the Electoral Commission, which again goes back to the original questions about how far they are viewed as a regulator as opposed to what it says just now. Secondly, I think the positive has been a code of conduct on postal voting which all the parties have signed up to and I think it has worked well.
573. SIR ALISTAIR GRAHAM: Has that eliminated the possibility of fraud, do you think?
574. MR McINNES: No. It has eliminated any political party who has signed up to that code of conduct pursuing anything which could be construed as fraud, and that is the difference. Individuals will do what individuals do.
575. SIR ALISTAIR GRAHAM: In Northern Ireland, they introduced when you went to vote you had to produce some sort of photographic identification. Do you think that would be relevant in Scotland?
576. MR McINNES: Yes, I think that would be a reasonable way of dealing with impersonation. I think especially in urban seats now where you have a lot of transient voters and you have little local connection now that you used to have 20 or 30 years ago where the person scoring off the names would know most people in the community and could identify cases of impersonation, but that has gone in most of Scotland. I think that is a big concern for us all, because there is always an underlying danger that impersonation could be

being carried out. It may be being carried out; we just do not know. I think that is always at the back of everyone's minds.

577. SIR ALISTAIR GRAHAM: You hinted earlier on that some parts of the electoral administration system were not being properly funded. How serious a problem is that?

578. MR McINNES: I think it can be a serious problem for the political parties. For example, what we tend to find, in terms of electoral registration, where a large number of people apply for absent votes at one time, the process can take a long time to carry out. It can often be difficult for political parties to get information that we are entitled to, whether it be getting information on absent voters; there is inconsistency there between different local authorities.

579. SIR ALISTAIR GRAHAM: That is a funding issue, essentially, is it?

580. MR McINNES: Right. It is because there will be one member of staff dealing with absent votes outside an election period and when information is asked for, it is very difficult for that person to therefore deal with it. It is not going to be a department which is going to be fully staffed all the time.

581. SIR ALISTAIR GRAHAM: Is there a mechanism to bring a local authority to book if, in fact, they are not putting the appropriate resource in?

582. MR McINNES: I think the only way it has been done is in a voluntary way and that has been through working with organisations like SOLAS and the electoral officers within counties and agreeing, as far as possible, a common approach to issues like this. There is a uniformity, but there is never a complete uniformity. I think we saw progress on that in terms of the forms required at election time and a uniformity there, but that uniformity has not been reached entirely yet.

583. SIR ALISTAIR GRAHAM: Under the Electoral Administration Bill going through parliament at the moment, the commission will have powers to set performance standards. Do you think that will address your concerns that you have just been outlining?

584. MR McINNES: I think it will; I think it will give electoral officers a much stronger hand and a budget tied with each council if they are seen to have a statutory instrument upon them to make sure that they perform at a similar standard, so yes, I think it will.

585. SIR ALISTAIR GRAHAM: Could we turn to the issue of electoral registration? How do you feel about the integrity and accuracy of the current electoral register in Scotland?

586. MR McINNES: Again, I think there are many areas of Scotland where it is excellent. I think there is a specific problem in many urban areas where you have a transient population where it is not. That goes back to the issues I came to before, in that in many areas of Scotland there is not, if you like, a community

and where people do not stay for 25 or 30 years in 1 house. Where you have those issues, the present system is open to abuse.

587. SIR ALISTAIR GRAHAM: Would you be in favour of moving to an individual registration system as opposed to a household?
588. MR McINNES: Yes, I think so, because especially in Scotland there has been a huge rise in houses in multiple occupancy where there can be three or four different electors of different names who happen to live in the same property. They have little relationship with each other, so putting upon one individual to take responsibility within that household for registering all those electors is never going to properly work.
589. SIR ALISTAIR GRAHAM: We did hear from an electoral administrator this morning who said that while the theory of individual registration and the power for it is difficult to deny, when you come to the reality, he was quoting figures of 88% return for household registration. That mean you had a more comprehensive register, even if, at the edges, there may be a question mark about its integrity. Which side do you come down on if you have to choose between integrity and comprehensiveness? Which would you prefer?
590. MR McINNES: I think I would prefer and I think the public would prefer integrity, purely because I think it would be better that individuals who wish to could always register themselves if they were not on the register, but we could be confident that those who were on the register were not two years out of date, as happens.
591. SIR ALISTAIR GRAHAM: If you had an individual registration system, what identifiers do you think you should have before you can get onto the register? Some people have suggested your signature and your name and probably a date of birth, others have suggested you need something like a national insurance number which is an independent identifier. What would be your preference?
592. MR McINNES: I think something like the national insurance number is something you can be confident that everyone in the UK has, like a date of birth.
593. SIR ALISTAIR GRAHAM: But there has been some recent speculation in the press that national insurance numbers have been given out to people who were not UK citizens and were not entitled to them. By relying on such a system when you cannot be sure that national insurance numbers are given out correctly, you would be building some potential fraud into the new system.
594. MR McINNES: I think whatever the system is it has to be one where there is some sort of mechanism for people self-identifying. There is never going to be a perfect method of doing that, but I do think that something more than one person in a house registering others, in the 21st century, really has to happen.

595. SIR ALISTAIR GRAHAM: Thank you very much. We would like to move on now to areas like the Boundary Commission. My colleague is going to take you through that.
596. MS DONAGHY: Do you think it is appropriate for the Electoral Commission to take responsibility for future boundary work?
597. MR McINNES: Yes, I probably do, because I think we are now in a stage where technology has moved on to a far greater degree than boundary commissions have had before. I think as long as the safeguards are there, I do not question the independence of the Electoral Commission. I do not think we would question the independence of boundary commissions. Therefore, I do not think interchangeability of that is a big issue as long as the Electoral Commission has the expertise and has the technological support and follows the same process, it is always open to public scrutiny that a boundary commission has, with public inquiries and so on, so that that process can continue to be in a consultative way, which it has to be.
598. MS DONAGHY: Boundary commissioners tend not to be the most popular people, though, do they? Do you think that would affect the nature of the work that the Electoral Commission did?
599. MR McINNES: I think the fact that it is a government agency. The Boundary Commission was appointed in the past by the Secretary of State. I do not think it would be viewed any worse than the present. I think we all grumble. All political parties grumble; we will never get the boundaries that we want. It is quite right that we do not all get the boundaries that we want because maybe sometimes they are not in the best interests of the local areas. I would say that we are never going to be completely content, but I do not see a big issue with the Electoral Commission being the bad man in that case.
600. MS DONAGHY: Do you think there should be a review of the way that the boundaries are reviewed?
601. MR McINNES: I think we should have a system to remove uncertainty where there probably is a more timed process and a procedure by which we can be confident when a review will start and when a review will finish. I think it was very difficult for political parties in Scotland to operate in the run up to 2005 in a situation where we could not be entirely sure that boundaries were going to change before that general election. We had to take a punt on it in the end and assume it was going to happen. It did; all was well. It might not have happened. That is a problem for political parties, not the people out there, but nevertheless, it is an issue and I think a bit more stability within that and a bit more knowledge of when those reviews were going to come into place would be helpful.
602. MS DONAGHY: Your party has presumably had views on the Arbuthnot Report, and we have heard various submissions today. We heard this morning that the report is likely to be placed on the dustiest of dusty shelves, and others have a slightly different point of view that there may be

significant elements of the report that might be implemented. Does your party have a view on the report and about which recommendations it would like to see adopted?

603. MR McINNES: The issue at the moment is that we do have serious problems in terms of voters being aware of the boundaries for the different parliaments. We would have preferred the number of Scottish parliamentarians to be cut so that they would be then in line with the Westminster constituency boundaries. I do not think there is any expectation that there is going to be enormous change to the system in the short term, purely because I do not think there is a will for it and the present flux is going to continue.
604. MS DONAGHY: Going onto voter education issues, you said earlier that your view was that the Electoral Commission pursued its regulatory duties and was not quite so successful on improving participation. Do you think that is a role for the Electoral Commission? Do you think it dissipates its role by (inaudible)?
605. MR McINNES: My personal view is I would prefer it to concentrate on the regulatory role. I think the participative role is a very difficult issue for any government agency to follow. I think the lesson of history is that when the electorate views an election to be close, there will be a higher turnout. I think we have seen lower turnouts recently; we would expect them to come up again. I think those will happen without the Electoral Commission. Where I think the Electoral Commission does have a role is in Scotland over the next year. We are approaching local government elections with a hugely different system than we are used to. I think the electorate at the moment is almost completely unaware of that new system and they will remain so and they will wake up to that new system when it arrives. I think the Electoral Commission has a huge role now to be doing that. I am surprised that when we have known that the system was likely, whether it was decoupled or not, for the last two years, there has not really been the beginnings of a public education campaign to deal with that, most of all to avoid spoilt ballot papers which are going to be a big issue next year.
606. MS DONAGHY: Do you see a specific role for them in widening knowledge about how the STV system is going to work next April?
607. MR McINNES: I think whenever a new system is brought in, you either completely leave it to political parties to do it in their own partisan way or, if there is another body with overarching status, then it should take on some of that educational role. I do not think it is at the moment.
608. MS DONAGHY: Can I just ask you about governance arrangements around the Electoral Commission? Do you think the present governance arrangements achieve what you would hope they would achieve in Scotland?
609. MR McINNES: I think that the present set-up is one that works reasonably well. I do not think the reputation of the Electoral Commission is going to be changed dramatically one way or another by changing its

governance. I think there is a need for stability and the Electoral Commission over the last four or five years has been finding its role and that is only understandable. There needs to be a settling, and that probably would not be helped by changing governance or structures in the commission.

610. MS DONAGHY: There is a Scotland commissioner, but he is not a commissioner for Scotland. He was here this morning. Do you think having that person on the commission is helpful?
611. MR McINNES: Yes, I do, because I respect that particular individual a lot. I do think that there is always going to be a need for a Scottish perspective amongst the commissioners and I think that position is carried out at the moment. That is always going to be a balance between coming back to the commission in Scotland and the political parties in Scotland and ensuring that we are working within the Electoral Commission as well as going and taking Scotland-specific issues to London as well.
612. MS DONAGHY: One of the arguments put about a weakness in the commission has been that there have not been political parties represented on the commission and in that way they have suffered in the credibility of what actually happens on the ground in the practicalities of local and regional elections. Would you say that to some extent that has not been quite such a problem in Scotland because of the relationships that have been built up, or would you say that it is still a structural issue that should be addressed?
613. MR McINNES: I do not think it is a major problem in Scotland. I think there are always going to be issues where the political parties will judge the commission as not understanding how things work on the ground and how political parties work, and that is only natural. I think that can be overcome with the experience of those within the commission and working with political parties. I think the Political Parties Panel has worked very well in that regard in Scotland. As long as that relationship was kept, I do not think there is an enormous gap between what the commission thinks and what actually happens in Scotland, but that has taken time, especially, as I said at the beginning, dealing with volunteers I think was the biggest challenge for the commission in understanding what political parties are made of.
614. MS DONAGHY: Do you think the Electoral Commission is accountable for its work in Scottish? Do you think there is sufficient feeling that it is there, it is transparent and answerable?
615. MR McINNES: No, I would not say there was a feeling it was answerable, but I am not sure that that would just apply to Scotland. It is not a Scottish feeling that they are not accountable to us because they are in London. I am not entirely sure that accountability, just because of the civil service nature of the commission, is something that we would easily be able to figure out.
616. MS DONAGHY: We have heard this morning that although the commission is not accountable to the Scottish Parliament, they might provide a report to the parliament which is a sort of halfway house. Do you think that is

something everybody would like with quite happily here?

617. MR McINNES: I think people could always live with another report from the Electoral Commission.

618. MS DONAGHY: Thank you very much.

619. SIR ALISTAIR GRAHAM: Thank you for coming in. We feel that you have answered our questions very helpfully. Now I think we are going to hear from Dr Derek Barrie from the Scottish Liberal Democratic Party.

620. DR BARRIE: I handed in a statement when I came in; I am sorry it was not earlier.

621. SIR ALISTAIR GRAHAM: We are very happy to take that as read, unless you wanted to read it now. We have number of questions we would like to ask you.

622. The Commission's mission is to foster public confidence and participation by promoting integrity, involvement and effectiveness in the democratic process. Do you think that has been achieved in Scotland?

623. DR BARRIE: Reasonably well, yes. We are particularly lucky in Scotland in having Sir Neil McIntosh as Scottish Commissioner. He is so easy to get on with and always listening to views that are put forward. I have known Neil for a while, because of course he used to do similar consultation in the Scottish Office prior to setting up the Electoral Commission in the elections 10 or 12 years ago, so I have know Neil for a long time. It helps having a commissioner whom you know is very approachable and absolutely no side to him. It works well from that point of view and we have also developed a good working relationship with Andy O'Neill, Ian Kithman(?) and members of the staff.

