

SCOTTISH ELECTIONS REVIEW REPORT

Purpose

1. This report highlights the main local government related findings from the Gould Report into the May Elections, and makes a series of recommendations.

Recommendations

- i. COSLA supports the principle that voters' interests must be the primary consideration in decisions related to every aspect of the voting process.
- ii. COSLA welcomes the report's support for the decoupling of the local government and Scottish Parliament elections, and will respond to the consultative paper once available.
- iii. COSLA welcomes the report's recommendations to clarify the roles of various stakeholders in the election process. In order to keep leaders informed on any proposals of likely concern it would be appropriate for COSLA staff to be part of the reformed Elections Steering Group.
- iv. COSLA welcomes the report's recommendations aimed at restoring confidence in the process for determining doubtful papers, ensuring the timely dispatch of postal ballots, and the handling of the overnight count. Leaders will be kept informed of progress.

Summary

2. The well publicised report from the Independent Review into the was published on 23rd October. The media widely quoted Gould as saying that almost without exception it seemed that the voter was treated as an afterthought in the policy decisions that were made. However, Gould gave credit to those involved in assembling and conducting the elections for the degree of success achieved despite the hurdles involved. One of the broadest recommendations was that all those with a role in organising future elections should consider the voters' interests as above all others.

3. The more detailed findings and recommendations are of significant interest to local government leaders, and meet many of the concerns raised at the August Leader's Meeting. The recommendations were welcomed by the UK government, which is considering its response, and in their entirety by the First Minister. The Scottish Government will soon publish a consultative paper on its proposals for decoupling. It will later develop its responses to the other recommendations.

4. *It is recommended that COSLA supports the principle that voters' interests must be the primary consideration in decisions related to every aspect of the voting process.*

Decoupling the Elections

5. The Review Team supported the argument that if local issues and the visibility of local government candidates are the primary objective of the local government elections, as they should be, then separating it from the Scottish parliamentary elections is necessary to avoid the dominance of campaigns conducted for the Scottish parliamentary contests. The report suggests that separating the two elections would minimise the potential for voter confusion,

and help them make a knowledgeable decision on their ballot paper. The report concluded that combined elections are not only a disservice to the local councils and candidates but also to the electorate as well. It argued that the local government elections are not simply about ensuring a reasonable number of voters show up at the polls on polling day.

6. The report recommends separating the Scottish parliamentary and local government elections, preferably by a period of two years. To meet head on the potential drop in turnout, the report recommends initiatives used in other countries – where there have been significant increases in advance voting while turnout at polling stations has diminished – should be explored. This could take the form of voting at the Office of the Returning Officers' once the ballot papers are printed, and holding one or more advance polls in convenient locations in each constituency on one or more days prior to polling day.

7. This is a positive response and meets COSLA's August Leaders' decision that the next local government election should take place in 2012, with consideration being given to extending the following council term too, so that the following council election would fall mid-term to the Scottish Parliament's.

8. *It is recommended that COSLA welcomes the support from Gould to decouple the local government and Scottish Parliament elections, and will respond to the consultative paper once available.*

Clarifying the roles of stakeholders in the election process

9. COSLA was concerned that the arrangements for the May elections were not responsive enough to the broad political opinion or professional advice. We had raised a number of specific administrative issues with the Minister during the lead up to the election, but with little success. The report deals with these head on, highlighting the need for more central coordination and the removal of 'political micro-management' of the election process. Against this background the report recommends:

- *Establishing a Chief Returning Officer (CRO) for Scotland:* The CRO would be responsible for issuing directions, coordinating and overseeing all aspects of the electoral processes for the Scottish parliamentary and local government elections including areas of electronic counting and criteria for ballot paper rejection.
- *'Professionalising' Returning Officer positions in each consistency:* This would make them permanent / full time from the day the election is called to a defined period following the election. The Returning Officer's portfolio of responsibilities could include voter registration.
- *Rationalising the role of the Electoral Commission and other stakeholders* in relation to the proposed CRO for Scotland, to ensure clarity between the roles and responsibilities of all stakeholders involved in planning, organising and conducting these elections.
- *A future Elections Steering Group chaired be tasked* with providing integrated election plans and timetables. The Steering Group would be convened by the CRO and composed of representatives of Ministers and Returning Officers, and invite other stakeholders, including political parties, candidates and non-governmental organisations, to contribute their views on relevant election matters.

10. The report points to problems that arose due to the considerable delays in passing electoral legislation, accompanied with the expectation that they would be implemented in the very little time remaining. To avoid repeating this, it suggests that electoral legislation should not be applied to any election held within 6 months of the new provision coming into force.

11. The above provides an appropriate arrangement within which COSLA's concerns over the count centres' lay out, the establishment of clear criteria to trigger recounts, the importance of local count centres, the use of discretion by Returning Officers can all be addressed. In order to keep leaders informed on any proposals of likely concern it would be appropriate for COSLA to be represented on the reformed Elections Steering Group at an officer level.

12. It is recommended that: COSLA welcomes the recommendations to clarify the roles of various stakeholders in the election process. In order to keep leaders informed on any proposals of likely it would be appropriate for COSLA staff to be part of the reformed Elections Steering Group.

Other Administrative matters

Rejected ballot papers

13. The report identifies a number of problems with the electronic count. But, it also argued that if the STV electoral system is here to stay, the electronic count cannot be reasonably abandoned. It concluded that while there were some problems with the electronic count the significant benefits it brings makes it the preferred option.

14. While the Review team found no evidence that the electronic count contributed to the number of rejected ballot papers, it recognised that confidence needed to be restored in this part of the count. It recommended that all doubtful ballot papers should be adjudicated by Returning Officers' staff, with no auto adjudication. All ballot papers should be assessed using centrally produced guidance,

15. This proposal, along with that to have a centrally produced guidance on rejected papers, should help rebuild members confidence in the handling of rejected ballots.

Postal ballot papers and packs

16. At our August meeting, leaders expressed their concern that confidence in the postal ballot had been damaged by the late dispatch of ballot papers in a number of areas, and that action was needed to restore confidence.

17. The report agreed with this. Over 5000 voters were affected. It was also noted that the growth in postal voting, as well as the increased complexity in the systems that support it, require more time to be available. To deal with the printing and the dispatch of postal ballot papers, the report recommends amending the existing legislation to provide for the close of nominations a week earlier than at present.

Overnight count

18. The Review found that too many important count activities were required immediately following the close of poll and that unreasonable demands were placed on key election officials. It made the point that Returning Officers (ROs) and their staff make decisions that have an impact on the governance of Scotland as they consider each vote. The review found it unreasonable that are expected to make accurate decisions when they are tired.

19. The Review recommends that if the polls continue to close at 10.00pm, there should be no overnight count. It suggests that a 'fresh team' could work overnight to receive ballot boxes and prepare for an immediate start of the count the following morning.

20. The report also puts forward other options. These include an earlier closing of the polling stations that would then lead on to an evening count. It is suggested that this could be linked to the UK Government's proposals in the "The Governance of Britain" White Paper that suggest voting taking place over the weekend. This may be picked up in the consultation on decoupling.

21. It is recommended that: COSLA welcomes the report's recommendations aimed at restoring confidence in the process for determining doubtful papers, ensuring the timely dispatch of postal ballots, and the handling of the overnight count. Leaders will be kept informed of progress.