



OFFICIAL REPORT
AITHISG OIFIGEIL

Standards, Procedures and Public Appointments Committee

Thursday 28 November 2019

Session 5



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Pàrlamaid na h-Alba

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Thursday 28 November 2019

CONTENTS

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SCOTTISH ELECTIONS (REFORM) BILL: STAGE 1..... 1

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE
22nd Meeting 2019, Session 5

CONVENER

*Bill Kidd (Glasgow Anniesland) (SNP)

DEPUTY CONVENER

*Mark Ruskell (Mid Scotland and Fife) (Green)

COMMITTEE MEMBERS

*Neil Findlay (Lothian) (Lab)

*Jamie Halcro Johnston (Highlands and Islands) (Con)

Tom Mason (North East Scotland) (Con)

*Gil Paterson (Clydebank and Milngavie) (SNP)

*Maureen Watt (Aberdeen South and North Kincardine) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Malcolm Burr (Society of Local Authority Chief Executives and Electoral Management Board for Scotland)

Pete Wildman (Scottish Assessors Association)

CLERK TO THE COMMITTEE

Katy Orr

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Standards, Procedures and Public Appointments Committee

Thursday 28 November 2019

[The Convener opened the meeting at 09:32]

Scottish Elections (Reform) Bill: Stage 1

The Convener (Bill Kidd): I thank everyone for attending the Standards, Procedures and Public Appointments Committee's 22nd meeting in 2019.

Under agenda item 1, we will take evidence on the Scottish Elections (Reform) Bill. We have with us Pete Wildman from the Scottish Assessors Association and Malcom Burr, who is representing the Society of Local Authority Chief Executives and Senior Managers and the Electoral Management Board for Scotland. I welcome both of you.

You will probably be relieved to hear that you do not need to make an opening statement. We will go straight to questions, and you can develop your answers as you go along—in concert, if necessary.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Good morning, gentlemen. In previous meetings, the committee heard that combining electoral events can cause voter confusion. I find that issue quite difficult because, in some countries, there are votes for the President, the Parliament and local government all at the same time. I wonder whether that is because we use different electoral systems. From an administrative perspective, which is where you are coming from, is it important to decouple electoral events? If so, why?

Malcolm Burr (Society of Local Authority Chief Executives and Electoral Management Board for Scotland): Good morning, and thank you for the invitation to join you. As you have noted, convener, I am representing two organisations.

The evidence seems to be—I think that it followed the 2007 elections—that combining elections is undesirable on the ground of the best interests of the voter. I tend to share Maureen Watt's view: I do not see why that should be the case. In my view, voters are always clear where contests are separate, which is hardly unknown, and by-elections are often combined with general or parliamentary elections without detriment to either.

Administratively, combining elections is certainly more complex. It inevitably increases the risk of something not going quite right, and there is an argument—it is not for me to say whether it is correct—that one election is diminished by the presence of the other. Inevitably, that would be seen to be the local election. It tends to get consumed by national issues, which is detrimental to the process as a whole.

Pete Wildman (Scottish Assessors Association): From an electoral registration viewpoint, it will depend on whether there are differing franchises. If a parliamentary election was run with a local government-type franchise, we would have to produce two different registers for the polling stations. We would have to do that anyway, but there would be the risk of confusion over who can vote in which election.

Maureen Watt: If there was a general election and a local government election.

Pete Wildman: Yes. In any election, there would be a combined register, because some people would be able to vote in one election and not in the other, so there would have to be a clear—

Maureen Watt: It is the same register in Scottish Parliament elections and local government elections.

Pete Wildman: It is. It would be the same register.

Maureen Watt: Is there a benefit to electoral administrators in having a well-established schedule of electoral events that is known years in advance? You have that, more or less, for Scottish Parliament elections, for example. What are the consequences for you and your members of an unscheduled electoral event such as the one at the moment?

Malcolm Burr: As ever, we will cope. Thankfully, the support mechanisms, including the Electoral Management Board for Scotland, are well established and are well used to supporting snap elections, which are perhaps inevitable. However, a clear schedule of elections is of great benefit to the process.

