

# The Association of Electoral Administrators



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Dear Isabel,

## **UK Elections Bill: letter to electoral stakeholders**

Thank you for offering us the opportunity to comment on the UK Elections Bill in relation to the provisions applicable to Scottish devolved elections.

We have not looked to comment on the merits of the Elections Bill, but rather focus on the impact divergence between Scotland and UK-wide arrangements will have on the administration of elections and electoral registration.

Our overarching comment relates to the continued complexity different processes for different polls brings to the administration of elections. It would be preferable for processes to be aligned wherever an agreement between UK and Scottish Governments can be reached. This will make the system easier for citizens and officials in Scotland to understand and avoid anomalies between polls, depending upon the contest.

We have also drafted our response on the basis that existing core legislation does not appear to prevent UK Parliamentary General and By-Elections being combined with Scottish local government elections. We are aware that incidence rules have been used to prevent recent combinations, specifically the Scottish Elections (Dates) Act 2016 in respect of the 2021 Scottish Parliamentary and 2022 local government elections, but are advised by the Law Commissions that such rules cannot absolutely prevent the possibility of elections occurring on the same day in the case of an unscheduled UKPGE, by-elections or elections to fill vacancies.

This is an area the Scottish Government will be aware of and may wish to consider in respect of the Elections Bill. We believe a combined poll run on

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two different systems would introduce significant risks to the delivery of safe elections.

We thought it would be helpful to give specific examples of the administrative challenges the Bill will bring Scottish Returning Officers and electoral administrators, particularly in respect of combination.

### **Voter Identification**

The introduction of voter identification for UK Parliamentary General Elections (UKPGEs) means that, without changes to the legislation governing Scottish national and local government polls, the requirements on the voter will vary year-to-year. This is likely to cause confusion to both electors and polling station staff. It would cause further burden to polling station staff at a combined poll where a ballot paper should be issued for one election but could not be provided for the other if the elector has not brought appropriate identification.

Due to the structure of registration and election functions in Scotland compared to the rest of the UK, and particularly England and Wales, we would also urge the Scottish Government to assess the impact of Voter ID cards on Electoral Registration Officers (EROs). There is likely to be a significant impact on whoever is responsible for this function, but question whether this will be more keenly felt in Scotland than by those working within council structures. We would hope the UK Government would take this into account with any decision making.

### **Postal Vote Refresh**

The Elections Bill will require postal voters to reapply every three years for UKPGEs. However, they will only be required to refresh their signature after five years for Scottish national and local government elections.

Unless addressed, this difference would see someone who does not renew their postal vote in line with UKPGE requirements still having a valid absent vote for Scottish polls for another two years. Anomalies like this are likely to cause voter confusion, challenges for electoral management systems (EMS) and potentially disenfranchised electors.

### **Handling of Postal Votes**

The new restrictions relating to the handling of postal votes could bring difficulties where a UKPGE is combined with a Scottish local government election. If a combined postal pack were to be issued, by default there would be restrictions on the number of ballot packs that could be returned for the local government elections as a result of the restrictions introduced for the UKPGE. If separate packs were issued the cost and resource required from Returning Officers (ROs) would automatically be doubled

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and significant and unnecessary complexity added to the opening processes.

## **Proxy Voting**

For Scottish national and local government elections, an elector can act as proxy for an unlimited number of close family members as well as two unrelated voters.

Under provisions in the Elections Bill, this will no longer be the case for UKPGEs with a limit of two domestic electors, potentially rising to four if acting for non-domestic electors too.

Again, this slight difference would make it very difficult for voters to understand which system governs which polls. It would need EMS development and could disenfranchise people, potentially even seeing someone unintentionally voting illegally. Thought would need to be given to how this would be administered at a combined UKPGE and Scottish local government poll.

There are many other measures in the Bill that will impact EROs and ROs in Scotland which we believe the Electoral Management Board for Scotland and the Scottish Assessors Association will comment on. We have focused on key points of divergence, but fully support their more comprehensive responses.

Yours sincerely,



Peter Stanyon  
Chief Executive

The Association of Electoral Administrators (AEA) was founded in 1987 and is the professional and qualifications body representing the interests of electoral administrators in the United Kingdom. It is non-governmental and non-partisan and has just under 2,000 members, the majority of whom are employed by local authorities and valuation joint boards to provide electoral registration and election services. There are eleven regional branches of the Association covering the United Kingdom, including the Scotland and Northern Ireland Branch.

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