

The Association of Electoral Administrators



Response to the Scottish Government's consultation paper on electoral reform

Organisation: The Association of Electoral Administrators (AEA).

Summary of Organisation: Founded in 1987, the AEA is the professional body representing the interests of UK electoral administrators. We are a non-governmental and non-partisan body with over 2,000 members, the majority employed by local authorities to provide electoral registration and election services. Eleven branches of the Association cover the United Kingdom.

14 March 2023

Electoral Reform Consultation

Introduction

The Scottish Government's consultation paper on electoral reform considers possible improvements to electoral law. It sets out a number of areas where the Government has identified issues requiring action.

It includes whether there should be any change for those currently able to vote but not permitted to stand for election, such as 16 and 17-year olds. It highlights a number of possible changes to assist candidates in Local Government elections.

The consultation also sets out proposals on how to increase voter registration and how to improve accessibility in elections, to ensure all people can vote independently and in secret. It considers the small number of people resident in Scotland without voting rights, such as asylum seekers and people detained under mental health legislation. The consultation also looks at options for rearranging scheduled elections in response to exceptional circumstances. And it considers further changes in relation to the Electoral Commission, the EMB and Boundaries Scotland. Finally, it addresses questions arising from the UK Elections Act 2022.

Chapter 1 - Candidates

Expansion of candidacy rights

The consultation paper invites views on the possible extension of candidacy rights to certain groups currently able to vote in Scottish Parliament and Local Government elections who do not have the right to stand for election. It focuses on 16- and 17-year-olds, highlighting potential issues in relation to protection from abuse, working hours and other factors. It also asks about an extension to foreign nationals with limited leave to remain, highlighting possible complications if a person's leave to remain expired during their term of office, and they were unable to extend their leave or switch to a different form of leave.

Question 1: Do you think that 16- and 17-year-olds should be able to stand for election in:

- Both Scottish Parliament and Local Government elections
- Scottish Parliament elections only
- Local Government elections only
- Neither Scottish Parliament nor Local Government elections

Question 2: Do you think that foreign nationals resident in Scotland with limited rights to remain in the UK should be able to stand for election in:

- Both Scottish Parliament and Local Government elections
- Scottish Parliament elections only
- Local Government elections only
- Neither Scottish Parliament nor Local Government elections

Question 3: Do you have any additional comments on candidacy rights for 16- and 17-year-olds, or foreign nationals with limited rights to remain in the UK?

Please provide further comments

We support these proposals. Someone eligible to vote in an election should be able to stand as a candidate.

We believe 16 – 17-year-olds will make their own judgment alongside their closest advisors in respect of the commitment and any conflicts relating to their exams whilst acting as a councillor or MSP.

For foreign nationals with limited rights to remain in the UK, careful consideration needs to be given to the impact of a casual vacancy and associated costs if their leave to remain expires during their term of office.

Disqualification for intimidatory or abusive behaviour

The UK Elections Act 2022 introduced a new penalty for anyone found guilty of intimidating candidates, campaigners or elected representatives. This will mean that a court will be able to disqualify persons convicted of intimidatory or abusive behaviour towards an elected representative or candidate from seeking elected office in reserved elections. This approach seems to be generally welcomed.

If the court thinks it appropriate, a person would be barred from standing as a councillor or member of the Scottish Parliament for a period of 5 years.

Question 4: Do you think that anyone found guilty of an offence involving the harassment or intimidation of politicians, candidates or campaigners should be subject to an additional sanction of losing the right to stand for election for 5 years?

Yes

No

Question 5: If not, would you suggest another electoral sanction or approach?

Please provide further comments

We firmly believe this proposal should be extended to include Returning Officers, Electoral Registration Officers and their staff.

Freepost communications

The consultation discusses the existing right of candidates in Scottish Parliament elections to send every voter an electoral communication by freepost, and whether a similar provision should be established for candidates in Local Government elections. It notes that the burden of funding a free mailing would lie with councils. The consultation paper also notes the substantial increase in costs for free mailings at the 2021 Scottish Parliament election compared to 2016 and highlights one possible option to reduce costs: to restrict the provision to one free mailing to each household rather than to every individual voter. However, some argue that voters are more likely to read electoral communications if they are addressed to them by name, and that some voters could miss out on information if leaflets are sent unaddressed.

