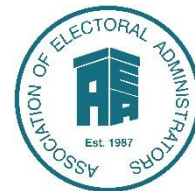


# The Association of Electoral Administrators



## Response to the Scottish Government consultation on Prisoner Voting

**Organisation:** Association of Electoral Administrators (AEA). A joint response from the National AEA and the Scotland and Northern Ireland Branch of the AEA.

**Summary of Organisation:** The Association of Electoral Administrators (AEA) was founded in 1987 and is the professional body representing the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has 1,917 members, the majority of whom are employed by local authorities to provide electoral registration and election services. There are eleven regional branches of the Association covering the United Kingdom one of which is Scotland and Northern Ireland.

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### Consultation Questions:

**Question 1: Do you think that prisoners' right to vote in Scottish Parliament and Local Government elections should be linked to the length of their sentence?**

Yes  No

The Association of Electoral Administrators does not hold a view on this question. It is a matter for Parliament and the devolved administrations

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to determine. AEA members will administer the process according to the legislation in force.

However, on the potential introduction of voting rights for Scottish prisoners we would encourage the Scottish Government to consult fully with all relevant electoral stakeholders on the details of any proposed new legislation.

**Question 2: If your answer to Question 1 is 'no', what would be your preferred approach to extending prisoners' voting rights?**

**Comments:**

See question 1 above.

**Question 3: If your answer to Question 1 is 'yes', what length of sentence would be appropriate as the eligibility threshold for prisoner voting rights?**

**12 months or less  6 months or less  Another duration**

See question 1 above.

**Question 4: If your answer to the above is 'another duration', please specify this here.**

**Comments:**

See question 1 above.

**Question 5: Do you have any comments on the practicalities of prisoner voting?**

**Comments:**

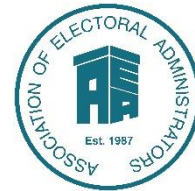
It is a matter for Parliament and the devolved administrations to determine. AEA members will administer the process according to the legislation in force.

However, whatever system is introduced it must be deliverable by the Electoral Registration Officers and Returning Officers (including in cross boundary situations) and ensure the administration of votes to prisoners can be achieved safely, securely and secretly.

We would encourage the Scottish Government to consult fully with all relevant electoral stakeholders including the Scottish Assessors Association (SAA), Association of Electoral Administrators (AEA) and the Electoral Commission on the details of any proposed new legislation. We would advise that the following initial issues are given full consideration:

# The Association of Electoral Administrators

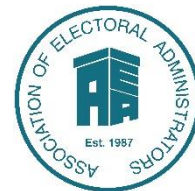
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- The eligibility criteria for prisoners to register, bearing in mind that residence is one of the main criteria for registration. The consultation paper proposes that prisoners would be registered to vote by declaration of local connection to a previous address or local authority and not the location of the prison where they are currently resident.
- Would an attestation by a prison officer be required as part of the registration application to confirm that the prisoner met the criteria set i.e. length of sentence, seriousness of crime etc as outlined in the consultation paper.
- How Scottish voters imprisoned in English prisons would be affected.
- The franchise rights of youths aged 15-17 who are sent to special secure centres as opposed to young people aged 18 who are sent to prisons.
- The method by which prisoners would cast their vote. For example, the consultation paper proposes that postal votes would be sent to the prison address with the postal vote pack being treated as privileged correspondence and therefore prison staff would not be able to open the packs when they enter or leave the prison. Would this method of voting be mandatory and has the appointment of a proxy been considered? Are there any security issues that need to be considered as a result of prison staff not being able to check the contents as with other mail? However, if the setting up of polling stations in prisons were to be considered this would provide logistical difficulties.
- Consideration of postal packs to prisoners with same name within the same prison. Currently a minor issue in a few households, but possible in large prison environments.
- The right to a secret ballot for all prisoners regardless of how they cast their vote.
- The entitlement to a proxy vote without the need for their application to be attested (as is already the case for overseas and services voters).
- An awareness programme to highlight the process in order to ensure prisoners understand how to register and cast their vote.
- How prisoners could access information about the policies of candidates, parties and other campaigners, especially as the consultation paper outlines that prisoners do not have internet access. The consultation paper highlights that registering to vote would have to be on paper due to the lack of internet access and phone registration. Has consideration been given for applications to be received through the prison record system where the information is checked against records already held by the prison service?

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It should also be noted that should prisoner voting rights be introduced this would create significant administrative challenges in administration of elections and implementing specifically for certain election types.

Should any reforms be introduced we ask the Scottish Government to ensure that any changes in legislation relating to elections are made well in advance of the polls in which the changes will take effect.

In the AEA's 2016 post-election report: "[Pushed to the Absolute Limit: 2016 - the electoral year never to forget](#)" we made the following recommendation:

"Except in cases of unforeseen emergencies and proportionate to the need, changes to election law should not be applicable to any elections within a six-month period from the date the legislation comes into effect."

In relation to any proposals to changes relating to electoral registration, a minimum of 12 months should be given to the new provisions(s) coming into force.

**Question 6: Do you have any other comments that have not been captured in the responses you have provided above?**

## **Comments:**

No further comments.

**Peter Stanyon**  
**Chief Executive of the AEA**

**Andy Hunter**  
**Chair of Scotland and**  
**Northern Ireland AEA Branch**

**6 March 2019**