I go back to the Gould report following the 2007 elections. Ron Gould strongly recommended that no changes be made to electoral law or practice less than six months from the date of a poll. When there are unscheduled elections, it is inevitable that changes come at short notice. We manage that, but it increases risk and leads to uncertainty for everyone—voters, candidates and parties. Therefore, wherever possible, a schedule is greatly preferred.

Pete Wildman: I back that up. A schedule reduces the pressure as we deliver the election,

produce the registers, get registration through and work with printers on uploads of data, because it provides time to consider all that and messaging. It is not that it cannot be done—we can deliver elections at short notice if need be—but the risks and pressures are slightly higher.

Maureen Watt: Does it make any difference to you whether the electoral cycle is four years or five years?

Malcolm Burr: Not really. The point is to have a schedule that is known in advance. Whether four-year or five-year terms are preferred is a policy decision.

Maureen Watt: Does it make any difference to you as local government representatives whether terms are for four or five years?

Malcolm Burr: We have had experience of both. The term is officially four years, but the past three terms have been five-year ones. The arguments are well known. If there is a four-year term, there is quicker accountability; if there is a five-year term, there is, arguably, a longer period to develop policy, consult and engage. It is a matter of political judgment.

The Convener: The potential postponement of Scottish Parliament general elections is linked to that to some degree. The bill would enable the Presiding Officer to propose a date for a Scottish Parliament general election if the Parliament was already dissolved. Is it important that such a provision is included? In what circumstances do you envisage that it might be needed?

Malcolm Burr: We support the provision, simply because there needs to be some provision for events that are hard to foresee, such as public health emergencies. The example that we mentioned in our response was a flu pandemic. If there is advice that people should not go about and make contact with one another, it would clearly be detrimental to the electoral process were we still required to run an election. That would likely affect turnout and would certainly be off-putting for everybody concerned. For example, could people campaign? That would be detrimental to the whole process, so it is right that there should be a process to postpone. Obviously, we want the EMB, the Electoral Commission and everybody else who is involved to be consulted about that, but it seems strange that there is no such provision at the moment. We would welcome that.

The Convener: Are you planning for such eventualities now, or will you do so at any point? Do you have to wait until you can see that those circumstances are coming, or should such matters be planned longer term in order for you to be prepared for such an eventuality?

Malcolm Burr: If the bill becomes law, I hope that we would meet the Presiding Officer and set up a process that we could take off the shelf if it should be required.

The Convener: I was involved with the two elections in 2007, and the people whom I spoke to at Glasgow City Council thought that they were carrying quite a heavy burden.

Pete Wildman: Circumstances spring to my mind. I was involved in the Clackmannanshire by-election in the March when the beast from the east brought really bad weather conditions. In such circumstances, it may be sensible to postpone the poll. One could see the mechanism that Malcolm Burr outlined being used in a situation in which, at the last minute, just ahead of an election, one realises that there are particular issues.

Mark Ruskell (Mid Scotland and Fife) (Green): Is the phenomenon of voting early and voting often particularly widespread in local elections? What do you estimate the level of fraud is?

Pete Wildman: If it concerns registration, that is probably a question for Malcolm Burr, as a returning officer. If you are talking about impersonation and people voting more than once in an area, my understanding is that such instances of electoral fraud are very low. I am not aware that that is a significant issue.

Malcolm Burr: That is indeed the position. Thankfully, we have very few cases.

Mark Ruskell: What about multiple voting and people being on different registers, perhaps for legitimate reasons? Somebody might be moving or might be at university, or they might have a job in one place and live in another, and they might be on multiple registers. Is multiple voting quite widespread in such situations? People may be legitimately on the register in two separate places.

Pete Wildman: I am not aware that that has been reported as a significant issue.

Jamie Halcro Johnston (Highlands and Islands) (Con): Good morning. The bill will not stop people being registered in a number of registers. Are there situations in which you can see a reason for people voting in two different council areas?