Question 6: Do you think that the option of sending a freepost letter or leaflet should be extended to candidates at Scottish Local Government elections?

Yes

No

Question 7: Do you think that the right for candidates to send a free mailing should be limited to one free mailing to each household, rather than to each voter?

Yes

No

Question 8: Do you have any other comments on the issue of candidate mailings to voters?

Please provide further comments

Q6 and Q7 – Although in the interests of raising awareness, we are supportive of this proposal, we are concerned about its practical implementation. If enacted, it must be fully funded by the Scottish Government, not local authorities.

Candidates and parties should be required to liaise directly with the postal service provider, as with UK Parliamentary mailings.

To maintain their independence, Returning Officers should not have any involvement in the process. They should not be expected to give specific advice to candidates or review content.

At a Scottish Parliamentary and UK Parliamentary election, a deposit is required as part of the candidate's nomination. This is in part to ensure candidates are committed to the election.

However, a deposit is not required for local government elections in the UK. While the introduction of a free mailing at local government elections will help inform the electorate, consideration needs to be given to the volume of candidates at a local government election. Conditions would need to be imposed to ensure personal commercial gain is not achieved from the free mailing.

In a digital age, rather than expanding the use of paper with leaflets and letters and their environmental implications, alternative electronic communication methods should also be considered.

Publication of home addresses

In 2020, due to security concerns around candidates and their families, the requirement for candidates in Local Government elections to have their home address on the ballot paper was removed. This has been widely welcomed but concerns have been expressed that a candidate's home address may still become public if a candidate acts as their own election agent, because the election agent must provide a contact address. A publicly available address is required so that any communications including invoices, legal notices etc. can be sent to the candidate via their agent.

The Scottish Government is proposing that candidates who are acting as their own agent will be given the option to provide the Returning Officer with another address to be used for correspondence. This correspondence address will then be made

public in the published notice of election agents' names and addresses. It will not need to be an office address; it could be a workplace address or the address of a friend or relative.

Question 9: Should candidates who are acting as their own agents be able to use a correspondence address for communications?

Yes

No

How a candidate's location is shown on the ballot paper

Currently, if a candidate does not want their home address to be printed on the ballot paper, they have the option of replacing it with the name of the council area in which they live.

It has been suggested that there should be a third option: that a candidate should be allowed to ask for both the name of the ward and the council area in which they live to appear on the ballot paper. This is because it is felt that people would find it helpful to know if candidates live in their local area. Candidates will continue to have the option of either their home address or only the council area being printed on the ballot paper.

Question 10: Currently ballot papers show either the candidate's home address or council area. Do you think that the ballot paper should also show the ward in which the candidate lives, if they request it?

Yes

No

Question 11: Do you have any further comments on the topic of candidate addresses?

Please provide further comments

We agree to the additional option supplying 'the ward and council area in which they live' – this will provide the candidate choice.

We can see the benefits to the electorate but also wish to provide protection to the candidate. Having the three options as outlined provides for both.

Chapter 2 - Voting

Increasing voter registration

Levels of voter registration are significantly lower among some groups, such as young people and foreign nationals. The Electoral Commission, Returning Officers (ROs), and Electoral Registration Officers (EROs) work to increase voter registration, including through conducting an annual canvass of voters, and initiatives like 'Welcome to your Vote week'. This consultation seeks views on what more can be done to increase registration and active participation in elections by under-represented groups.

Question 12: What do you think could be done nationally or locally to improve registration levels, especially among under-represented groups such as younger people and foreign nationals?

Please provide further comments

We support increasing voter registration and participation in elections. There may be good practice from the Welsh government which could inform the consultation.

We suggest looking at the work of the Greater London Authority's Citizenship and Integration Initiative and other similar efforts to increase registration among hard-to-reach groups.

We also believe greater use of national data sources should be legislated for to help identify potential electors. Scottish Government resources should automatically provide relevant information to Electoral Registration Officers so they can invite potential electors to register.