624. SIR ALISTAIR GRAHAM: If you had to separate out what they had done very well and what they had done less well, what sort of division might be made? We do not always do all things equally well.

625. DR BARRIE: It depends on the remit on particular things, obviously. I think all parties get a bit fed up with seeing this almost petty interference with local party treasurers who are volunteers. Some of them have threatened (inaudible) and things like that for not getting their PPRA returns in on time. There is a bit of ill feeling on that. It is also felt, I think, that they need more power over returning officers, electoral registration officers and similar people.

626. I find that the Scottish Political Parties Panel is an extremely useful organisation. It meets about three times a year with the Electoral Commission and then with the Scotland Office around specific elections. I saw Mark McInnes here. He and I and all our colleagues on that Political Parties Panel agree there is far too much variation in practice amongst returning officers and the electoral registration officers. We know that the Electoral Commission are going to produce a best practice guide for all the people

involved in electoral administration, but on a whole range of things we would like to see that mandatory.

627. We are trying often busily to run an election campaign and we come across different rulings by different returning officers in different parts of the country. If you want an example from the last election, a returning officer, who I am pleased to say is no longer in post, refused to accept a nomination on a form taken from the Electoral Commission's website. He would only take it from the form that he officially gave out. The commission has no comeback on people like that. There are other examples I could give you, but that, I think, is quite a good one.

628. SIR ALISTAIR GRAHAM: I think we are going to come back to that, because it is an issue we would like to explore in a bit of depth. We are conscious in Scotland that you have a number of different players in the electoral process. You have the Scottish Office, you have the parliamentary constitutional affairs, you have the Electoral Commission, you have the Scottish Executive, the Scottish Parliament. Does having such a wide range of players cause any difficulty or confusion or does the "we all know each other in this village of Scotland" get over those difficulties?

629. DR BARRIE: I think that is okay. I do not know the details of the regulations and the rules, et cetera, for the various elections, but there are, I think, occasional hiccoughs when you have Westminster running the Scottish Parliament elections and on the same day you have the Scottish Executive running the local government elections.

630. SIR ALISTAIR GRAHAM: This is next May you are talking about, is it? There was a strong recommendation there by both the Association of Electoral Administrators and I think the commission itself, and a separate commission set up for this purpose, that there should be a decoupling. Why did that not take place?

631. DR BARRIE: Because some of us were totally opposed to it, especially the two parties that run the coalition government in Scottish. They were against it. I think the big, big argument in favour of having them on the same day is it gives the same legitimacy to councillors and councils elected on about 50% or 55% turnout, whereas if you decoupled, then the turnout in the local elections would be far, far lower and there would be far less legitimacy of councillors.

632. SIR ALISTAIR GRAHAM: So turnout was the primary motivator for having it on the same day, was it? You have three different electoral systems operating on that day, have you not?

633. DR BARRIE: Yes, well, the London people seemed to manage, did they not, with the LGA and with the mayoral elections and so on? That did not seem to cause them any problems. There have not been any problems in Northern Ireland other than, I understand, they started off in the first two years using the slogan, "It is as easy as 1, 2, 3" but they had to drop that because people stopped after 3. They did not through five and six and further down the

ballot paper. That was not thought about.

634. From the political parties' point of view, it is less expensive having to fight two elections on the same day than having them decoupled and separate. As you know, all political parties are as poor as church mice.

635. SIR ALISTAIR GRAHAM: The Liberal Democrats and the Labour Party are in the coalition; the other parties were opposed to this operating on the same day, were they?

636. DR BARRIE: The Conservatives certainly were.

637. SIR ALISTAIR GRAHAM: The Scotland Nationals?

638. DR BARRIE: I do not think the Scottish Nationals bother too much one way or the other. The Green Party put up very few local government candidates, so I am not sure what their decision would be.

639. SIR ALISTAIR GRAHAM: Are you worried that because of the confusion around the different systems for different elections that there may be an increase in spoilt papers?

640. DR BARRIE: There may be. I understand there was in the situation in London the first time around and it was not nearly so bad the second time. Yes, there could be some confusion, but there is a proposal forward, which came from the Arbuthnot Committee in the first instance, that instead of having two ballot papers for the Scottish Parliament election, you have one ballot paper and you vote twice on the one ballot paper. I think that will help to simplify it to some extent. I think most of the parties are agreeable with this redesigned ballot paper which I think originally came from a New Zealand example.

641. SIR ALISTAIR GRAHAM: But the Arbuthnot Commission did recommend, did it not, decoupling?

642. DR BARRIE: Yes, I think it did, yes, but that has been turned down, which I am pleased about.

643. SIR ALISTAIR GRAHAM: Did they not put forward convincing arguments, or you just felt you wanted to override them because of the turnout issue?

644. DR BARRIE: That is one of the issues. Also, I think you can get too many elections, certainly nowadays compared when I first became involved in politics 40 years ago. There is a permanent run of elections. There is hardly a year goes by when you do not have an election and if you decoupled the Scottish Parliament and local elections, you would have another year with elections. I think we all get burned out.

645. SIR ALISTAIR GRAHAM: Can we turn to the issue of the regulatory work of the commission? It is primarily set up to regulate party funding and

expenditure so that confidence would be restored in the democratic system. Has that been achieved in Scotland?

646. DR BARRIE: I do not think it was every quite such a problem in Scotland, because the big central donations went to the central parties in London rather than Scotland. They certainly did not come to us. I do know that the Scottish Conservative Party got some very generous funding from Sir Irvine Laidlaw in Scotland, but I do not think it was the same sort of problem in Scotland. I may be totally wrong, because I do not pay too much attention to this, but I do not think any of the people who were accused of the loans in the recent saga came from Scotland. I think it was all elsewhere.
647. SIR ALISTAIR GRAHAM: It has been put to us that the commission, not necessarily in Scotland but perhaps elsewhere, in carrying out its regulatory responsibilities has been reactive rather than proactive. I wondered what your view was. If, in fact, you were aware of some irregularities of another political party in a particular campaign and you went to the Electoral Commission to alert them about these concerns, would you be confident that they would proceed to investigate those concerns?
648. DR BARRIE: Probably, yes, but I doubt if I would go to the Electoral Commission on the grounds of there but for the grace of god. There would probably be something similar. You cannot control 70-odd accounting givens, even in Scotland, and then you think of all the rest in England and Wales. You cannot have central party control of what treasurers get up to, especially as these people are elected, often arms up their back, in order to do the job.
649. I would be confident that the commission would get on and investigate, but I would not be confident that there was not the same sort of thing happening in my party and probably in other parties as well. I think there is a general feeling that too much stress has been paid to local parties as local accounting units, whereas a lot of people I know in the Liberal Democrats had hoped the setting up of the Electoral Commission would do more about big donations, loans, scandals and things like that at national level.
650. SIR ALISTAIR GRAHAM: We have had the recent scandal about large loans to political parties that were not explained to the commission. Clearly, there is some work being done at the moment to explore the possibility of increased state funding, but some people might take the view that if the parties just reduced the amount of money they spent on campaigns, the same sort of problems that we have experienced recently would not arise.
651. DR BARRIE: I think some of the other parties could take a lesson from us. We spend so little; we get very, very good return for our box because we just do not have the money to spend. We spent, in Scotland, on the 70 seats at general election, less than £150,000, plus what was spent in each individual seat, but centrally only £150,000. That is all we could afford.
652. SIR ALISTAIR GRAHAM: What is your view of state funding? Edward Phillips is doing some work. Should we, on the one hand, put a cap on

individual donations and the quid pro quo for that would be an increase in state funding. What is your view about that?

653. DR BARRIE: Yes. We gave evidence; I do not know whether it was your committee or some other committee in the last five years about state funding for political parties. We went very much along that particular line. We think that the PDF, the Policy Development Fund, has worked very well, although, to be fair, we do not think it should be based on the number of MPs at Westminster. We believe that it should be split up and based on number of electoral representatives at Westminster for one chunk of it, the Scottish Parliament for another chunk, Europe for another chunk and Belfast and Cardiff. It should be done that way. That would be much, much fairer. It seems to me very unfair that the Green Party, which has fairly significant parliamentary representation up in Scotland and in Europe should not qualify for PDF money because it does not have an MP.
654. SIR ALISTAIR GRAHAM: What is being here is an increase in state funding, which would go for campaigning work of political parties. This committee did some work five years ago and came to the conclusion the electorate were not ready for such a use of taxpayer money. Do you think they are now ready?
655. DR BARRIE: No, they will probably never be ready; you just have to bite the bullet and do it. But I am in favour of a campaign development fund like the policy development fund, yes.
656. SIR ALISTAIR GRAHAM: Do you think if you were to go down that road, there would be new regulatory requirements arising from that?
657. DR BARRIE: Probably, yes, because no matter how tight you think you make things, there are always people in all political parties who will get around it. Now, to take one example, there are a tremendous number of mailings now going out to target key parliamentary seats. Thousands, if not hundreds of thousands of pounds have been spent on that, and they are going out and they do name the constituency, but they do not name the candidate. They are sent out of central office and therefore that counts as national expenditure rather than local expenditure and we see that as cheating. But you will always get that. You will always get people like me, if you like, who are trying to go beyond the regulations to try and twist them.
658. SIR ALISTAIR GRAHAM: But do you think ordinary taxpayers are going to have a view, for example, if they see campaigning funding provided by taxpayer money funding, say, a highly negative campaign or funding very expensive helicopter rides for party leaders or hairdos or whatever it might be? Do you think they will react strongly about that sort of thing and expect tighter and tighter regulations?
659. DR BARRIE: They might well be suspicious about that, yes, and that is the price you would probably have to pay. On the other hand, it would let parties get on with campaigning, get on with hopefully putting over their positive

policies through much more literature locally and not spend half their time running jumble sales and dinners and raising money.

660. SIR ALISTAIR GRAHAM: But you could make the argument that political parties are voluntary organisations and it is up to the party, if it is attractive, to attract individual members and get them to pay a reasonable donations towards the work of the party.
661. DR BARRIE: Yes, that could well be argued. We used to have somebody who said you had to have sold 25 pairs of knickers at a jumble sale before you qualified to be on the candidate list for local government, to show your commitment. Yes, a lot of time is taken up with that.
662. SIR ALISTAIR GRAHAM: Let us move into the area of electoral administration. Do you think the current arrangements for administering the electoral process in Scotland are effective?
663. DR BARRIE: Yes, it is not too bad for business here, but we have these maverick returning officers in various officers in various parts of the country and even more maverick electoral registration officers. If we could only get consistency, this would be a big step forward. As I said, the commission are putting together a best practice guide. I am sure it will be extremely good, but only if they have the powers to make it mandatory.
664. SIR ALISTAIR GRAHAM: Do you think the arrangements in the Electoral Administration Bill going through parliament at the moment, which would allow the Electoral Commission to set performance standards, will be an effective enough mechanism, or do you think they should have stronger powers of direction?
665. DR BARRIE: I think they should have authoritarian powers of direction when it comes to elections. They should be run efficiently and effectively and exactly the same way in every part of the country. People in political parties spend so much time trying to sort out different views on regulations. On polling day you keep getting phoned up by someone saying, "The presiding officer will not allow us to ask people their names as they are coming into the polling station, only when they are going out of the polling station". Then you get somebody else phoning up and saying the exact opposite. It really is very annoying when you do not have standardised procedures, because we are all wanting to get on to try to win the actual elections.
666. SIR ALISTAIR GRAHAM: Northern Ireland has introduced a rather more centralised system of administering elections, with a chief electoral officer. Do you think that would make sense in Scotland?
667. DR BARRIE: It depends who it was. An awful lot of that is down to the personality of the person involved.
668. SIR ALISTAIR GRAHAM: Let us presume it is somebody of some considerable standing and experience and authority. Do you think that would

be a possible model for Scotland?

669. DR BARRIE: Yes, I would be perfectly happy with somebody like Neil McIntosh or perhaps even Tom Aitchison from Edinburgh City Council, who is the chief returning officer, having that sort of role, yes.

670. SIR ALISTAIR GRAHAM: Has there been a significant increase in reported fraud in elections in recent years?

671. DR BARRIE: Approximately not.

672. SIR ALISTAIR GRAHAM: Our previous witness referred to some problems in Glasgow some time ago.

673. DR BARRIE: Not that I am aware of. Most of the problems in recent years have been regarding postal votes, but that has not been a particularly significant problem in Scotland, although numbers are going up as well, but there have not been the sort of problems there have been in Birmingham and the northwest of England and so on.