Malcolm Burr: It is a policy choice. Legally and in principle, the contests are separate, and a person can legitimately be on two registers. Two local government elections are clearly separate contests. Perhaps there is something about having more than one vote that goes against the grain emotionally, but it is purely a matter of policy choice, and people can be legitimately resident in more than one place. Students are a good

example in that context. I will defer to my colleague on how that is managed.

Pete Wildman may also want to comment on how things would be managed should there be a wish for that not to be the case and on whether we would need a different system of registration that is available to polling staff. There are a number of practical considerations, but whether it is felt to be right that people can vote more than once is effectively a policy choice. However, the contests are separate.

Mark Ruskell: If people could register on only one register, would that improve accuracy?

Malcolm Burr: That provision would clearly be necessary under the current system.

Pete Wildman: To tie into some of the arguments about completeness, if completeness is measured against the census population, a lot of the census work is done when universities are sitting. In practice, students do not always register at universities. From the anecdotal evidence that we have, they register at and connect more closely to their home address, although they have the option to register at both addresses.

Student registration at university addresses tends to be relatively low. That reflects students' connection to their home and their understanding of their home politics. That is from anecdotal evidence. I do not have empirical evidence to back that up, but that is what we hear as registration officers.

09:45

Mark Ruskell: Another issue is that of people failing to register at all. If a student is not in at the time, someone else could fill in the form. The person is not resident at their home at that point, but the university might not be helping students to register either, and people might fall between the gaps.

Pete Wildman: Universities across Scotland are helpful. We are supplied with full lists of all the students who are resident, along with their email addresses. We email and advise the students. In my area, in the past month, the University of Stirling has issued three emails to all its students inviting them to register to vote. However, registration levels are still relatively low. There have probably been about 600 on campus.

Mark Ruskell: That is an interesting case in point. I remember, having looked at the electoral roll, that the number of students on campus who were registered for the European elections was incredibly low, considering the several thousand students who are there.

Pete Wildman: We attend freshers fair, and we promote those things. At the end of the day, it is a voluntary system.

Gil Paterson (Clydebank and Milngavie) (SNP): Will you detail what qualifies someone to be able to vote in two or more different places? Is there a limit to where and the number of times people can register?

Pete Wildman: I will let Malcolm Burr answer on the voting side, but the position on registration in Scotland, based on case law, is that students can register twice, at their home address and at their term-time address. For other residents, it is based on where they carry out their main business of life. If someone's main business of life is in one place, they can register only at that one place. In certain circumstances, it is held that people can register in two places, because of the nature of their business of life. For example, there was a case involving an MP who carried on their duties as an MP in one area and was a lawyer in another area. It depends on the facts as to whether someone can register in that way. However, most people tend to have only one place where they carry on their main business of life.

Gil Paterson: So we are primarily just talking about students.

Pete Wildman: Yes. There will be others, but their numbers are relatively low. Certainly in Scotland, it is mainly students who register twice.

Gil Paterson: So having another home somewhere does not qualify people in any way.

Pete Wildman: No, not if it is just a holiday home and is not used.

Gil Paterson: Do I take it from what you have said that people can register in only two places and not in multiple places?

Pete Wildman: That is right.

Neil Findlay (Lothian) (Lab): Will you repeat the point about where people have their main business?

Pete Wildman: The case law basically focuses on where people carry out their main business of life. That is something that we would ask people to evidence. Technically, somebody could perhaps register in three places. Some people have three residences, spend equal amounts of time in those three residences and carry out substantial activity there. That scenario is not impossible, but it is very unusual. The number of people who do that is very low.

Neil Findlay: It is interesting that you mentioned a member of Parliament. Some MPs have five jobs, so I wonder how many times they would have to register.

The Convener: Thank you—that was interesting.

Jamie Halcro Johnston: The bill proposes allowing all 14-year-olds to register as attainers. Are you supportive of that? Is the current system overburdensome? What are the advantages?