Accessibility of polls and voting by those with disabilities

The UK Elections Act 2022 removed the legislative requirement for a Tactile Voting Device - a device for use by blind and partially sighted people to support them to vote at the polling station - to be available in reserved elections, replacing it with a broader requirement to make it easier for voters with disabilities to vote independently and secretly. This consultation explores how best to approach this in relation to Scottish Parliament and Local Government elections. We are interested in how legislation can be framed to improve accessibility for voters who experience barriers, including how prescriptive it should be on specific solutions, and how it might be futureproofed. Please see the full consultation paper for a more detailed explanation of the proposals.

Question 13: The Scottish Government intends to amend the rule requiring only a specific form of Tactile Voting Device to be provided in polling stations, to allow more flexibility and ensure the accessibility support offered can be adapted to take account of future innovations. It also intends to place a duty on the Electoral Commission to provide guidance that includes minimum standards. Which of the following options would you prefer:

- The current legal requirement for a specific Tactile Voting Device is replaced by a general requirement on Returning Officers to provide appropriate support.
- The current legal requirement for a specific Tactile Voting Device is replaced with a requirement to provide a non-specific form of tactile support.
- No change to current legislation.
- Other

The Elections Act 2022 includes provisions for reserved polls around assisting people with disabilities to vote. It introduces a duty on the Electoral Commission to provide guidance to Returning Officers on the requirement to provide reasonable equipment to assist voters with disabilities in polling stations. Returning Officers must have regard to this guidance, which will support them to make accessibility arrangements for scheduled May 2023 elections and beyond.

The Elections Act removes the requirement to provide a tactile voting device for reserved polls. However, the Electoral Commission's [Guidance for Returning Officers: Assistance with voting for disabled people](#) does make clear Returning Officers should not reduce or remove any equipment that they have provided to support disabled voters at polling stations in their area at previous polls. The guidance also lists what should be provided at all polling stations as a minimum –the tactile voting device is included in this list.

The Scottish Government could consider something similar to the Elections Act as outlined above. This would provide flexibility for the Returning Officer and set a minimum requirement of what must be provided at all polling stations. However, the EC guidance must clearly set out what the minimum requirements are to prevent the risk of the Returning Officer being open to challenge.

If you selected 'other' please specify in the text box

Companions help voters needing additional support when voting in a polling station. Help from a friend, relative or carer can be essential in overcoming issues like navigating the room or understanding a ballot paper. Across all elections in the UK, a companion is only allowed to support two voters per election.

There may be circumstances where this impedes the needs of voters - for example multiple members of one family might need support but have only one relative available. The Scottish Government would like your views on a possible increase in the number of voters a companion can support in Scottish elections, and what level strikes best balance between practical support and concerns over unduly influencing multiple voters.

Question 14: Should the limit to the number of times one companion can support voters in casting their votes:

- Remain at two people per election
- Rise to five people per election.
- Be changed to another number

If you selected 'another number' please specify in the text box

Currently all polling cards are sent out in paper format to voters ahead of an election. The Government is interested in whether consultees think that voters should be able to choose to receive poll cards digitally in the future.

Question 15: Should there be an option in the future to request a digital poll card instead of a paper poll card for Scottish elections?

Yes

No

Rather than making changes so that digital poll cards are issued instead of paper poll cards, we feel it would be beneficial to issue both digital and paper poll cards. At present, there is a reasonable guarantee electors will receive a physical poll card. There also needs to be a similar guarantee that digital cards will get through firewalls, etc. Having mixed delivery methods with some poll cards in paper format and some electronic would also create complexities for the RO. Issuing both paper and digital poll cards would ensure voters are aware of the election and raise greater awareness with two methods of delivery.

Question 16: What more could be done to improve the voting experience for individuals with particular accessibility needs or requirements?

Please provide further comments

Consideration should be given to permitting specified groups to vote in alternative, more accessible formats where a clear need is identified. This could include electronically, by telephone, early voting, visiting officers or similar.

Undue influence of voters

Although it is already an offence to unduly influence an elector, there is general agreement that the current legislation is in need of modernising. The proposal is that we should clarify what constitutes undue influence in order to make the legislation easier to understand and enforce. We will do so by using modern terminology, and by clearly separating out the types of conduct that can cause undue influence.

Question 17: Do you agree that the offence of “undue influence” should be made easier to understand and enforce?