674. SIR ALISTAIR GRAHAM: Are you aware of the commission being active in terms of warning about potential fraud in this area?

675. DR BARRIE: No.

676. SIR ALISTAIR GRAHAM: In Northern Ireland they have introduced arrangements whereby you have to show photographic identification before you can vote at the polling station. Do you think that would be sensible to introduce that more widely?

677. DR BARRIE: Only if you had sufficient evidence that this was a serious problem and I do not think that evidence exists at the moment. When you get people who are trying to defraud, as I remember one from about ten years ago, it can be very, very silly. There was somebody went in and tried to impersonate somebody else in a village with a total electoral population of about 200. He was immediately caught, of course.

678. Do you think that the issue that we are talking about in terms of consistency in terms of running the electoral process are to do with funding or just to do with individual differences between different staff?

679. DR BARRIE: It is individual characters.

680. SIR ALISTAIR GRAHAM: It is not a lack of funding?

681. DR BARRIE: No, no, it is a prima donna approach to being a returning officer.

682. SIR ALISTAIR GRAHAM: Let us turn to electoral registration. Do you think that current electoral registration system accurately reflects those

individuals who are eligible to vote?

683. DR BARRIE: No, it does not. There are a lot of people who are not registered, obviously.
684. SIR ALISTAIR GRAHAM: Do you think that the register has a lot of people on it who should not be on it?
685. DR BARRIE: Yes. If you take where I stay, which is in St Andrews in the Northeast Fyfe constituency, in the centre of St Andrews the electoral register is an absolute mess. You get people who have been students five years ago and their name suddenly reappearing on the register. You get students who have lived in three different flats over three years appearing on the register for each of these flats. You get people who register at their front door and they are also registered at their back door. It is particularly a problem in student areas and areas of student flats. I know it is the same in Marchmont.
686. SIR ALISTAIR GRAHAM: Why does the community charge system not pick this up? We heard from electoral administrators earlier that they made amendments to the register as a result of being informed of changes in the community charge. Should that pick up some of that, even if students were in three different flats? They would still pay a community charge, would they not?
687. DR BARRIE: The community charge, yes, but we are now on council tax and students do not pay council tax. If it were from the old community charge, perhaps the register more accurate, but people deliberately did not register because they thought they would have to pay their community charge because they had registered. You still get people who are very suspicious of putting their name on anything.
688. SIR ALISTAIR GRAHAM: Do you think we should move from the current household registration system to an individual registration system?
689. DR BARRIE: Yes. Individual registration where people sign up for it, yes.
690. SIR ALISTAIR GRAHAM: We have heard once again from electoral administrators that they are a bit apprehensive that if you do move to such a system, you will not get the response rate which they say is about 88 percent, that you currently get from the household system.
691. DR BARRIE: How do they know? Have they tried it? Have they had a trial somewhere?
692. SIR ALISTAIR GRAHAM: Well, I think they refer back initially to when there was. It related to the poll tax times, I think, when they did have to have individual registration for that. They clearly are fearful that you would not get the same response rate.

693. DR BARRIE: That is possibly true, but I think you would probably get a more accurate register.
694. SIR ALISTAIR GRAHAM: Of course, the evidence of Northern Ireland, again, is that the numbers on the list went down 10 percent and it took some time then to build the register up.
695. DR BARRIE: I think that would inevitably happen.
696. SIR ALISTAIR GRAHAM: But if you think there is a choice between the integrity of the register and comprehensiveness, you would come down on the integrity side, would you?
697. DR BARRIE: Yes, definitely.
698. SIR ALISTAIR GRAHAM: Why, do you think, when the government has had the opportunity, because there was a House of Lords amendment that would introduce individual registration, and the Electoral Commission was in favour of it and the other political parties are, that the Labour Party used its majority to vote it down?
699. DR BARRIE: I have no idea why, none at all. There is a more general point that the government still seems to have too much influence on proposals that are put forward by the Electoral Commission. I would like to see a system whereby the Electoral Commission perhaps had direct access to parliament, did not have to go through the government and the government was just treated as a political party like all the others. Why appoint the commission if you are not necessarily going to agree to what it proposes after it has carried out fairly comprehensive consultation, particularly with the old postal ballot situation a few years, back.
700. SIR ALISTAIR GRAHAM: But that would give them a constitutional power that no other body has to bring forward and effect legislation to parliament, would it not? It would be a dramatic change in our current arrangements, would it not?
701. DR BARRIE: Yes, but it might be seen by ordinary people to be a very fair way of doing it.
702. SIR ALISTAIR GRAHAM: You would like to draw a distinction between the government playing a role in this area and the Electoral Commission.
703. DR BARRIE: Yes, as a genuinely independent body free from government. Why not?
704. SIR ALISTAIR GRAHAM: Are you not being a bit inconsistent, because your party, as part of the Coalition Government in Scotland, have come to a conclusion, even though you had a commission suggesting decoupling of elections. You took the decision to override that. Are you not playing a rather similar role to what you say the Labour Party is in its

government role?

705. DR BARRIE: If anybody from the commission is here, they will correct me, but I do not think the commission actually took that line.

706. SIR ALISTAIR GRAHAM: No, but there was a separate commission set up, was there not?

707. DR BARRIE: Yes. A total waste of time.

708. SIR ALISTAIR GRAHAM: And I think the Electoral Commission did express some worries about having three systems operating.

709. DR BARRIE: But they did not make that specific recommendation.

710. SIR ALISTAIR GRAHAM: They did not make a formal recommendation. But you still rather acted in rejecting the recommendations of the Arbuthnot Commission, did you not?

711. DR BARRIE: It was also a bit too late; we are a bit far down the road for next year's elections to change them now.

712. SIR ALISTAIR GRAHAM: I think we would like to move on to the Boundary Commission now, and I am going to pass you over to my colleague.

713. MR CLARKE: Just before we go before we go to the Boundary Commission and at the risk of raising your blood pressure a little bit, I note in your opening note that was circulated around that you have said there it would be easier for the elections to be fought effectively if you knew the election officials were acting consistently. This presumably the same issue about, as you said, the mavericks. What would you like the Electoral Commission to do? What do you think that they have not been doing that they should have been doing?

714. DR BARRIE: They must have some sort of authority over these people. If they were reported and there was an investigation and it was found that they had acted against the regulations that are laid down, then they would have to have some sort of say. It would require legislation.

715. MR CLARKE: The difficulty is, of course, that any sanctions can be way down the road. It seems that what you are describing is about that effectiveness and consistency being then and there and reported then and there. I cannot quite see what the Electoral Commission could do then and there at the time.

716. DR BARRIE: Unless the Electoral Commission are to step in and say, "No, you are not doing it right, you must do it this way and if necessary I will suspend you and somebody else can run the election".

717. MR CLARKE: I can couple that point with a very positive point, and I think it is the first time that we have heard it as a section of evidence this morning, where you are very complimentary about the commission and the way that they provided training on request, et cetera. We were pleased to hear that this morning, but is there more work for them to do in that area, particularly with returning officers and administrators, et cetera?
718. DR BARRIE: It seems to me, as an outsider sitting in on the Scottish political parties, that as well as the advice they offer us, they seem to be doing a lot of training for electoral administrators, registration officers and so on.
719. MR CLARKE: And you clearly welcome that.
720. DR BARRIE: They were absolutely, if you the expression, peeling the bark, to begin with. They kept pouring out these consultation documents. You got about one in every fortnight or three weeks and you were given about two months and it did not seem to dawn that you were fight an election sometimes. You had these and quite a few of them were just shelved. It has not been nearly so bad recently, but this might have been improved had there been the ability to appoint people as commissioners who had previous party political experience, because they would know about this situation.
721. MR CLARKE: Maybe we will turn back to that if we can shortly. Can we just come to the Boundary Commission? Can I ask you if you feel it is appropriate for the commission to take responsibility for boundary work in the future?
722. DR BARRIE: I do not see why not. We will not really know until they do it and see how they do it. Of course, there are different boundary commissions just now; there is the national one and there is the Local Government Boundary Commission, which we have had quite a bit to deal with, because they have been drawing up the multi-member wards for the STV council elections.
723. It seems to me to make sense if you have a body like the Electoral Commission well funded from public funds, then it should take over virtually all these sorts of duties with regard to elections. It makes sense.
724. MR CLARKE: Our previous witness, and I think you were sitting in the room at the time, was pretty clear in articulating the need for the timing issue: for there to be a better timing and understood timing for boundary reviews so that you knew where you were at when those reviews were reporting. Do you share those views that that is a difficulty?
725. DR BARRIE: Yes, and you have to have the final decision taken at a time, for example, that allows electoral registration officers to draw up the registers based on new wards or based on new constituency boundaries. We had the problem before the last Westminster election that the registers were based on the old boundaries and not the new ones, because we were quite late

in the cycle before the changes actually went through parliament.

726. MR CLARKE: So that cycle is important in terms of the timing of the report from the Boundary Commission and when they can then be actioned and activated.

727. DR BARRIE: Yes.

728. MR CLARKE: Thank you. Mention has been made of the Arbuthnot Report and perhaps it seems, with the exception of the decoupling issues, where the decision was made, there is a suggestion around, it appears to us, that the rest of it is going to be kicked into the long grass and maybe forgotten about. You maybe share that, from something that you said previously, but would you like to tell us a little more on this?

729. DR BARRIE: I think it is likely to be kicked into the long grass except for the change in ballot paper, which we already have. Apart from that, I think it will go into the long grass. It did say we should continue with the current system for 2007 but might look at it again for 2011. We supported the minority report by Mr John Laurie that they should move to single transferable vote straightaway.

730. MR CLARKE: Is there anything that the Electoral Commission could or should be doing? If that report is going to be disregarded, is there anything in there that can be picked up on by the Electoral Commission?

731. DR BARRIE: If you are saying, as I was saying earlier, that perhaps everything to do with elections should come under an electoral commission, then perhaps they should look into the whole question of electoral systems in this country and report.

732. MR CLARKE: That is helpful, thank you. Can we just touch on the role of the Electoral Commission in respect of voter education? One of their roles is seen as increasing participation. What emphasis should be given to that and to the other roles that they have: regulation, et cetera? Do they have a role; have they been effective so far; what might the implications be for next year with a new system in May of 2007?

733. DR BARRIE: Yes, they have quite a role. There has been some quite good, particularly television, advertising before the last Scottish Parliament elections. I suppose it all revolves around the budget. However much they can budget, then the more effective they will be, the more often they can get adverts onto the television. But I think they made a reasonable start at it.

734. MR CLARKE: Where do you think it should be in their priorities, then, informing the electorate and increasing participation?

735. DR BARRIE: It should be fairly high up in their priority and obviously they should try and pace their advertising so they get the maximum impact nearest to polling day. They should probably be going for newspapers like the

Daily Record and the Sun, as well as television.

736. MR CLARKE: That is specifically what I was going to ask. I do not see anyone here at the moment from the Electoral Commission, but what, in your opinion, should they be doing between now and May 2007?
737. DR BARRIE: They should start by reminding people that they will have the right to vote next year. They should be reminding them that if they want to vote they should be on the register and they should gradually build up. I do not think we have seen yet the mock ups of what they are planning to do, but again at the Scottish Political Parties Panel, they do show us and they do consult as to whether we think this will be effective or not.
738. MR CLARKE: Turning to governance. Again, we touched on it briefly in respect of the Speaker's Committee, but can I ask for your view and for a Scottish view in respect of the current governance arrangements? How effective are they in helping the commission achieve what it has to do for you here in Scotland?
739. DR BARRIE: It is not something I know very much about, to be completely honest. There may be a case for more involvement of the Scottish Parliament and National Assembly in some sort of way along with the Speaker's Committee. Perhaps the presiding officer George Reid should be involved with meeting with the commission. That may be a way of making it broader.
740. MR CLARKE: We have heard evidence previously that, for example, the Speaker's Committee's involvement is either three or four one-hour meetings a year, and that is it in terms of the governance and setting priorities, et cetera. Is that sufficient, should there be more and do you see a better way of doing it? I guess you have given us a pointer there. The Speaker's Committee is unique; is that the right way to have governance?
741. DR BARRIE: I suppose you can do it two ways. You can either bring in people to the Speaker's Committee or you can devolve it. You can have the equivalent of a speaker's committee in the Scottish Parliament or National Assembly and so on and they can have separate meetings with the commission as to priorities for Scotland and Wales. If you are moving towards a (inaudible)-type system, that might be the way to do it.
742. MR CLARKE: I think if I was the chief executive, I would be concerned that I would have one or two paymasters, as it were, and how am I going to satisfy the needs of them all. Again, it is a different option, is it not?
743. DR BARRIE: It is a logical alternative.
744. MR CLARKE: I was going to ask a question, but I guess you have answered it quite forcefully, and I see it is written down here as well. It was about the notion of a Scottish commissioner. We heard this morning that he would not regard himself as the Scottish commissioner: not for, but from,

Scotland. There is a difference there.