Pete Wildman: The current system dates back to when the register was made up once a year. It was based on where people lived on 10 October, and it did not change during the course of the year. It depended on people reaching voting age in the December following the year in which the register was published. The legislation is incredibly complex. As at 30 November in any year, very few 14-year-olds can register, because they will not be turning 16 in the period from that December through to the following November. However, as soon as we go past that on to 1 December, most 14-year-olds can register, as they will turn 16 in the following 12 months.

That is an incredibly complex message to get out. The form says that if you are 14 or over you can register to vote, so we will get people adding 14-year-olds to the register and we will have to write back saying, “Actually, you’re too young,” so their first engagement with us will be our knocking them back. It is a lot easier for all of us who are involved in public engagement to simply say that those who are 14 can go on the register as attainers, although they cannot vote until they are 16. That makes engagement and messaging a lot easier and avoids confusion. That is the heart of it. We want it to be clear and easy for people to understand when they can register and when they cannot.

Jamie Halcro Johnston: You do not see any issues that those 14-year-olds may feel that they are entitled to vote because they have been told that they are on the register?

Pete Wildman: No. It is clear that they cannot vote until they are 16. The messaging that goes on around elections is very specific.

Jamie Halcro Johnston: We touched on the issue with students, but do younger people take up the invitation to register to vote? Will that longer timeframe encourage more take-up?

Pete Wildman: It allows more time. If we were to set the age at 15, the danger would be that, when the annual canvass came around, someone who was 14 years and 11 months would not put their name on and, by the time it came round next time and they were 15 years and 11 months, it would be too tight. So 14 is the logical age from a practical viewpoint.

I am sorry, but I lost your question there.

Jamie Halcro Johnston: I was just asking whether you expect more people registering to vote.

Pete Wildman: I would just say that, compared to someone my age, for someone who is 14, a year, two years or three years is a large proportion of their life. There will be engagement ahead of elections. Ahead of the Scottish parliamentary elections in 2021, when 16-year-olds can vote, we will get engagement. That will be relatively straightforward, as anybody under 16 is in some form of full-time education, so we can message and target them effectively. Schools have a big role to play in promoting awareness and understanding, and there is evidence to suggest that, if we can get people to vote at 16, they understand the process and will vote later on.

Jamie Halcro Johnston: How many people will be added to the register as a result?

Pete Wildman: I do not know off the top of my head, but I could come back with a figure. As I said, the number of young people who can register will vary during the course of the year.

Jamie Halcro Johnston: On the use of the data, will political parties and others be able to engage with the young people who are on the register, or is there protection?

Pete Wildman: There is protection. The data on 14 and 15-year-olds is not disclosed. The only exception to that is in the run-up to an election, when candidates and political parties will get the details of 15-year-olds who will be 16 by polling day. It is quite a small subset of 15-year-olds, and even then the attainment ages do not appear on the register, so those people will not know who is 16.

Jamie Halcro Johnston: So there is that protection.

Mr Burr, are there any issues with the proposal from a practical local authority point of view?

Malcolm Burr: No. We are supportive of the proposal as a way of improving participation in the process and better preparing ourselves and potential electors.

Neil Findlay: On widening participation and the accessibility of the process, what changes do we need to make to ensure that we make voting as widely accessible as possible?

Malcolm Burr: We do relatively well in encouraging participation, and the previous question concerned another means of doing that. The EMB is keen to see provision for piloting of other voting methods. There is a lot of evidence out there, from many countries, which is sometimes positive and sometimes negative. There is certainly interest in electronic voting. I

could go on and on about the issues that are involved in that, but I shall not unless you ask me to. Suffice to say that the bill gives us exactly what we are looking for, which is the authority to conduct electronic voting pilots and analyse their results. That is a good way forward.

Neil Findlay: I will ask you to go on and on in a minute but, on the accessibility issues, has research and analysis been done on the participation rate of, say, people with disabilities, black and minority ethnic members of the community or other minorities compared to that of the general population?

