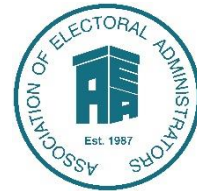


The Association of Electoral Administrators



Response to the Scottish Elections (Franchise and Representation) Bill – Call for Views

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 just under 2,000 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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Call for Views on:

1. Whether the proposed legislation will help to increase participation by extending the franchise and the right to stand as a candidate in the Scottish Parliament and local government elections in Scotland?

The Association is not in a position to comment as voter engagement varies for each type of election and the political environment and topics at the time. However, it is essential that an awareness programme is developed to ensure awareness of the extended franchise and the right to stand as a candidate.

In relation to prisoners a specific awareness programme will be required to highlight the process in order to ensure prisoners understand how to register and cast their vote. Prisoners will also need to be made aware of how they can access information about the policies of candidates, parties and other campaigners, especially as it is our understanding that prisoners do not have internet access.

Without the various awareness programmes, it is unlikely participation will increase to its full potential. In addition, as a result in the change in franchise compared to that at a UK Parliamentary election it is imperative that education and publicity campaigns of the voter franchise for each election type are made available at the time to reduce voter confusion.

2. Extending the electoral franchise for Scottish Parliament and local government elections to citizens of other countries with a legal right to live in the UK and who are resident in Scotland (section 1)

The Association considers that this is a matter for the Scottish Parliament to determine and our members will endeavour to administer the process according to the legislation in force.

3. Allowing all foreign nationals with an indefinite leave to remain in the UK and who are registered as an elector in Scotland to stand as candidates in devolved elections and hold office following those elections (section 2 and 3)

The Association considers that this is a matter for the Scottish Parliament to determine and our members will endeavour to administer the process according to the legislation in force.

4. Extending the franchise in Scottish Parliament and local government elections to convicted persons sentenced to term of 12 months or less (section 4)

The Association of Electoral Administrators does not hold a view on this. The Association considers that this is a matter for the Scottish Parliament to determine and our members will endeavour to 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 Parliament to continue to consult fully and work closely with all relevant electoral stakeholders on the new legislation.

5. The proposal for determining the uninterrupted or notional residence of convicted prisoners in prison (sections 5 and 6)

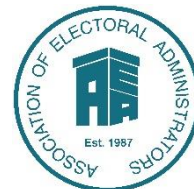
The Association considers that this is a matter for the Scottish Parliament to determine and our members will endeavour to administer the process according to the legislation in force.

6. The proposal that convicted prisoners will only be able to vote by proxy or by postal vote

The setting up of polling stations in prisons would provide logistical difficulties, and therefore proxy or postal vote may be the most appropriate way of voting for convicted prisoners. However, the following will also need to be considered which we highlighted in our previous consultation response:

- It is our understanding from the consultation paper 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. 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?

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- 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.
- Their entitlement to a proxy vote should be without the need for their application to be attested (as is already the case for overseas and service 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 it is our understanding that prisoners do not have internet access.

However, the Association considers that this is a matter for the Scottish Parliament to determine and our members will endeavour to administer the process according to the legislation in force.

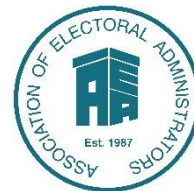
Whatever system is introduced it must be deliverable by the Electoral Registration Officers (EROs) and Returning Officers (ROs) (including in cross boundary situations) and ensure the administration of votes to prisoners can be achieved safely, securely and secretly. We would encourage the Scottish Parliament to continue to consult fully and work closely with all relevant electoral stakeholders including the Scottish Assessors Association (SAA), Association of Electoral Administrators (AEA) and the Electoral Commission on the details of the new legislation.

7. Other information relevant

In relation to prisoners registering to vote will there be a specific registration application form for prisons to complete whereby, they could indicate their eligible criteria. If prisoners were to complete an ordinary 'Invitation to Register application form' or a 'Declaration of Local Connection application form', there would be no way of knowing if they are eligible to register or for the ERO to check eligibility of registration. We believe a new 'Declaration of Local Connection' category for prisoners should be created with a specific application form for prisoners to complete.

The Association is extremely disappointed that additional costs created as a result of the changes outlined in the Scottish Elections (Franchise and Representation) Bill will not be funded. Instead it would appear that local authorities are expected to meet these additional new burden costs from their existing funds at a time of austerity. We would therefore urge the Scottish Government to review the provision of funding for the changes created as a result of the Bill to ensure local authorities and EROs are fully funded. Provision should also be made for the estimated funding outlined to be made available in addition to local authorities and EROs being able to apply for top up funding should the actual costs exceed the estimated costs.

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In addition, sufficient time needs to be allowed for the proposed legislative changes and I am sure you are aware of Ron Gould's key principle that:

"... electoral legislation should not be applied to any election held within six months of the new provision coming into force."¹

Peter Stanyon
Chief Executive of the AEA

Andy Hunter
Chair of Scotland and
Northern Ireland AEA Branch

5 September 2019

¹ [Independent Review of Scottish Parliamentary and Local Government Elections, Ron Gould, 2007](#)