745. DR BARRIE: Yes, there is.

746. MR CLARKE: Of course, it seems at the moment that you are happy with the individual; that might not always be the case. Should there be a reserved position of a commissioner from Scotland?

747. DR BARRIE: Yes, I think there always should be a commissioner from Scotland, but as you say, I think from Scotland is probably better than for Scotland. We regard Neil as the Scottish commissioner and that is it.

748. MR CLARKE: He is Scottish, but he does not regard himself as the Scottish commissioner.

749. DR BARRIE: We do see the head of the commission, Sam Younger, quite often in Scotland, too. We see him quite often and we occasionally see other commissioners at various things, but it tends to be Neil that we see all the time.

750. MR CLARKE: Should there be political representation in the commission in any event? At the moment, we have a situation where, if you like, from the professionals, from the business, there are not allowed to be people in there, even working within the commission; there has to be this separation of ten years. So, two things: should there be political representation as commissioners and is there a case to be made for lessening this ten-year moratorium on working within politics?

751. DR BARRIE: No, I think that is okay, but I would like to see some political commissioners: senior people from the three major parties who could bring, I think, an added dimension which is not there at the moment.

752. MR CLARKE: Will that not jeopardise the independence of the commission?

753. DR BARRIE: Not if they are only three out of a very much larger number.

754. MR CLARKE: Thank you, I think that is all.

755. SIR ALISTAIR GRAHAM: Just on that last point, how would you organise it? Would you just get the parties to nominate people or would they have to go through some sort of appointment system?

756. DR BARRIE: There would be some sort of vetting, I suppose, and possibly the parties would be asked to nominate two or three and then the vetting panel would decide which person to select.

757. SIR ALISTAIR GRAHAM: Dr Barrie, thank you very much. We have appreciated the opportunity to talk to you. Thank you for your written statement,

which we will carefully read. We will now break for 15 minutes and meet again at 3.30pm.

(a short break)

758. SIR ALISTAIR GRAHAM: Thank you very much for coming today. We appreciate that. Are you happy to go straight into questions?
759. MRS QUINN: Yes.
760. SIR ALISTAIR GRAHAM: As you know, we are looking at the Electoral Commission and their mission is to foster public confidence and participation by promoting integrity involved in the effectiveness in the democratic process. Do you think they have achieved that in Scotland?
761. MRS QUINN: In the last five years I think there has been a better working relationship now between the Electoral Commission and political parties. I think five years on is probably a good point for reflection and maybe discussing how it has worked and maybe look to what is going to happen in the future.
762. SIR ALISTAIR GRAHAM: If you had to pick, what do you think they have done well and what do you think they have done not as well?
763. MRS QUINN: I think what they have done fairly well is the regulatory role that they have. I think there were a few teething problems at the beginning but I think any legislation that comes in there is going to be teething problems. It is not going to be exact over night. I think what they have done not as well is I do not think there is as much understanding of the way in which political parties work.
764. SIR ALISTAIR GRAHAM: What sort of areas do you think that is in?
765. MRS QUINN: Political parties work with a lot of volunteers so your constituency treasurers are volunteers; your branch treasurers are volunteers. The Labour Party in Scotland, prior to the legislation coming in, had an agreement. We had a kind of voluntary scheme, if you like, for the first Scottish Parliament Elections. I think that was good in terms of your regulatory periods. It was a good training run but I think from that there were some lessons that should have been learned that I do not think were learned. The Electoral Commission have a job to do; they have legislation that they have to follow; they have a statute role that they have to play and I think there were misunderstandings about the way in which political parties worked. It was a bit difficult at the beginning I think for everyone concerned.
766. SIR ALISTAIR GRAHAM: Yes. There are a whole number of different players covering the electoral process in Scotland: you have got the Scottish Office; Scottish Executive; Scottish Parliament; Electoral Commission; Department for Constitutional Affairs. Do all these different bodies playing a

role cause any difficulties in Scotland or, because you are a small society and know each other, you can rub along informally?

767. MRS QUINN: I would not say that there have been serious problems among these various bodies. I think it is part of the kind of devolution settlement. There are certain things that are devolved; there are certain things that are reserved; obviously, the Electoral Commission, its UK legislation. If you are asking me is there a problem about these different bodies, I would say no. But then if you ask maybe the man or woman in the street then they might be a bit confused.
768. SIR ALISTAIR GRAHAM: You did say that there were continuing problems, I think I have got this right, in terms of the regulatory responsibility. You had a bit of a trial run and they lacked an understanding of how political parties worked. Was I fair in that?
769. MRS QUINN: Yes. It was more because of the volunteer element of party members and the kind of positions that they hold, the responsibility and reporting donations and things.
770. SIR ALISTAIR GRAHAM: Now, do you think in fact that they are sufficiently proactive? I mean, for example, if you had a concern about another political party's approach to their campaign expenditure, which has to be audited by the Commission, and you said, "Look, I really think you should initiate some investigation into that" that they would be likely to do that?
771. MRS QUINN: I have never had a circumstance where I have proactively gone to the Electoral Commission and asked them to examine another party's role, or whatever.
772. SIR ALISTAIR GRAHAM: But, do you think a regulator should be proactive if they are given those responsibilities by Parliament? Should they just sit back and wait for the accounts to come in - do an auditing job - ask a few questions?
773. MRS QUINN: No. As I said, I think it is good to reflect and look at maybe some of the weaknesses. One of the areas that I feel some concern for is, and you might expect me to say this, that it would appear that there is not a level playing field for all the political parties in terms of the regulatory role.
774. SIR ALISTAIR GRAHAM: Well, are they tougher on you compared to somebody else, are they?
775. MRS QUINN: Well, obviously as General Secretary to the party I have certain responsibilities and I make sure that those happen. I know there were instances following the 2001 General Election. The Electoral Commission goes through the various election returns. Then they will come in and they will go through various questions that they have for specific constituency candidate returns; and there are situations, like, maybe the forms that have been completed are different. The issue about that for me is: but those are the forms

that the Council gave them. There was no directive that everyone must use a certain set of forms and yet these questions are asked. You respond to those questions and that is it. You do not then get a response back saying, "Well, that is fine. We will accept that form". There does not seem to be a follow up.

776. A lot of the information that I would get would probably be what you would read in newspapers, what you see on television. I think that if the Labour Party did not have its accounts audited properly and did not account for its expenditure then it would be quite proactive. And, I am not saying that we are being treated unfairly because I think it is right and proper that we should have a robust Electoral Commission that is specific to the regulatory role, but I just think that sometimes it is left just hanging in the air there. I know that there are instances that I have read about other political parties in the newspaper and you tend to wonder.

777. SIR ALISTAIR GRAHAM: You would never think of raising any of those issues directly? I mean for example, if you have got some intelligence that one political party had done a deal with a printer that somehow meant that they got their printing done at below the cost price, or something, would you not go to the Commission and say, "Well, I think you should proactively double check that particular situation?"

778. MRS QUINN: Yes, if I was aware of a situation where a political party, or an election agent, was doing things that were out with the processes, then of course I would. What I said at the beginning was I have never done so.

779. SIR ALISTAIR GRAHAM: Yes, I appreciate that. But, what I am trying to get at is have they the capacity to initiate special investigations if the circumstances were to warrant that, or are they too laid back and just wait for the information to come to them? That is the point I am really trying to explore.

780. MRS QUINN: Any investigations that they have carried out with myself, where it is the Labour Party that has been investigated, they have been very proactive. And, in terms of my dealings with the Electoral Commission, I am quite constant in lifting the telephone to Andy O'Neill and speaking to Andy if I have got a concern, or if I am looking for advice. The Electoral Commission in Scotland have the Scottish Parliamentary Panel and it meets on a regular basis. But I would not have confidence in that Panel to raise things because I know there have been things that have been leaked in the past that have ended up in the newspaper. So, to be honest, if I was genuinely concerned about something or I was genuinely looking for a piece of advice, I would telephone Andy, rather than raise that with the Panel.

781. SIR ALISTAIR GRAHAM: Well, that is helpful. Obviously, we have got this issue around the funding of political parties: how transparent political parties have been about loans to political parties, as you will be well aware, has been an issue in the public arena and we have got Sir Hayden Phillips doing some work about: should there be an increase of state funding in return for a cap in individual donations? Does the Labour Party in Scotland have a specific view

about that or do you just lock into the National Party's opinion?

782. MRS QUINN: Well, we are a UK organisation. Obviously, the Labour Party will make a submission to Sir Hayden's review. And, the National Executive Committee of the Labour Party are conducting an internal consultation and, as part of the Scottish Labour Party, will make a contribution to that. There will be Scottish Labour Party members who will make a contribution.
783. SIR ALISTAIR GRAHAM: We have seen that particular document is the basis of the consultation. This is an issue we addressed five years ago as a Committee. Do you think public opinion is ready for substantial increase in State funding of political parties?
784. MRS QUINN: I think public opinion at the moment, because of the recent trades coverage there has been, is very low in terms politics. I think that is a shame in terms of preserving our democracy and trying to get people involved in the political processes.
785. SIR ALISTAIR GRAHAM: Particularly given the Labour Party, via the Labour Government, have initiated Sir Hayden Phillips' Inquiry and discussions between the political parties, is there a bit of a danger that there could be a cosy deal between the political parties about State funding, push it through Parliament and a bit of a backlash from taxpayers?
786. MRS QUINN: I think anything could happen. I genuinely feel that the level at which voters hold politics at the moment is really at an all time low.
787. SIR ALISTAIR GRAHAM: And, you are clearly very worried about that?
788. MRS QUINN: Yes.
789. SIR ALISTAIR GRAHAM: If in fact proposals were to come out, which were implemented for an increase in the State funding for political parties, which extended, as it does not at the moment, into campaign funding, do you think there would be regulatory issues that would arise from that? Because some people you know may take a view, "Well, are we really going to use taxpayers' money to pay for say negative campaigning about individuals or expensive helicopter rides for party leaders?" Whatever it might be. Do you think there would need to be some regulation of such funding?
790. MRS QUINN: I think so, yes. If it was to come into existence I think there would have to be a regulation. Because at the end of the day if there was state funding it would be public money and it should be under the same scrutiny as any other expenditure of public money.
791. SIR ALISTAIR GRAHAM: What sort of regulatory checks do you think there should be and should the Commission do the regulatory checks?

792. MRS QUINN: Well, the Commission currently have the regulatory role at the moment. And, whilst I still think there are things that we can learn from each other, I think we have come a long way. And I think to be honest thinking back reflecting on it, I would hate to have to go through all that again with a different body.
793. SIR ALISTAIR GRAHAM: Yes. So, at least they are a bit beyond first base in terms of regulatory, so they would be the obvious body?
794. MRS QUINN: I would say so.
795. SIR ALISTAIR GRAHAM: Yes. Let us turn to the issue of electoral administration. Do you think the current arrangement administering the electoral process in Scotland works well?
796. MRS QUINN: Obviously the Commission has a role and it issues guidance to Election Returning Officers, EROs, and various local authorities in Scotland. Working with a party, like Scottish Labour, and campaigning and running elections in different areas of Scotland, I have found the level of service that you get from EROs in different areas leaves a lot to be desired. I think there has to be a uniform system and I think that if it is the Electoral Commission that oversees that, I think there has to be a uniform system across Scotland; I think there has to be benchmarks that are set. To use a kind of cliché, at the moment you are basically getting a postcode lottery in terms of the type of service that you get from some EROs. In some cases where I have challenged an ERO in the sense of, "Why does it happen that way here?" the response has been, "Because we have always done that". And I think today, when you are trying to modernise and focus, and particularly get more people involved in the process, I think that kind of response is inappropriate.
797. SIR ALISTAIR GRAHAM: So, you agree with Dr Barry, do you, that there is this inconsistency across Scotland which is rather worrying?
798. MRS QUINN: Very much.
799. SIR ALISTAIR GRAHAM: What would be your worst example of an inconsistency between an electorate's Returning Officer that really got up your nose in terms of upsetting you?
800. MRS QUINN: I hope I am not sounding too upset just now. One inconsistency that I can think of, and the caveat to this is that I am not looking for the Labour Party to be treated differently it is all political parties. It just makes it easier but there are some local authorities who will give you the postal vote list electronically. There are others who will not. They send loads and loads of sheets of paper to you. Why if one can give it to you electronically, they can email a file to you, why can the other not? And I actually think in terms of Council staff costs, for the staff to pull that together, the photocopying of all these sheets of paper, the postage, when they can just email it to you and make it easier. That is very small but that creates a lot of time-consuming work for

political parties, which I do not think is needed.