Malcolm Burr: It has, although not by the EMB. The Electoral Commission has conducted extensive work on participation rates and, of course, it has done specific work on the ordering of the ballot paper, which has been illuminating. Such research would be a key element of any pilot and any evaluation of a pilot of other means of voting.

Neil Findlay: What is your view on all-postal voting?

Malcolm Burr: It is best to have a mixed system. One benefit of postal voting is that it gives maximum accessibility and convenience to the voter. Inevitably, the one aspect that one cannot be sure of is that the voter is voting in a secure, safe and threat or reward-free environment.

It is interesting that, in the evidence from Estonia, which is probably the most advanced European state on electronic voting, there seems to be a trend back to people going to a central place to cast their vote. A lot of people will want to do that, and it is right that they should have the opportunity. Personally, I would not be keen on an all-postal election.

Pete Wildman: It is important to give people choices as to how they wish to vote. Ahead of the independence referendum in 2014—certainly in my local area—we saw people cancelling their postal vote because they wanted to vote in person and to feel that they were taking part. It can come down to emotive issues.

Neil Findlay: What are your views on the pros and cons of electronic voting? Obviously, security is the issue that has been raised time and again. Countries across the world are using electronic voting to varying degrees of success. Questions on the integrity of the process are obviously the main concerns. I would be interested to hear your views.

Malcolm Burr: The EMB starts from the point of view that the voter is at the heart of the process, and it is critically important that there is confidence in whatever system or systems we adopt. The EMB uses as a strapline this phrase:

“to deliver a result that will be trusted as accurate”.

As you say, many doubts are raised about how electronic voting systems can be influenced and abused, and some of that is impossible to prove; one is genuinely being asked to prove that something has not happened, which is pretty difficult if there is no evidence that it has. However, doing things electronically is part of life now, and the demand for it is likely to increase.

This question involves a matter of policy, but my personal view is that, in order to ensure the security and safety of the voter and that the vote is as influence free as it can be, even if people are voting electronically, they should go to a central point to do so—that central point could be in a place that people frequent often.

However, there must be confidence in the process. Before we take any steps, we must conduct the pilots. Perhaps even before we do so, we should commission some research about how confident people would feel about voting by a particular means.

Electronic voting is certainly efficient and could, conceivably, reduce the cost of the electoral process—that is always a factor, although it is not the primary factor. It is also increasingly how people expect to conduct their public business.

10:00

Maureen Watt: I do not know about the Western Isles, Mr Burr, but I know that some islands in Shetland have all-postal voting. Is the turnout higher when that is the case?

Malcolm Burr: Casting my mind back to my days in Orkney, where some of the islands have all-postal voting—I think that even more have it now—the turnout was certainly high, but I cannot remember the statistics. In general, the turnout for postal voters is higher than the rate at polling stations. There is no doubt about that.

Maureen Watt: Your written evidence indicates that the various organisations that you represent are supportive of extending the remit of the Electoral Management Board. Will you say a little about the informal work that the EMB has done to date for Scottish Parliament elections, and explain why a formal role at those elections would be beneficial?

Malcolm Burr: Yes, I am happy to do that. Of course, I should declare an interest, as I am the convener of the EMB.

At the moment, as you know, our statutory remit is for local government elections. You might think that I would say this—thankfully, others have given evidence in support of what the EMB does—but we have become the repository of advice and

guidance, promoters of good practice and providers of support to the electoral community in the delivery of all elections in Scotland. The election that is currently in progress is no different—people are looking for support. We do not give directions, of course; we just give recommendations in respect of elections other than local government elections.

We are the Electoral Management Board for Scotland. We are established under an act of this Parliament, so it makes sense that the work that we do for local government elections in Scotland should be extended to Scottish Parliament elections. That is a natural progression, and it is almost assumed—certainly by the electoral community—that we will have that role. It is a role that we will be happy to take on, provided that the resources are there for us to deliver it.

Maureen Watt: We understand that some agreement has already been reached with the Scottish Government on the funds that will be required for the EMB's enhanced remit. Are the funds sufficient? You will probably say no. Are there any other resource requirements that you wish to highlight?