Yes

No

Absent voting

At present, someone who is unexpectedly required to travel for medical treatment, and who therefore will not be able to vote in person on polling day, is entitled to ask if someone else can cast their vote on their behalf. This is known as an emergency proxy. However, due to their age or medical condition, some people need to be accompanied by a companion. Under the current rules, the companion would not be entitled to ask for an emergency proxy.

The Scottish Government is of the view that those who have to accompany someone to a medical appointment should not lose their right to vote, due to no fault of their own. The Scottish Government is therefore proposing that emergency proxies should be made available to the companions of those who are required to travel for medical appointments or treatment at short notice, where that travel would stop them being able to vote at their normal polling place.

Question 18: Do you think that we should extend the right to emergency proxies to the companions of anyone who has to attend an unexpected medical appointment or treatment which would prevent them from voting at their normal voting place?

Yes

No

Acting as a proxy

At a devolved election in Scotland, an individual cannot vote as proxy on behalf of more than two voters unless they are the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the voter. The intention of this restriction is to avoid a single person being in the position of being able to vote as a proxy for a large number of people

The UK Elections Act has limited the number of voters a person may act as a proxy to four people. This applies in UK Parliamentary elections and elections in England. Of these four people, no more than two can be voters who are normally resident in the UK. They have also removed the exemption for acting as a proxy for close relatives. In practice, this means someone can be a proxy for up to two UK-based voters, or up to four overseas voters.

The Scottish Government does not see any reason for making any change to the existing position in Scotland. We are not aware of any concerns in Scotland that individuals are acting as proxy for significant numbers of close relatives.

Question 19: Do you have any comments on changes to proxy voting in Scottish Parliament or Local Government elections?

Please provide further comments

While devolution allows for divergence, consideration of the voter and proxy should be given to reduce confusion between different election rules.

Changes in the Elections Act mean, at a UK Parliamentary election, a proxy can only act for two UK based voters, as close relative provision has been removed. Maintaining the current position for Scottish Parliamentary and Local Government elections will bring further divergence and create administrative challenges for the ERO and RO. It may also unintentionally disenfranchise voters at a UK Parliamentary poll.

Postal ballot packs

Anyone who has a postal ballot can return the completed postal ballot pack to the Returning Officer by post, or they can hand it in to a polling station either in person or by asking someone to hand it in on their behalf. There is currently no restriction on the number of postal ballot packs which any individual can hand in to a polling station. The UK Government is proposing to restrict the number of postal ballot packs which can be handed into a polling station by an individual. The Elections Act 2022 has also made it an offence for political campaigners to handle postal voting documents unless it forms part of their employment, or they are doing so on behalf of a family member.

The Scottish Government is of the view that the personal identifier checks are sufficient to confirm that a postal ballot has been completed by the correct voter. We are therefore not proposing to place any restrictions on the number of ballot papers which an individual may hand in at a polling station at devolved Scottish elections or introduce any restrictions on the handling of postal votes by political campaigners.

Question 20: Do you have any comments on the handing in of postal ballots?

Please provide further comments

Consideration should be given to why the UK Government has introduced restrictions on handing in postal votes and the handling of postal votes by political campaigners.

As an Association, we welcome the restrictions on the handling of postal votes by political campaigners as outlined in the Elections Act 2022. However, we have concerns about the handing in of postal votes and the practicalities around introducing a limit on the number that can be handed in.

We also believe consideration should be given to applying restrictions on political campaigners handling applications for absent votes.

Voting rights

Voting rights in Scottish Parliament and Local Government elections have already been extended to most people aged 16 or above living in Scotland.

The Scottish Government is seeking views on whether certain persons detained in hospital on mental health grounds related to criminal justice should continue to be denied voting rights in Scottish Parliament and local government elections. Such people might be detained following conviction for a criminal offence where they have been found to not be criminally responsible as a result of a mental disorder, others people may have been found unfit to stand trial.

Excluding short term visitors such as tourists, asylum seekers are now the main group of foreign nationals aged 16 or over living in Scotland without voting rights. The Scottish Government and Scottish Green Party - Shared Policy Programme (2021) expressed a shared ambition to extend voting to asylum seekers living in Scotland, but recognised “*the difficulty in achieving that within the current asylum system which would require UK Government cooperation.*”

Question 21: Should voting rights in Scottish Parliament and Local Government elections be extended to some or all persons detained on mental health grounds related to criminal justice?