801. SIR ALISTAIR GRAHAM: That is an interesting example. Do you think under the Electoral Administration Bill, going through Parliament at the moment, the Commission will have power to set standards for Electoral Returning Officers? Do you think that is sufficient or should the Commission have really stronger powers to actually issue a direction to a Returning Officer?
802. MRS QUINN: It is a bit strong I think at this stage. I think the first stage is the Electoral Administration Bill and the legislation will be there, hopefully, that will then give more of a backup. I think there has to be a benchmark. There has to be a certain standard that EROs have to work towards. I think it is a case of let us suck it and see just now and see if that makes an improvement. Really, it will take a lot for some of these EROs to move, I think, into modern times.
803. SIR ALISTAIR GRAHAM: In Northern Ireland they have moved towards a more centralised system of administrating the electoral process, with a Chief Electoral Officer. Do you think Scotland could move in that direction as well? Would it be to their advantage?
804. MRS QUINN: Particularly the Scottish Elections, Tom Aitchison from Edinburgh tends to kind of be the lead person in terms of EROs. Maybe that is the same system. I am not absolutely 100 percent sure of what the system is that is used now. But at the moment Tom Aitchison tends to take a lead role.
805. SIR ALISTAIR GRAHAM: Yes. He tends to be the lead person, does he?
806. MRS QUINN: Yes.
807. SIR ALISTAIR GRAHAM: I do not know the person, but he is clearly of some authority and standing. If you had somebody like that as a Chief Electoral Officer, who had certain powers over returning officers do you think that would be an improved situation on the current one?
808. MRS QUINN: I do not know how that would operate because EROs are employed by each local authority.
809. SIR ALISTAIR GRAHAM: But we have reached their autonomy if standards are going to be set by the Electoral Commission under the Electoral Administration Bill. We are edging towards a rather more centralised system, are we not?
810. MRS QUINN: Yes, and I think if there are certain standards that have to be met then there has to be someone, or something, that oversees that. To be honest with you, I do not have an opinion as to whether it would be someone like Tom Aitchison. For me it is just having a benchmark.

811. SIR ALISTAIR GRAHAM: Given these worries about inconsistency and everything, you are going to have a set of elections next May or something where you are going to have three different systems in operation on the one day, when you had a recommendation from a Commission which said you should separate out the local elections from the Scottish Parliamentary Elections. Are you not just building up problems for yourself and being unfair to the electorate having to operate these different systems on one day?
812. MRS QUINN: Well, it was the Scottish Executive who took that decision. The kind of details that they looked at in terms of how they took that decision, I was not a party to. But I have a serious concern about voter involvement in elections, and if there was evidence that showed that having the two elections on the same day helps voter turnout then I would be all for it. I also do not think that we should underestimate the electorate in any way in understanding the various elections and the systems of election. I think those that are involved in elections are becoming more proactive in how they cast their vote now.
813. SIR ALISTAIR GRAHAM: Do you think there has been a significant increase in electoral fraud in recent years?
814. MRS QUINN: Honestly, I have never seen any. I have worked in elections for a long time, whether it has been as an agent at local government level or at Parliamentary level or, indeed, the kind of agent in Scotland for the regional lists in the Scottish Parliament, but in terms of electoral fraud, apart from impersonation, I have never witnessed any. Maybe I have had my eyes closed.
815. SIR ALISTAIR GRAHAM: It clearly has been an issue in some other parts of the United Kingdom because we have had police investigations and criminal charges brought against individuals. But you are saying, from your experience, it is not a real issue in Scotland?
816. MRS QUINN: Well, I have never experienced it. Obviously I am aware because I read the newspapers but I am not aware of the details. What I do believe in is preserving the democracy. I do believe in integrity of democracy. I know that, in terms of postal votes, the Labour Party has signed up to the kind of code of conduct. Internally within the Labour Party we have a code of conduct. We train our party members in terms of postal votes and I think anyone who is caught in, basically, what I would call cheating, really should be dealt with by the police, by the courts and by various political parties, whoever is involved in it. It is just wrong.
817. SIR ALISTAIR GRAHAM: If we turn to electoral registration, does the current electoral registration system actually reflect those individuals who are eligible to vote? Do you worry, as we hear worries and we have had some work done by academics, about the numbers of people who are on the register who should not be on it and the number of people who are not on the register who should be, who, in fact, are disenfranchised?

818. MRS QUINN: As you know in Scotland just recently, prior to the 2005 General Election, we went through a major boundary review. So, there were a lot of comparisons being made, obviously on the size of the constituencies based on the numbers that are on an electoral register. I think there are issues about the accuracy of the present electoral registers. An example that I came across in a certain area of Glasgow, and there have been a few; from the General Election 2001, part of the boundary review through to the General Election 2005, there were 8,000 electors who dropped off the electoral register. Now, it is probably the case that most of them had moved because it is an area where there are students. But the fact remains that these houses are still there and there are still people living within those houses. Why are these people not on the electoral register?
819. I am particularly pleased about the Electoral Administration Bill that a lot more responsibility and onus is going to be put on EROs to proactively ensure that people are registered. At the moment a letter comes through. If you do not sign it and send it away a couple of times that is where you are off.
820. SIR ALISTAIR GRAHAM: We have evidence during the day in which some of the political party representatives have argued strongly that we should move away from a system of householder registration to an individual system of electoral registration. Do you have views about that?
821. MRS QUINN: I do not have specific views as to what would be best in terms of one or the other. What I do think is important, going back to what I was talking about previously, I think there has to be benchmarks in terms of how proactive an ERO is and how proactive a local authority is in terms of getting people registered. Because I actually think that all the communities in Scotland should be treated the same.
822. SIR ALISTAIR GRAHAM: Under the household system, a form goes to the head of the household, some of those houses you were talking to where you tracked through.
823. MRS QUINN: My husband is the head of my household according to the Electoral registration office.
824. SIR ALISTAIR GRAHAM: The 8,000 people dropped off the register, it is a bit of tough luck if it does not go to you, it goes to somebody else and for whatever reason they shove it in the bin or they just do not deal with it, and the rest of the people in that house are not on the electoral register. That seems in the 21st century to be a bit of a crazy system?
825. MRS QUINN: It is and I think part of it depends on your life choices. In my household, it is a household. When letters come in that are for the household, and in my case it would be my husband's name that would be on it, how you kind of deal with that would be different if you lived in a flat and you're staying with other students. I do not think it could be regarded as the same sort of process.

826. SIR ALISTAIR GRAHAM: But do we not all have the same right to be on a register?
827. MRS QUINN: Absolutely.
828. SIR ALISTAIR GRAHAM: Could we not all get a form to individually fill in and sign and possibly provide some information so that we individually take responsibility for going on the electoral register?
829. MRS QUINN: Obviously I am keen that as many voters as possible are part of the democratic processes that we have. I am just not absolutely sure in terms of what is the best way. My personal experience is, when I was being brought up in my household my mother, who was a widow, was the head of our household. She filled that in for us all and made sure that you were on it. And you used to vote. Had she not done that probably brothers and sisters that I had would probably have never been on the register. So, it is not that I am trying not to answer your question but in terms of what I think would be the best. It just seems that if letters go into a students' flat and there are four or five, I am not sure what the best process would be.
830. SIR ALISTAIR GRAHAM: Yes. What is slightly worrying me is that we have got a situation at the moment with the Electoral Administration Bill where it is still an outstanding issue. The House of Lords has passed an amendment that would introduce electoral administration, based on name and signature. The Electoral Commission have recommended this. All the other political parties have. The only one that is holding up the possibility of individual electoral registration is, in fact, the Labour Party.
831. MRS QUINN: I do not have anything else. I do not want to repeat myself to you.
832. SIR ALISTAIR GRAHAM: So, you do not just have a view about what the best system is?
833. MRS QUINN: No.
834. SIR ALISTAIR GRAHAM: Who do you think should decide who should have the best ...?
835. MRS QUINN: I think the legislation that is going through at the moment there is a lot of debate in various areas of that. I think I would quite like to hear some of the debate around that. At the end of the day it is UK legislation, so that should be the body that takes the final decision on what the legislation is.
836. SIR ALISTAIR GRAHAM: Okay. Thanks very much. I think we would now like to move on to the Boundary Commission and my colleague, Dr Vallance, is going to deal with that.
837. DR VALLANCE: Hello, Mrs Quinn. Yes, can I just ask you the risk of giving everything to the Electoral Commission, whether you see the Boundary

Commission's responsibilities as something that might be taken over by the Electoral Commission with some authority?

838. MRS QUINN: I think that it would be an improvement on what we have at the moment. We have just gone through, as I said, the Parliamentary boundary review. We are currently going through a local government boundary review. The local government Boundary Commission has obviously reacted to the new system of elections for the councils next year. I think that it would, if you like, kind of possibly take away from a lot of the irregularity that you tend to have, where people get upset and there are council wards in different constituencies. I think the Boundary Commission may well be a body if they are looking at it as a whole.

839. DR VALLANCE: Just because it would give some credibility?

840. MRS QUINN: I think so.

841. DR VALLANCE: It would not be a step too far? We have already been talking about the Commission doing quite a lot of things in this area, taking a regulatory role, an educational role and increasing participation and so on and so forth, to take on what is not exactly a popular duty, the boundaries redevelopment. Would that limit its credibility in a way?

842. MRS QUINN: The Boundary Commission is supposed to be independent. The Electoral Commission is an independent body. I think it would probably bring a degree of integration between the various boundary reviews than there is at the moment. I think it would be a reasonable move.

843. DR VALLANCE: What about the actual process of the Boundary Commission? Do you think there is a place now for looking at the process itself?

844. MRS QUINN: I think so. Because I think anything that we do I think it is always good to reflect on it to see what you can change, to see what you can improve. Again, society has moved on and it may be a good time to look at if what we are doing, in terms of the Boundary Commission, is the right way to do it.

845. DR VALLANCE: As the Chairman said, we have had a number of comments from different people today about the Arbuthnot Commission and its views. It had some quite complicated and far-reaching recommendations. What would your view be on Arbuthnot?

846. MRS QUINN: The Scottish Labour Party made a submission to Arbuthnot, and our submission was based on the fact that we did not want to see a decrease in the size of the Scottish Parliament. There was a debate around electoral systems, boundaries, but there was no definitive decision on that. But the main thrust of our submission was about the size. I think, as well, that in terms of a boundary and in terms of what constituents come into it, what electoral ward, I am not actually sure that voters are that concerned as to

whether they go to a councillor, the MSP or their MP. If they have got an issue and they want it raised I do not think they say, "Well, I may be live in this Scottish Parliament constituency but I say to Westminster"

847. DR VALLANCE: I think the feeling has been that maybe there are too many representatives now. It was put to us today, somebody said they had 22 people representing them and that perhaps that is a step too far.
848. MRS QUINN: Well, I think that is just partly because of PR in the Scottish Parliament.
849. DR VALLANCE: But Arbutnot, some of the recommendations have been cast into the outer darkness, the one, for example, about de-coupling. But others are still there or do you feel they are on the backburner or do you feel they are never going to be revived?
850. MRS QUINN: No, I think it is just a matter of time skills. I think the original consultation on the size of the Scottish Parliament was in response to the devolution settlement. I think that there has been a reaction to various stages since we have had the Scottish Parliament. I think they will come back to the electoral system that we use. I definitely think they will come back to it.
851. DR VALLANCE: Thank you. Can I just move on for a minute to voter education issues, which is also obviously a part of the remit of the Commission. Do you feel that the fact that the Commission has, as I say, all of these kind of core requirements made of it, is a bit difficult for them to spin all the plates, as it were? It has been said to us, on a number of occasions now, that the reason perhaps why the Commission does not spend as much time as it is suggested it should on regulatory issues, is that it is spending a lot of time on educational issues, and so on?
852. MRS QUINN: Having just said that I think they should take on responsibility for the boundaries, I think that some times there are things that cross over. In terms of education and the voting awareness, I actually think that in Scotland, since the devolution settlement, I think the education unit that the Scottish Parliament runs is a superb system where school children can visit the Scottish Parliament because it is nearer and start their awareness, if you like, at an earlier age.
853. I also think that there are a number of agencies and community groups, and even statute groups, operating within the various communities in Scotland where people have more of a kind of day-to-day, maybe week-to-week, contact rather than the Electoral Commission which seems to be a kind of far off statute body. I actually think that sometimes it might be better for these kind of groups to have more of a role in terms of voter education because people are more constant and are working less than the various agencies that they may be have.
854. DR VALLANCE: We talked to Heather Blair last week and her suggestion was that there should be, I think she called it "A foundation for democracy" to run this kind of operation. You do not have any views on that?