Malcolm Burr: The EMB has always operated at minimal cost. My predecessor as convener and I are not interested in offices, brass plaques or highly expensive accoutrements. Our work takes a lot of voluntary effort. I have a very tolerant council as regards the amount of time that is required to carry out the role's duties—in that sense, they are voluntary.

All that I would be looking for is an open ear to requests for financial support for, say, the backfilling of posts in councils or other bodies so that we can undertake the work of the board. That is all. We have a harmonious relationship with the Government on our funding, which is minimal. It is about £120,000, which is not expensive, given the importance of the function that we perform. As I said, I would be looking for an open ear to further requests on a business-case basis.

Gil Paterson: Do you have any comments on the proposals in the bill that would affect the operation of the Local Government Boundary Commission for Scotland? Are there administrative consequences to boundary changes?

Malcolm Burr: We have stated very strongly that the determination of boundaries should be done according to the same principles as other elements of the delivery of elections—that is, that it should be done in a transparent and independent way, but that those responsible for it should not be directly accountable through the political process. The bill preserves those principles. We are generally supportive of its

contents, including the proposed freedom to extend the electoral wards where that is thought to be necessary.

I come back to what Gould said about the six-month period. As long as the process is conducted according to a schedule and with sufficient time to enable our registration colleagues to work with it effectively, we think that the current system and what is proposed in the bill meet those fundamental requirements.

Pete Wildman: I agree with that point. It is important that we have time to amend the registers and implement any reviews ahead of an electoral event. A fair amount of work is involved in recasting ward boundaries and so on, and ensuring that all properties are within the correct wards is a fairly intensive process. Therefore we would want to know about that at least six months in advance of any electoral event.

Gil Paterson: Will you comment on the bill's proposal that we should increase the number of councillors in particular wards? Would an increase from two-member to five-member wards have any consequences for you?

Malcolm Burr: Not really. Wearing one of my other hats, I remind the committee that, along with Orkney Islands Council, Shetland Islands Council and others, my council promoted the Islands (Scotland) Act 2018, which, as members will know, allows for even one-member wards in exceptional circumstances. SOLACE also supported there being such flexibility. However, we have to recognise that there must be a balance between local representation and natural communities and, of course, political balance—because the fewer members per ward, the less proportionality there is—and it is important that that principle be maintained.

Under the three or four-member system some wards are simply so big that it might be argued—although it could not be proved—that it is discouraging to candidates. Such flexibility at that end is particularly welcome—and not just for the islands. Similarly, if a town has a population level such that a ward would comfortably accommodate five members rather than four, it would seem pointless to shave off a part of it simply to preserve numerical parity. Therefore such flexibility is to be welcomed—it would be welcomed by local authorities, too.

Gil Paterson: Might that impact on the populace itself? Do you believe that there is potential for disengagement in remote and rural areas where the population is widespread, such as those that you have mentioned? Some of those are huge, with low numbers of people spread over a vast area.

Malcolm Burr: People still identify with the councillors for their area, but the extent of that area is really a matter of their perception. The system works best when people feel that they are being represented by someone who is resident in their area and is cognisant of its boundaries. On the whole, such flexibility is to be desired if we are also to recognise that another purpose of the system is to ensure political proportional representation.

Gil Paterson: On a similar theme, during the committee's work on the bill, we have discussed the prospect of candidates' names being shown on ballot papers using a method other than alphabetical order. As someone who has direct experience of local authorities' engagement with councillors and the public, what are your thoughts on the ways in which that might affect them, which I will not spell out? If the system were to be changed, what administrative problems would that bring?

Malcolm Burr: That is a very interesting subject. As you will be aware, the Electoral Commission conducted some research, and some of us who read the results were quite surprised that some voters did not appreciate that candidates' names on a ballot paper are ordered alphabetically. For others, candidates' names being ordered alphabetically did not bother them in the least; they felt that it was perfectly natural that that should be the case.