Yes

No

Question 22. Do you have any additional comments on voting rights for persons detained on mental health grounds related to criminal justice?

Please provide further comments

We support the exploration of extending voting rights as outlined.

Question 23: Should voting rights in Scottish Parliament and Local Government elections be extended to all people seeking asylum in Scotland?

Yes

No

People seeking asylum in Scotland should not be granted voting rights as they may not be granted asylum.

UK Elections Act implications

The UK Elections Act 2022 made a wide range of changes to elections to the UK Parliament. This includes a requirement for voters to prove their identity in voting, changes to postal voting and changes in relation to people living overseas.

While the Scottish Government has no intention to introduce ID requirements for devolved Scottish elections, it is concerned that the new voter ID requirements for UK Parliament elections will confuse voters and raise barriers to voting in Scottish devolved elections. Confusion could arise when a voter is required to have ID for a UK Parliament election but not for devolved Scottish elections, including by-elections held on the same day.

On postal voting, the Elections Act 2022 means that voters will no longer be able to make one application for a postal vote in all elections. They will instead have to apply every 3 years for a postal vote for UK Parliament elections and refresh their signature every 5 years for devolved elections. The consultation paper goes into further detail on the impact for voters and electoral administrators where procedures for devolved and reserved elections will differ.

Question 24: What issues do you think that the changes in the Elections Act 2022 to introduce voter ID and change postal vote renewals raise for elections held in Scotland?

The divergence in rules between UK Parliament and Scottish devolved elections around voter ID and postal votes has the real potential to create confusion for voters and challenges for Electoral Registration Officers and Returning Officers. Consistency has many benefits for all stakeholders – including electors. Any electoral reform legislation in Scotland should consider elements of consistency with UK-wide election rules where possible.

To reduce further confusion and complexity, it is important steps are taken to prevent a UK Parliamentary and Scottish devolved combined poll (including by-elections) being held on the same day.

Voter ID – as outlined in the consultation, new voter ID requirements for UK Parliamentary elections have the potential to confuse voters and raise barriers to voting in Scottish devolved elections.

Change in postal vote renewals - we believe the renewal time of five years should be reduced to three years in Scotland, allowing devolved polls to follow the same timescale as reserved polls. This should limit voter confusion and reduce administrative burden on Electoral Registration Officers.

However, the Elections Act has introduced further complexities – namely the distinction between reapply and refresh; the requirement to provide a national insurance number when reapplying for reserved polls; and the decision to offer online postal vote applications for reserved polls.

There are numerous other questions that need to be answered on the challenges electors and administrators now face with divergent processes.

Question 25: Should there be a presumption against a Scottish devolved election being held on the same day as a UK Parliament election (for example, a UK Parliament by-election on the same day as a national Scottish Parliament election)?

Yes

No

Please provide further comments

While there should be a presumption **against** a Scottish devolved election being held on the same day as a UK Parliament election, legislation should be in place to ensure this cannot occur. This should also include by-elections. This is a necessity to avoid voter confusion and reduce challenges for Electoral Registration Officers and Returning Officers.

Chapter 3 – Scheduling of elections

Date of elections to the Scottish Parliament

The consultation paper explores issues that have arisen around postponing scheduled Scottish Parliament and Local Government elections as a result of an unexpected event. It also looks at arrangements around dissolution of the Scottish Parliament.

The Presiding Officer of the Scottish Parliament has a limited power to propose a new date for a Scottish Parliament election which is not more than one month before or after the first Thursday in May. In making any decision the Presiding Officer is obliged to consult the Electoral Commission. Experience in preparing for the 2021 Scottish Parliament election during the coronavirus pandemic has led the Scottish Government to conclude that this power may not adequately cover all possible scenarios requiring a new election date. One possibility is that a national UK Parliament election may be called at short notice on or close to the date scheduled for the national Scottish Parliament election.

In 2007 Scotland-wide Local Government and Scottish Parliament elections were held on the same day and confusion over the use of different voting systems for each election was [considered](#) to have been partly responsible for an increase in the number of spoiled ballot papers. Since then, there has been general agreement that it is undesirable for different types of election to be held on the same day.