855. MRS QUINN: The detail of what was said in terms of that I am not 100 percent on that.
856. DR VALLANCE: So, you would not be for establishing another agency, you would be more for using the agencies that already exist?
857. MRS QUINN: I think so. If there is an agency to oversee that was taken away from the Electoral Commission because, as you say, they are spending, these groups. But I have a child and I am involved in the community in various groups and I have relations that are involved with other groups, and I think the confidence in dealing with these kind of groups is far more even there in terms of education.
858. SIR ALISTAIR GRAHAM: But, is the education issue not made more complicated, really, going back to the boundaries issues because you have argued that there should not be any reduction in the number of MSPs when there has been a reduction in the number of Westminster MPs, which means that you have different boundaries, different constituencies for those two electoral purposes which must cause a fair degree of confusion for a lot of people in Scotland, does it not?
859. MRS QUINN: I generally think that if somebody has an issue, and I am talking about your day-to-day constituent rather than maybe a pressure group or a group that you are involved in, a local campaign group or things like that, and they want to go and raise that, I do not think that they wonder if it is a local government matter or if it is a Scottish Parliament matter or if it is a Westminster matter. They want someone in authority that they can raise that issue with.
860. SIR ALISTAIR GRAHAM: I understand that. I am thinking of individual representations. Because we heard from one of the electoral administrators earlier this afternoon in a particular area of Scotland where they have the same local authority boundaries, MSP boundaries, Westminster boundaries and it did make it easier, from the education point of view, in terms of who you should go and see about various matters. If you are going to have this wider and wider difference between Westminster constituencies and MSP constituencies, and possibly local authority boundaries, is that not really going to get you into a dreadful old muddle in Scotland over time?
861. MRS QUINN: I think there is a wider debate growing in Scotland at the moment. There is a wider debate about public services. There is a wider debate about the areas that the health service cover. So, because we are involved in politics we focus very much on the representative boundaries, I think in your day-to-day life there are so many different agencies that cover different areas.
862. SIR ALISTAIR GRAHAM: But, you also made the point earlier on that involvement in politics was at an all time low and you were really desperately worried about it. Do you not think adding these layers of layers of confusion

with different constituencies just makes it even more difficult to generate that involvement?

863. MRS QUINN: I do not think that a change of boundaries would be a major factor in people becoming more involved in politics.

864. SIR ALISTAIR GRAHAM: But it might affect their understanding and understanding is the first base of participation, is it not?

865. MRS QUINN: Yes, but boundaries is a process. I would like people to become involved in politics because they see the merit and the ideals of the various parties.

866. SIR ALISTAIR GRAHAM: Yes, I understand that.

867. DR VALLANCE: Can I just ask you what your views are about the governance arrangements of the Commission? Do you think that the governance arrangements that exist at the moment take full account of Scotland's position?

868. MRS QUINN: Yes, I so. I think the Commission do a reasonable job. As I said previously, I think it is important that the Commission deal with all political parties the same. I think it is important that we have an independent body, specifically with a regulatory role, that gives confidence to political parties and gives confidence to voters.

869. DR VALLANCE: And the fact that it is a UK-wide body is fine and this takes enough account? What about the specific Scottish Commissioner, although not as we understand it, a dedicated Commissioner for Scotland?

870. MRS QUINN: Well, I do not have much contact with the Commissioner from Scotland, in fact I think I have only met him once. I speak to Andy O'Neill and I do not have any problems with that. I have a good working relationship with Andy and I have found him very helpful.

871. DR VALLANCE: On a day-to-day basis?

872. MRS QUINN: On a day-to-day basis in the advice that he gives. Yes.

873. DR VALLANCE: As far as political representation, for example, is concerned, it has been suggested to us by a number of people now that the Commission itself would be strengthened if there were political representation. As you know, this is completely verboten at the moment at all levels. There is even this ten-year rule where you cannot be involved if you have been involved in party politics within ten years. Do you suggest to us that perhaps it might strengthen the Commission to have some party political representation, provided of course one kept that as just a small number, or a smallish number, overall within the Commission? How would you react to that?

874. MRS QUINN: Yes, I would agree. I think that would help some of the teething problems that I talked about earlier. And, although teething problems are very much at the beginning, there are still some issues about an understanding of the way in which political parties work.
875. DR VALLANCE: But you do not think it would destroy the credibility of the Commission in at the moment it prides itself on its independence?
876. MRS QUINN: No. I do not think it would. Because I think if we have a strong robust Commission, even with the political representatives, I think it is creating something that political parties and voters are -- and although I am saying here that I think that the Commission needs to treat all political parties the same, the perception I have is that they do not. Now, maybe that perception is wrong but then maybe if there was a representative on the Commission from my party then maybe they would --
877. DR VALLANCE: How would you do that? Would you do it by appointment or would you have them go through the public appointments process?
878. MRS QUINN: I think it would probably be best asking political parties to nominate who they would want as their representative.
879. DR VALLANCE: So, you would have two types of Commissioner, you would have political and non-political Commissioners?
880. MRS QUINN: I think so. Yes.
881. DR VALLANCE: Thank you. Can I just ask you a little bit about the accountability framework, about the way in which the Commission accounts for its work? Do you think that this is done in a way, which properly takes account of Scotland and of Scotland's particular position here?
882. MRS QUINN: As I understand it at the moment, its relationship is with the Speaker's Committee. I do not think that the Speaker's Committee constitutes an appropriate accountability making it into the Committee. I think it just all appears a bit too secret for me. I think even in relation to Scotland, I do not think there should be something separate because it is UK legislation. I think if it may be reported to, or was scrutinised by, one of the select committees in the House of Commons, I don't know, maybe the Constitutional Affairs because I think they have got responsibility for electoral processes at the moment. I think it would make it a bit more ordered.
883. DR VALLANCE: Certainly, your colleague, Mrs Blair, suggested but that would of course mean that you had a party political balance on the Committee. The argument for the Speaker's Committee is that it is non-party political in that sense.

884. MRS QUINN: But I think it needs to be seen to be transparent. I just think at the moment that it just appears to be a bit too secret and I think it needs to be more open.
885. DR VALLANCE: They do not hold their meetings in public?
886. MRS QUINN: Yes, and I suppose human nature, we're a bit nosey about what goes on and I think it should be a bit more open.
887. DR VALLANCE: Do you think that there would be an advantage in actually having a direct link in some way? Obviously it cannot report to the Scottish Assembly but do you think having some kind of link to the Assembly would be valuable in the Scottish case?
888. MRS QUINN: At the moment my understanding is that the relationship, between the Commission and the Scottish Parliament, is kind of informal between the Commission and the Speaker. I do not really know how that works. I just think it is UK. We talked about confusion and boundaries and things. I think if it is UK legislation then that is straightforward enough for me.
889. DR VALLANCE: It seems all right?
890. MRS QUINN: Yes.
891. DR VALLANCE: Thank you very much.
892. SIR ALISTAIR GRAHAM: Okay. Well, thank you very much. That is all the questions we wanted to raise with you. We are very grateful for the way that you responded and for coming today. It is very much appreciated.
893. MRS QUINN: Okay. Thank you very much for your time.
894. SIR ALISTAIR GRAHAM: Good afternoon, Mr Murrell. Thank you very much for coming. We have a copy of your opening statement. Are you happy to take that as read? We will put it in the record and move into questions.
895. MR MURRELL: Fine, yes.
896. SIR ALISTAIR GRAHAM: Thank you very much for that. The first issue we want to raise with you about the work of the Electoral Commission is that their mission is to foster public confidence and participation by promoting involvement and effectiveness in the democratic process. Do you think they have successfully achieved that?
897. MR MURRELL: I think they have made significant progress. I think one of the major concerns that any party would have operating in UK politics is that for many years nothing was done anywhere and a lot of the activity which the Commission now does is dusting off pieces of legislation and practices that have been lying on shelves for the best part of 50, if not more, years. They have made significant progress and they have taken on certain other aspects of

their work in terms of trying to engage the public in the democratic processes and move that on and take a leadership role. Whereas the legislation did not give them that, they have taken a leadership role in trying to make more members of the public aware of their rights and responsibilities in the democratic process. Five years in, they have made a good start, but obviously now is the period in which we are reviewing its operation over the first five years.

898. SIR ALISTAIR GRAHAM: You think they have done that sort of educational awareness role perhaps more strongly than some other parts of their operation?
899. MR MURRELL: No. The three aspects in terms of their activity - the compliance issues, the public awareness and the modernisation - I think they have taken those three agendas significantly forward. Obviously the compliance issues affect parties quite substantially. The modernisation agenda that they have been pursuing has resulted in fairly substantial changes to legislation practice, the Electoral Administration Bill being the latest phase of that, and obviously their work in promoting political engagements does take a leadership role. It is inspirational to political parties because it is something that we need to get more involved in, to understand the thought processes, and what I find particularly encouraging is that everything they do they research and they produce reports on the effectiveness of what they do. These things for parties are extremely useful and we can learn a lot from the research that the Commission does.
900. SIR ALISTAIR GRAHAM: There are a number of players responsible for the electoral process in Scotland. You have the Scotland Office, the Scottish Executive, the Department for Constitutional Affairs, the Electoral Commission and the Scottish Parliament. From your experience, does this fragmented division of responsibility cause any difficulties?
901. MR MURRELL: I do not think it causes particular difficulties for the parties. I think that it is a process that we are going through of trying to bring electoral systems up to date. Obviously it requires the various stakeholders to be involved, the party panels that the Commission has. At Westminster that involves the Department of Constitutional Affairs, and in Scotland it involves both the Scotland Office and the Scottish Executive, so all the key players, including political parties, tend to be in the same room at least once a quarter. That is no bad thing so that we understand each of the push and pulls of the various components of this. So, I do not think it does, as long as you can get your head round the various pieces of legislation and the mirroring legislation that comes within Scotland. There are not many people that need to do that and I think the Commission office in Scotland does a very good job in briefing parties and keeping everyone, all the stakeholders, involved and up to date with what is happening.
902. SIR ALISTAIR GRAHAM: I would like to turn to the regulatory responsibility because in a sense one of the primary reasons for setting up the Commission was, in fact, to regulate party funding and expenditure to try and

raise confidence in the democratic system. What is your experience of them operating regulatory responsibility?

903. MR MURRELL: I think most of it comes back to the parties and what moral responsibility we take to ensure that we are complying with the legislation. There is only so far that the Commission can take this, but most of the responsibility surely lies on the parties to make sure that we are to our best efforts complying with the legislation. Our practical experience is that we have had to improve our systems. We have had to engage more staff involved in compliance issues with pieces of legislation, so it has had a direct impact on us. We are a medium-sized party in UK terms. I do not think the three main parties at Westminster really had to do terribly much when the legislation first came in in 2001, but all of the parties - ourselves, Plaid Cymru and the Northern Ireland parties - I am quite certain had to overhaul their systems to ensure that they were able to report on issues effectively and report them to the Commission, but also when the statement of accounts came in the following year that our accounting systems were up to scratch and that we could do that as well. I think that it has involved a lot of professionalisation within political parties and that is to be welcomed.
904. SIR ALISTAIR GRAHAM: You say it is down to the parties, but if, in fact, you have evidence brought to you that one of the other parties was not fully complying with the statutory arrangements and you had some concerns that you thought were worthy of investigation, if you contacted the Commission would you be confident they would proactively go and investigate your concerns?
905. MR MURRELL: I would. The issue is obviously a standard of evidence. You cannot go to the Commission with a general, "We think party X is doing this". You have to go with fairly specific allegations, I suppose, and that is probably something the parties are not that keen to do. I suspect that the parties would prefer to keep some things in the cupboard and that all parties perhaps have things that they would not necessarily want coming out.
906. SIR ALISTAIR GRAHAM: Does that slightly suggest it is all a bit cosy and that perhaps the Commission should be more robust in carrying out its regulatory functions because there might be a few skeletons there that would be worth bringing out of the closet?
907. MR MURRELL: If you look at the recent incidence of the loans to parties, I suspect that the only thing that the Commission could have done to try and uncover that more effectively was to go in and get into the various accounting systems of the parties. I think that is probably the only thing else it could have done. It took a very tough approach on the parties in trying to find out about loans and also to ask the parties to sign up to loan --
908. SIR ALISTAIR GRAHAM: Was it not the Scottish Nationalist Party who, in fact, took the initiative to make some complaints relating to the loans to political parties?