It is a matter of policy, of course. Personally, I would certainly not support the alternative A to Z, Z to A system, which would be quite detrimental to voters with special needs, many of whom like to memorise the ballot paper before voting. Whether candidates' names are listed A to Z or are randomised, there should be one ballot paper. For their convenience, voters should be able to look at the ballot paper before they go into the polling booth—as many voters do—and think about where they will put their mark or marks.

I do not think that there is conclusive evidence on whether the current system is positively detrimental to candidates whose names are lower down in the alphabet. We would welcome further engagement on that, because that point has not been proved beyond doubt. We are certainly open to looking at the evidence. The purpose of all this is to put the voter at the heart of the process, and we should consider anything that increases the likelihood of that happening.

Gil Paterson: Does Mr Wildman have any comments?

Pete Wildman: I am content with the registers.

Gil Paterson: I did not want to leave you on the sidelines.

I hear what Malcolm Burr said. He concentrated on how the system affects people, but we also need to consider the consequences of changing to a non-alphabetical system in relation to costs and administrative pressures.

Malcolm Burr: Those would depend on what method was adopted. There is no doubt that using alternatively ordered ballot papers, if I can put it that way, would slow down the counts and increase the costs. There would probably also be unmeasurable impacts. It would make the lives of the polling staff more difficult, because they would be faced with questions such as "Why am I getting a different ballot paper from the person next to me?" and "What is going on here?"

The committee has heard my personal view that there should be one ballot paper, whether candidates' names are ordered randomly or alphabetically. I once produced a ballot paper in the Western Isles on which all the candidates had the same surname, so randomisation does not always help.

Gil Paterson: I thought that giving everybody the same name was the best example of randomisation. [*Laughter.*]

The Convener: That is actually quite interesting.

Jamie Halcro Johnston has a question. I know that he has a special interest in this matter.

Jamie Halcro Johnston: Malcolm Burr expertly predicted my question about the islands act and single-councillor areas. Is Western Isles Council or any other council that is covered by the islands act considering introducing one-member wards?

Malcolm Burr: My council is considering that, but only for the islands of Barra and Vatersay, which are separated by sea from the other parts of their current ward—South Uist—and which have a very strong local identity. We have suggested to the commission that, in that area alone, there should be a single-member ward.

Jamie Halcro Johnston: I want to come back to the questions that Gil Paterson asked. You talked about the additional burden on polling staff, given that in the Highlands and Islands region some polling stations can be extremely remote and must cover large areas. Do you consider that there will need to be specialist support in those polling stations if the ballot is—I do not want to say "more confusing"—different?

10:15

Malcolm Burr: I think that such support would be needed, particularly if ballot papers were not to be the same. We would probably look to appoint an additional polling clerk to help voters through

the process and answer questions, so that the presiding officer and the polling clerk could get on with issuing the papers in the right way without distractions. In the early stage of such a system, there certainly would need to be additional support, including for postal voters. For example, one can imagine a husband and wife receiving different ballot papers resulting in phone calls to the office about what was happening.

Mark Ruskell: Obviously, the committee is looking at the Scottish Elections (Franchise and Representation) Bill at the same time. If that bill extended the right to vote to people who were seeking asylum, would that cause any issues for you with regard to electoral registration? The system is declaratory, is it not? People fill out their form and provide their residence address.

Pete Wildman: I think that that would cause us administrative difficulties. From an administrative viewpoint, we like something that is clear. If somebody has a clear right to remain in the United Kingdom—if, for example, they have a visa or whatever—even if it is for a defined period, that is easy for us to verify quickly. Therefore, if there was any challenge or any question, we would have documentary evidence to support that process.

For somebody who was seeking asylum, we would have to look at the facts, such as how long they had been resident in Scotland, how long they were going to be resident in Scotland and whether they were sufficiently permanently resident in Scotland to meet the residence criteria in the Representation of the People Act 1983. That could be very difficult and complex; it almost takes us into immigration territory, which would be quite challenging for electoral registration officers.