Question 26: Do you think that the maximum period by which the Presiding Officer can propose the postponement of a Scottish Parliament election should be extended beyond 1 month?

Yes

No

The Scottish Parliament is [dissolved](#) in the run up to a Scottish Parliament election. Following dissolution, members of the Scottish Parliament (MSPs) cease to hold office, and the Parliament cannot be re-convened to debate or pass legislation. Government Ministers remain in office. The date of dissolution is normally around 6 weeks before the day of the poll. However, in 2021, because of concerns about the impact of the coronavirus pandemic, the law was changed so that dissolution did not occur until the day before the 6 May 2021 Scottish Parliament election. This meant that MSPs stayed in office until the day before the election, and Parliament would have been able to debate and pass an emergency Bill to postpone or alter arrangements for the election if that had been required.

If the temporary arrangements which were put in place for the May 2021 Scottish Parliament election were made permanent this would mean that MSPs would retain their position, including pay, for an additional 6 weeks but it would allow for the Parliament to be recalled to deal with any emergency, should one arise. An emergency may be related to the election, or it could be something else which requires the attention of the Parliament. This could provide greater flexibility for

discussion and agreement on any change of date for a scheduled election and allow a longer delay to occur whilst also allowing Parliament to resume normal business. However, it is clear that making a change to dissolution in this way would have a significant impact on arrangements for MSPs and Scottish Parliament staff. Pursuing this possibility would require extensive engagement with the parliamentary authorities on the implications of a change to dissolution arrangements.

Question 27: Do you think that the date of dissolution of the Scottish Parliament in the run up to a general election should be changed to the day before the election, allowing MSPs to continue to hold office in case of emergency?

Yes

No

Postponement of Scottish Parliament by-election

Experience of the coronavirus pandemic has led to the suggestion that there would be merit in permitting a late change to the date on which a by-election is to be held. The consultation seeks views on whether the Presiding Officer should be given the power to postpone the date of a Scottish Parliament by-election if it is no longer possible to hold the election on the originally selected date. This postponement could be due to a public health emergency such as a pandemic or security issues.

Question 28: Do you think that the Presiding Officer should have the power to change the date of a Scottish Parliament by-election, if it is no longer possible to hold the election on the originally selected date?

Yes

No

Question 29: Do you have any other comments on changing the date of a Scottish Parliament by-election?

Please provide further comments

We support this proposal in principle. However, we feel the 'circumstances' need to be clearly defined, for example, a public health emergency like a pandemic, or security issues. The implications of any postponement also need to be clearly understood.

To ensure political advantage is not gained by changing the date, consideration should be given about how legislation could prevent it. For example, should the Presiding Officer be required to consult with key stakeholders such as the Electoral Commission.

Postponement of scheduled Local Government elections

Experience during the coronavirus pandemic has demonstrated that there may be a need to postpone or cancel scheduled Local Government elections at shorter notice than currently allowed for under the existing legislation. This postponement could be due to a public health emergency such as a pandemic or security issues. The consultation also seeks views on possible options to permit the postponement of a Local Government by-election. The creation of such a mechanism to allow an election to be postponed would avoid the need for emergency legislation in the Scottish Parliament to change the date.

Question 30: Do you think that the Convener of the Electoral Management Board should be given the power to postpone national Local Government elections in consultation with the Electoral Commission and the Scottish Government?

Yes

No

Question 31: Should the law allow a Local Government by-election to be postponed, and if yes, who should make the decision to postpone?

No

Yes, Returning Officer

Yes, Convener of the Electoral Management Board

Yes, other

If you selected 'Yes, other' please specify in the text box

Yes. The Local Returning Officer should be able to postpone a local government by-election after consultation with the Electoral Management Board, and the Electoral Commission. The ultimate decision should, however, be left to the Local Returning Officer.

Question 32: Do you have any other comments on rescheduling of elections?

Please provide further comments

None.

Chapter 4 - Campaigning

Campaigning and finance – The AEA has not answered questions 33 – 40 (inclusive) as they fall outside of our remit.

Chapter 5 - Administration and Governance

Boundaries Scotland

Boundaries Scotland is an independent Commission which reviews and makes recommendations on the boundaries of constituencies and regions for the Scottish Parliament, and the boundaries of Local Government wards, among other responsibilities.