909. MR MURRELL: In terms of the previous piece of legislation about loans and peerages, yes, it was.
910. SIR ALISTAIR GRAHAM: So you have raised some complaints about how the system was operating?
911. MR MURRELL: Yes.
912. SIR ALISTAIR GRAHAM: Whom did you make the complaint to? Was it the Electoral Commission?
913. MR MURRELL: No, the police. That is one of the aspects when it comes to the policing role of the legislation that is usually a matter for the Electoral Commission, but then if we have complaints then we should raise these with the police.
914. SIR ALISTAIR GRAHAM: We have had what most people would call a bit of a scandal about loans to political parties. Certainly they were not declared to the Commission. They subsequently came out. As a result of that Sir Hayden Phillips has been asked to investigate whether there is any consensus amongst the political parties about perhaps having a cap on political donations in return for an increase in state funding. What is the SNP approach to that?
915. MR MURRELL: I think that we have taken a fairly consistent view. The Electoral Commission conducted its own review in the summer of 2003. We are in favour of a cap on donations. Our practical experience of the legislation is that it is very difficult for us get donors to give us more than £5,000. I think I put in my statement that we have received only 14 in the 5 years of operation of the Act. I think it has been more of a challenge for us from our fundraising aspect to raise money. It is something that I think bigger parties than us have not experienced, but I think the smaller parties probably are experiencing the same difficulty. I suspect the bigger parties now will. Donors will be much less keen to make donations, obviously, and make loans to parties for significant amounts of money because they see what happens.
916. SIR ALISTAIR GRAHAM: So you think there is going to be a natural cap, never mind about the legislation?
917. MR MURRELL: I think that is what we have found. We have found there is a natural cap, and that is £5,000. Just the circumstances that lead to one donor being able to make a donation bigger than £5,000, perhaps a windfall when they retire or something like that, but as a general rule I have often had discussions with donors at which they say, "I do not want to come out publicly so I will not give any more than the limit".
918. SIR ALISTAIR GRAHAM: What about an increase in state funding? Are you in favour of that?
919. MR MURRELL: We think that before we get to that there also has to be a cap on expenditure of parties because I think one of the other aspects that

requires further reflection is that parties may have outgrown their cash flows, as I put it. Parties are now spending way beyond their means and we think the current limits are too high. For by-elections where £100,000 is now the limit, in the recent Moray by-election we as a party spent about £35,000. The Conservatives, who came second, spent about £91,000 or £92,000 and the Liberal Democrats, who came fourth, I think, spent £43,000. Money does not necessarily win you an election, that is clear, but we were outspent by the Conservatives by a factor of three. When you then look at the Westminster election, you see major parties spending the best part of £20 million and having to borrow most of it to make it happen. I would suggest that parties' limits on what can be spent on an election have to be reduced. We as a party favour a cap on donations and a cap on expenditure before we start to look at what else we could do in terms of state funding.

920. SIR ALISTAIR GRAHAM: Do you think if there were that sort of increased restraint or increased self-discipline across the political parties about expenditure that it would lead to better quality election campaigns?

921. MR MURRELL: I think the challenge for the parties is actually to spend your money wisely. I think that we as a party have gone through rough, tough times in terms of our finances. In the 2003 campaign we probably spent about £600,000 and effectively had to go to our bank to secure an overdraft to pay for most of that. Today our overdraft is much reduced from that. Last year in the Westminster election campaign we spent £200,000, which I think is probably about right for us in a Scottish campaign for a Westminster general election. It is at that level you have to think very hard and long about what you are going to spend your money on. If that was the challenge to parties, then they would not fritter it away on whichever item you wish to pick on, whether it is helicopters or Star Trek outfits or whatever else the parties spent money on last year.

922. SIR ALISTAIR GRAHAM: If, in fact, proposals come out - and it is a bit unclear how that is going to pan out yet - for increased funding of political parties, what is your view about that? Do you think public opinion is ready to use taxpayers' money for that?

923. MR MURRELL: No, it is not. The evidence that the Electoral Commission has gathered will probably not have changed in the years since they last asked the public what they thought. That is the challenge that we have, to find some kind of settlement that gets rid of any perception of major donations buying influence and, at the same time, keeps the political process alive. One of the things that troubles me most is that in Scottish terms we did a calculation back in 2003 that said something like about 30,000 people are members of political parties in Scotland, and those 30,000 people are meant to sustain the voluntary wings of each of the parties and campaign in elections. That is not a lot of people. That is something that we should all think very long about. That number is reducing; that is the bigger fear, that unless we start to get more people involved with political parties - and that may be by engaging and making small donations - getting more people involved in the process, then we are not going to keep democracy thriving in Scotland or in the UK.

924. SIR ALISTAIR GRAHAM: That is a very solid point. Has your party been consulted by Sir Hayden Phillips?
925. MR MURRELL: We have, yes, and we will put in a submission shortly.
926. SIR ALISTAIR GRAHAM: Have you conveyed to him what you told me, that you did not think public opinion was ready?
927. MR MURRELL: I do not think it would be a surprise to him to find that out. I think the point you made earlier to Lesley about the fear that some deal will be done in that corridor of the Commons is probably the biggest problem at the moment. The public need to be got on side in terms of what the final solution is. There are more challenging ways than just handing the parties state funding. There are much more innovative ways of making sure that the parties have to do something for the cash, whether it is a tax break as was included in the 5th report, or small donations equal some kind of match funding. There are much more innovative ways in which we can ensure the political parties are actually having to do something for their money.
928. SIR ALISTAIR GRAHAM: It is still state funding.
929. MR MURRELL: It is still state funding but I think it is much safer to come up with a form of state funding that has maximum barriers from politicians and the public than allow the continuation of where we are now, which is that the whole thing is deteriorating. I suspect that it will not be long before the first party goes bust, and that is not really what the Act was set up for and designed to do. That is one of my concerns at the moment. The way that things are going, I think now that every means of boosting cash flow in the short term are closed off to parties. I think in our experience it took us probably the best part of six months to negotiate a deal with a commercial lender. In the case of the Labour Party I understand what happened was they faced the same challenge as we did, except we decided to go to a bank for the money; they decided to pull it from donors and all these options were closed off to them.
930. SIR ALISTAIR GRAHAM: If there is some increase in the state funding for political parties which moves into the campaigning area, what do you think would or should be the regulatory consequences for that? Because taxpayers may have some strong views about what any funding might be spent on.
931. MR MURRELL: I do not think it is beyond us to come up with areas that could be excluded from state funding. In the example of a helicopter, you could exclude transport from state funding. I think it is a case of saying certain things are not applicable for campaign expenditure. As an example, party staffing is excluded, which puzzles me somewhat. We perhaps bring in temporary staff to boost our campaign muscle and that is currently excluded. It is just a case of excluding things from campaign expenditure.
932. SIR ALISTAIR GRAHAM: You would be happy for the Commission to regulate that, would you, if we got to that stage?

933. MR MURRELL: If we got to that stage, yes.
934. SIR ALISTAIR GRAHAM: Can we move on to the Electoral Administration area. Do you think the current arrangements for administering the electoral process in Scotland are sensible and effective?
935. MR MURRELL: I think it goes back to the same point again about things being dusted off. It is a process and I think there is much more engagement now between the various stakeholders. There is a long way to go. Obviously the Electoral Administration Act, when it becomes an Act, will bring in performance standards. That will help the Commission push that agenda forward and that is to be encouraged. I think the point we make in this written statement from the beginning of this session is that funding of that whole system is the key issue; everything ties back to the fact that local administrators, local election administration in Scotland requires the councils to go and fill in very detailed forms. I think Tom Aitchison, if he has been here today, will tell you the story about claiming for a ball of string. The funding system for returning officers and assessors is weak and that needs to be addressed. That will in itself bring about many improvements in electoral administration.
936. SIR ALISTAIR GRAHAM: Do you worry, like some of the representatives we have heard this afternoon, about a lack of consistency across Scotland?
937. MR MURRELL: I know where that is coming from and I think that again is a gradual process of just working together to try and iron out some of these small glitches. There are no major differences, I think, between the councils in Scotland. These things can be resolved through SOLAS or other bodies within Scotland and just by talking to them. If they are made aware of an issue that is concerning the parties, then they can work together as a body to try and resolve them within their internal systems. I think it is just a case in those situations of picking up the phone. Lesley was saying about the forms. I think most of those are gone now and these are issues of four years ago. They do not really impact now. The issues these days are much more substantial ones because of the massive changes that are occurring. Lesley's point again about the access to the register for postal voters; these issues tend to impact more on parties and these are areas that will have to work together in order to make sure there is a resolution. In Scotland we face the additional challenge over the next ten months of being in a situation where parties do not have access to the new ward boundaries for the Scottish councils and the assessors are racing to get those finalised - the order was put through Parliament - and for them to be legally established by the end of this year and the issuing of the register. Of concern to all of us is the fact that we will not get access at the earliest to that information, and that is a barrier to us campaigning, that our council candidates cannot campaign because we do not know where the ward boundaries are.
938. SIR ALISTAIR GRAHAM: Are you in favour of holding the local elections and the Scottish parliamentary elections on the same day next time?

939. MR MURRELL: No, we are not. We favour decoupling the election but that decision is taken.
940. SIR ALISTAIR GRAHAM: But we have heard the strong arguments put to us that the dominant concern for not decoupling, even though there are recommendations to do so, was to try and guarantee higher turnouts. Given worries that have been expressed this afternoon about low involvement in politics in Scotland - you yourself touched on it in terms of the numbers of people who are active throughout Scotland - was that not a reasonable approach to say let us put an emphasis on turnout even though we have got these three electoral systems in operation on the same day?
941. MR MURRELL: That is our major concern. You now have three electoral systems in one day, one of which is a massive departure for Scotland. That requires separate explanation to electors and it will be a very challenging brief to the people who are advising on the public awareness campaign to explain to them the current consultation of putting two ballots for the Scottish Parliament on one ballot paper. There is that change for people to get their head round; a completely new format of ballot papers for them involving a vote for a party on the left-hand side and a vote for a candidate on the right-hand side; they also have to get their head round voting in an STV election in which they are not placing crosses but placing numbers; and other factors like the fact that we are asking them not to fold their ballot paper because it is going into a scanning machine. There are lots of different factors at play here and I think that decoupling, when you are trying to explain a brand new voting system, would have been a much securer way of engaging the electorate and involving them. I think the more local politics is, then the more engaged people are with it. There was a benefit in coupling the two together. These days, though, I think that when you are faced with such a public awareness challenge the argument is much stronger for decoupling.
942. SIR ALISTAIR GRAHAM: Do you think they were influenced by party political considerations rather than the quality of the democratic process?
943. MR MURRELL: I suspect some of that is involved. One of the other things that is being talked about just now is changing the STV ballot paper to group parties together. Something like that, as an example, is only advantageous to parties who are standing more than one candidate. There is only one party in Scotland in most cases that will be doing that, so you have a situation there. These things have to be challenged in Parliament. They have to be challenged in the public as well, but we need to try and make sure that people are not attempting to get political advantage out of the electoral system because that is a way that people will further disengage from it.
944. SIR ALISTAIR GRAHAM: In Northern Ireland they have moved to the idea of a Chief Electoral Officer and a rather more centralised approach. Do you see any attraction for that in Scotland?
945. MR MURRELL: I think that in time we are probably heading in that direction anyway. As the Commission consumes more powers and

responsibilities, that is probably inevitable. We talked about SOLAS and Tom Aitchison's lead role. Sir Neil McIntosh, the Commissioner for Scotland, was the returning officer for the referendum in 1997. So we have some experience of operating that way and as far as I can tell anyway it seemed to work fine. I think if we are going to head on this agenda of professionalisation, having performance standards for election administrators, then clearly bringing the whole system together does make sense over time.