Mark Ruskell: So you would want clarity about the legal status of the asylum seeker and some sort of administrative card or document so that you could say, “That’s fine—we can accept that.”

Pete Wildman: Yes, we would want proof that the person had a degree of permanent residence in Scotland. It is not just a case of being resident for a day; it is necessary to have sufficient permanency of residence to be deemed a permanent resident. That is the type of thing that we would be looking for.

Jamie Halcro Johnston: Mark Ruskell has asked the question that I wanted to ask, but I will widen out the discussion. One of the concerns that I had during our evidence taking on the Scottish Elections (Franchise and Representation) Bill was about the register and how you could check residency. How confident are you in the accuracy of the register, that there is no duplication and that checks can be done to make sure that the people on it are entitled to vote?

Pete Wildman: The register is a fluid, living document, as I said previously, but it is one of the few databases that gets an annual audit. There is an annual canvas—a communication to every household that asks, “Is this information still right?”

There is also an internal mechanism through the Government Digital Service. If I register somebody in my area and they have given a previous address in, say, Glasgow, because the computer systems are linked, my colleague in Glasgow will get notified that I have registered them in my area and they should look to remove them. That process is in place to check for duplicate registrations. As has been highlighted already, there are some people who legitimately have duplicate registrations. We would have to wade through all that to check whether that was the case. At any point in time, people could potentially be on the register at more than one address simply because of timing—they might have registered in one area and not come off the register in another.

If we have doubt about whether someone has leave to remain in the United Kingdom, there is a mechanism whereby we can contact the Home Office, supply the details and it will advise us whether the person has leave to remain within five days. That will happen when there is a trigger, when somebody challenges something that they think might not be right.

Jamie Halcro Johnston: I am sorry, but when you say that “somebody challenges something”, what do you mean?

Pete Wildman: We get challenges to registration. Part of the registration process when somebody registers at a property—particularly if we have not invited them to register—is that, by law, we have to write a physical letter to the property. The numbers are very low—in my area, it might be only one or two a year—but occasionally somebody comes back to us and says, “That person does not live at this address.” We then conduct what we call a registration review. We invite the person to contact us and supply their evidence, and we write to the property. If necessary, we hold a hearing and ask the person to come along to prove their residency at the property. Those checks exist in the system.

Jamie Halcro Johnston: I wondered whether the challenges were from people curtain twitching and dobbing in their neighbours.

Pete Wildman: Any application to go on to the register is open for public inspection and there is a five-day objection period. We cannot add people to the register until the objection period has run, which allows for somebody to say that the applicant should not be added to the register.

The Convener: This is possibly a wee bit unusual and you might feel that this is not your role but, as we did not give you an opportunity to make an opening statement, are there any matters that are not addressed in the bill that would be useful to be included?

Malcolm Burr: I would not say so. What is in the bill is a policy matter, of course. The board looks at all electoral legislation on the basis of accessibility for the voter, consistency, efficiency and integrity of the process. We look at whether proposed legislation would promote good practice, whether its provisions would be practical to administer, whether it would help the democratic process and whether it would create an undue burden on those of us who run elections. As you will have seen from our response, we are largely supportive of the provisions of the bill, if it is brought in in the right way. I return to the Gould principle that six months is a good minimum time for the introduction of any changes that relate to an election that is reasonably foreseen.

Pete Wildman: What the bill says in relation to registration issues is welcome. We welcome the change to the fixing of the attainment age at 14. It is a moving process and, at this point in time, the bill covers what we need it to cover.

Looking back, the register used to be updated and published just once a year, whereas we now update it monthly. In the future, I would like us to move to a live register that is updated daily, so that someone will go on the register within five days of applying. Perhaps now is not the precise moment for that, but such things evolve.

The Convener: I thank Malcolm Burr and Pete Wildman. You have provided us with good, in-depth argument and discussion. If there is anything that you want to write to us about, please feel free to do so.

10:23

Meeting continued in private until 10:36.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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