Legislation passed in 2020 removed the ability for Scottish Ministers to change or reject Boundaries Scotland proposals and gave these powers to the Scottish Parliament instead. Currently, proposals put forward by Boundaries Scotland are considered by a Parliamentary Committee. The Committee can either recommend that Parliament approve the proposals, or it can ask Boundaries Scotland to conduct a further review of their proposals.

The Scottish Government is considering additional ways of preventing political influence affecting the boundary-setting process. Several options are proposed, some of which would bring Scotland closer in line with boundaries-setting processes in other similar democracies:

Option 1 – To remove the requirement for Boundaries Scotland to review proposals if they are rejected by the Scottish Parliament. This would remove the potential for a back-and-forth between Boundaries Scotland and the Parliament if they could not agree, but risks boundaries becoming increasingly out of date.

Option 2 – To change the way that Parliament scrutinises Boundaries Scotland proposals, so that they could only reject or change the proposals if there were concerns that Boundaries Scotland had not followed their duties as set out in law. This limits the ways that Parliament can scrutinise the proposals put forward by Boundaries Scotland. However, this would help to ensure objections to the proposals were linked directly to Boundaries Scotland's methodology, and limits the opportunities for political interference.

Option 3 – To move to a process called 'automaticity', where legislation implementing the proposals made by Boundaries Scotland comes into effect automatically; without Parliament or Ministers having the final say over being able to reject or modify the reports. A form of automaticity is used in the boundaries-setting process for the UK Parliament, where the lead Minister submits a draft order to the Privy Council. This draft Order is not subject to any parliamentary procedure or approval before it is given legal effect by the Privy Council. Versions of automaticity are also used in countries including Australia, Canada, and New Zealand. This approach would give Boundaries Scotland more independence from political issues,

and there are some options available which allow Parliament to retain some elements of scrutiny over the process.

Please see the full consultation paper for a more detailed explanation of these options.

Question 41: Do you think the process for approving boundary changes should be changed, and which of the options set out above would you prefer?

- No change
- Option 1
- Option 2
- Option 3
- Other option

If you selected 'other option' please specify in the text box

Question 42: Do you have any further comments on this topic?

Please provide further comments

We disagree with any proposal which enables Scottish Ministers to challenge parts, or requires Boundaries Scotland to revisit a part, of an electoral review before they make an electoral review order. If this was allowed, it would take away the independence of the review. Boundaries Scotland is independent and should be considering 'best fit' only.

Electoral Commission

The Scottish Elections (Reform) Act 2020 made the Electoral Commission more accountable to the Scottish Parliament for its work on devolved elections but retained the overall supervisory role of the UK Parliament Speaker's Committee. The consultation seeks views on whether any change needs to be made to the oversight role of the Scottish Parliament in relation to the Electoral Commission. One possible option would be for the Electoral Commission's devolved activities, including their spending plans, to be scrutinised by a Scottish Parliamentary Committee.

Question 43: Should the Scottish Parliament take a greater role in oversight of the Electoral Commission's devolved activities? For example, the Electoral Commission's devolved activities, including their spending plans, being scrutinised by a Scottish Parliamentary Committee.

Yes

No

Question 44: Do you have any additional comments on the oversight of the Electoral Commission's activities in relation to Scottish Parliament and Local Government elections?

Please provide further comments

We are not comfortable with the changes outlined. It is essential the Electoral Commission is able to take a non-partisan approach to the democratic process, particularly in the guidance and support it provides to our members, electors, candidates and political parties.

The Commission's independence is fundamental to maintaining confidence and legitimacy in our electoral system.

Electoral Management Board for Scotland (EMB)

The EMB was set up on an interim basis in 2008 and became a statutory body as a result of the Local Government Elections Act 2011. Its purpose is to promote best practice in electoral administration and to support the electoral community in Scotland. Given the acknowledged success of the EMB, and the increasing role it has played in recent elections, this consultation seeks views on how the role of the EMB might be developed and expanded.

Question 45: Do you have any views on the role and structure of the EMB?

Please provide further comments

We support developing the role of the Electoral Management Board. The EMB has proved invaluable and building on its success should be considered.

Question 46: Should a Deputy Convener post be established, with power to exercise the functions of the Convener of the EMB if they are unable to act?

Yes

No