946. SIR ALISTAIR GRAHAM: Have you seen a significant increase in report of electoral fraud in the past few years?
947. MR MURRELL: No. The same as Lesley, I am not aware of any incidents in Scotland at all, not even impersonation that she seems to be aware of. Obviously the Electoral Administration Bill does put into law the voluntary code which each of the parties signed up to for postal voting. Parties will just get on with the job of explaining the new system and trying to get our volunteers to work to that legislation.
948. SIR ALISTAIR GRAHAM: Turning to electoral registration, do you think that the current electoral registration system produces an accurate register?
949. MR MURRELL: No, and I think some of the work of the Electoral Administration Bill is a very good attempt at trying to standardise forms, trying to standardise the collection of information. Like any data project, it requires constant care and constant attention. Perhaps the annual canvass should not be an annual canvass; maybe it should be a six-monthly canvass. I think that the best way is to actually get round and get to the doors of individual voters.
950. SIR ALISTAIR GRAHAM: We have currently a household registration system. What is the SNP view on that compared to Northern Ireland where they have moved to an individual elector registration system?
951. MR MURRELL: We favour individual registration for reasons of common sense, really. In terms of gathering information, pretty much everything these days is done on an individual basis and it is probably one of the few things that stands out in life where you are registering as a household.
952. SIR ALISTAIR GRAHAM: If we move to that system, do you have any view about identifying? Should it be National Insurance number or is the signature, name and date of birth sufficient?
953. MR MURRELL: I think systems issues perhaps is the reason that the present government have not been as supportive as we would think was common sense in terms of personal registration. Obviously the changes to postal voting, where they are capturing a signature and a date of birth, will require certain systems changes, but doing that for the entire electorate I suspect some of their reluctance is purely just down to the practicalities of making it happen. But that should not stop you. If you are moving towards the CORE system of having an online register for the United Kingdom, then personal identifiers within that is achievable. I think dates of birth and the

signature are two forms. You could allocate everyone an individual number that was not, of course, any suspicion that it might end up being their ID card number. Obviously it is of concern to political parties that the Electoral Commission is kept independent and is seen to be independent, so there needs to be some method by which we can find some personal identifiers. Signature and dates of birth, if they are good enough, if we can test them with the postal voting applications and see if they are robust enough to hold the system together.

954. SIR ALISTAIR GRAHAM: Northern Ireland has introduced photographic identification for when you actually go and vote at a polling booth. Do you have any views about that?

955. MR MURRELL: It is not something that I was aware that they did. Again, I would imagine it would just be an issue of making that happen technically. Really we have to find some kind of personal identifiers that most stakeholders are --

956. SIR ALISTAIR GRAHAM: But we do it for a lot of things here, do we not? We turn up at an Easyjet flight or something or for all sorts of purposes.

957. MR MURRELL: I think photographs takes it on to a different level that you are almost suspecting someone who is coming to the polling station of impersonation or something. I would be more comfortable if it was down to something a bit more individual to you other than your photograph; date of birth, signature perhaps, are more comfortable for people. If we head down a unique identifier route, then people will suspect it is part of their ID card and, therefore, they may be reluctant to register. So, that is probably not a good move. Photographs, again people might worry about what the photograph was being used for. People are more than aware of things that are involved in ID cards, those being photographs and unique number identifiers, so we have to come up with personal identifiers that do not raise any concerns with the public.

958. SIR ALISTAIR GRAHAM: Thank you very much. We would like to move on to the Boundary Commission now. My colleague is going to take you through that.

959. MS DONAGHY: Do you think it is appropriate for the Commission to take responsibility for boundary work?

960. MR MURRELL: I was thinking about this earlier and I was thinking more of the other things that the Commission might be asked to do. Bigger things: performance standards, they might be the CORE keeper; these are massive new functions. They may have to take on state funding of political parties, another massive administrative role for them. I just wonder what the benefit of transferring those functions to the Commission would be. What is wrong with the present system in Scotland that Parliament establishes a review of boundaries and Local Government Boundary Commission and the Boundary Commission for Scotland go about the job of making that happen. I do not see any reason why not, why it should not; I am just trying to think ahead and think,

well, there are all these massive things that the Commission is going to be asked to do. There is no urgency as far as I can see. There is no question that the present system does not operate effectively and independently of political interference. I just question the benefit of bringing it at this stage when other things seem to be more of a challenge to the Commission.

961. MS DONAGHY: Do you think there should be a review of the review process for the boundaries?
962. MR MURRELL: I am not aware that the system in Scotland requires review. It is a well-established system for consulting councils and the public. I do not really see there is an imperative or a demand, in fact, for that change to happen. I just look at it in the round and look at the challenges of introducing CORE as an issue, which are massive in scale. That will provide more benefit for members of the public that they in time will be able to register at the polling station. So, you take your personal identifiers along; you go to a polling station and you register to vote and then you get a vote. These are opportunities in modernisation of electoral systems that we should grasp, but boundaries are something I do not think many members of the public are troubled by. I do not think how they are formed troubles the public either.
963. MS DONAGHY: You were quite complimentary earlier on about voter education and the role of the Commission. Do you think it is an appropriate role for them or do you think there are other areas that they could get involved in?
964. MR MURRELL: I think if they were not doing it, it would trouble me. I know the Labour Party's submission to you was to establish the foundation for democracy and to sort of split the Electoral Commission up and establish a separate body. Returning officers and assessors in Scotland will soon have responsibility for public awareness and getting people to register to vote, so they will have that function. Obviously the Scotland Office and the Scottish Executive have a role as well in Scotland. The Commission play a complimentary role and I am quite comfortable they play quite a good and effective leadership role in drawing probably all these various people together, but also to provide the research. Because I suspect that many other people would not have the resources, would not have the Commission's passion to engage with members of the public; it would just be something they had to do. Whereas the Commission, I think, has taken a great deal of pride in attempting at least to get voter registration up, to which I think they can probably say yes, we have done that, but also to get turnout up as well. These things should be welcomed.
965. MS DONAGHY: I did glance at this when it was tabled. I was not clear whether you have mentioned anything about the Arbuthnot Report. Are the electorate not more likely to be turned off? There are plenty of people looking at all of these issues and yet one of the comments this morning was that this report was likely to be left on the dusty shelves. Does that not affect voter involvement more than just a few posters on buses?

966. MR MURRELL: I recognise what you are saying about Arbutnot and that is a political decision to do that. I think they have lifted out one particular recommendation or at least part of a recommendation, that being to put the two ballots on to one ballot paper for the Scottish Parliament. We as a party think that was an effective suggestion for them to make and in the consultation for that we will come out in favour of putting the two ballots on to one ballot paper. The rest of it, in time some of them may be picked up. It is a thorough piece of research with a large number of recommendations and it is a shame that it has been left to gather dust on a shelf. But it is the political reality. Things have just overtaken it. We see at Westminster where four months ago there was absolutely zero appetite to look at state funding of political parties and now it is the big thing. Some ideas may come back to implementation.

967. MS DONAGHY: Does your party support the main recommendations of the report?

968. MR MURRELL: We welcome some of the recommendations, but I think some of the issues about boundaries we do not find that the public are massively exercised by that. People get their leaflets through the door for their local candidates and we as parties make sure they do not get the leaflet for the wrong ward. As far as the public is concerned, they are getting a personal delivery of material relevant to them and issues of boundary and issues of which elected representative to go to I do not think actually challenge members of the public. They go to the member either of the party they support or they go to whoever has got a surgery advertised in the local library. I do not think the public have issues about engaging with elected representatives at either council or parliamentary level.

969. MS DONAGHY: Can I move on to the governance arrangements? Do you think the current arrangements are effective in helping the Electoral Commission achieve what it is there is to do in Scotland?

970. MR MURRELL: I think so.

971. MS DONAGHY: Is that as much to do with the existence of the Commissioner from Scotland as anything?

972. MR MURRELL: Yes. We are very fortunate in Scotland having Sir Neil as our Commissioner. The summary of recommendations from the 5th report says that through the report they have constantly considered whether special arrangements are needed to meet the differences in Scotland, Wales and Northern Ireland. I think that is something that I hope you will take away from this day, that whatever your final recommendations are you will appreciate that the circumstances here are slightly different. The politics of Scotland and Wales and Northern Ireland have moved on and that is perhaps an area that needs a bit more thought in making sure that the Commission engages better. I think Lesley was saying that she engages with the Scotland office of the Commissioner and certainly I engage with Sir Neil with issues that I think the Commissioners need to discuss or something that I think Sir Neil can help us with. There is perhaps a gap there now that Scottish politics has moved on so

much and the focus has moved away from Westminster to a great extent. There is something more required. I cannot quite put my finger on what it is.

973. MS DONAGHY: Is that to cover the devolution issues?

974. MR MURRELL: I think so, yes. Politics has grown so massively in Scotland that institutions, the Executive, the Scotland Office, have moved on. I would just wonder if there is something now missing in terms of governance of the Commission, that clearly some of the things you are about to ask me about we have very little engagement with as a very small party at Westminster.

975. MS DONAGHY: What about party political representation on the Electoral Commission? Do you think that would add value?

976. MR MURRELL: I favour more the idea of having advisory panels than having political appointees on the Commission. I just cannot see that that would take the Commission forward in any way. You would stop presumably after the three main parties, perhaps one other. There are 373 political parties or something like that. Having just some of them represented on the Commission would then lead to many of the others saying it is not as independent as it pretends to be. It needs to maintain its independence. There are definitely challenges to try and engage more politicians in the work of the Commission and perhaps a way of doing that, we suggest, is having advisory panels, perhaps on specific issues or perhaps a permanent advisory panel made up of politicians from parties.

977. MS DONAGHY: Do you think your view might be coloured by the fact that you would feel that you might be in a race to share a seat on a rotation basis with smaller parties? I am asking that because it is a very strongly held view in the two hearing days that we had in London that there should be party political representation on the Commission and that it should not be ten years' gap between the direct experience and the representation, and that there had been some devaluation of the work of the Commission because they had been slightly naïve about the reality on the ground of the real political activity in party political campaigning.

978. MR MURRELL: Is that not because the parties hid it from them? If you had the same representatives around the same table, then they could equally keep the distance they want. That to me sounds like an agenda to get party representatives appointed as commissioners. I do not think it really helps independence of the Commission. I do not think it would take the process forward. I think what the Commission needs is better access to the reality of what everything means to political parties that the Commission is doing. But you do not need to be a commissioner to do that. You can sit and have panels meet on specific issues about public awareness campaigns and draw in experts from each of the parties. You do not need to be a commissioner to do that. I think I would be very, very cautious about tinkering with the independence of the commissioners within this system.

979. MS DONAGHY: Thank you very much. The final question I have is on the accountability, the reporting system if you like, of the Electoral Commission. At the moment it is done through the Speaker's Committee. I did glance at your statement. You have a very clear view of that not being appropriate in this day and age. Would you like to elaborate a bit on that?
980. MR MURRELL: In the circumstances that we find ourselves in in the UK now the Speaker's Committee is a long, long way away from the reality in Wales or Scotland or Northern Ireland. It is a challenge. I do not really have an answer to it. You cannot establish committees to ensure there is accountability in each of the component parts of the United Kingdom. Likewise, I do not think the Speaker's Committee, or transfer to the Select Committee, really would work for Scottish political parties. It certainly would work at Westminster and that is where the legislation will be amended if it does, so clearly competence lies for this at Westminster. We do not have a solution as to what is better on the Speaker's Committee, but it does not and it cannot work for smaller political parties. It can work for the big three at Westminster but I suspect it cannot work for every other political party.
981. MS DONAGHY: It is the sort of thing that probably does not matter until something goes badly wrong.
982. MR MURRELL: Yes. I think that is the point. Again, Lesley talked about the lack of transparency in the Speaker's Committee and that is certainly an issue. In terms of its operation, what it is doing; can it be questioned; has it done anything over the last five years that people really have a huge bone of contention about? No, they do not. It is a long way away from your voter in your polling station.
983. MS DONAGHY: So you do not have any suggestions to make?
984. MR MURRELL: I think that the last point that we make about the party panels, we do benefit greatly as a party from involvement in those and they have evolved into these meetings of senior party officials. That is perhaps not serving the Commission as well as engagement with politicians or with other components of political parties because we as staff are only one element of a political party. We have also suggested that the Commission might consider panels with each of the parties so that we could pull together councillors and parliamentarians, the voluntary wing of the party as well as staff, to talk about issues.
985. MS DONAGHY: And have slightly different priorities?
986. MR MURRELL: Indeed. Again, that is just something that we can work towards in terms of improving the engagement between political parties and the Commission.
987. MS DONAGHY: Thank you very much.

988. SIR ALISTAIR GRAHAM: Thank you, Mr Murrell, for your very frank and open way and refreshing contribution to the questions we have put to you today. We are very grateful for that. We are grateful for the written evidence that you have given us and we will think very carefully about what you have said. Thank you for spending the time today to come and talk to us.

989. MR MURRELL: Thank you.