

# **SORTING THE BALLOT: IMPROVING THE ELECTIONS TO THE SCOTTISH PARLIAMENT, A CONSULTATION PAPER**

## **HIGH LEVEL SUMMARY OF RESPONSES**

1. This paper provides a high level summary of the responses to the Scotland Office's consultation paper on the recommendations contained in Ron Gould's report into the May 2007 Scottish Parliament and Local Government elections.

### **Summary**

2. The preferred options amongst those that responded to the consultation paper were as follows:

- 85% of responses supported the Government's decision to accept the 5 Gould recommendations on manual counting; having two separate ballot papers rather than a single combined paper; increasing the period of time between the close of nominations and the election to 23 days; no change to the legislation within 6 months of the election; and consolidation of existing legislation;
- 96% of responses indicated that the registered party name should appear first on the regional ballot paper followed by the party description;
- 100% of responses indicated that, on the constituency ballot paper, the candidates' names should appear first followed by the party name or independent;
- Only 13% of responses favoured a move away from alphabetical listing of candidates on the ballot papers;
- 79% of responses either supported a day-time count or had no firm view; and
- There was no significant majority either in favour or against (28% and 21% respectively) the appointment of a Chief Returning Officer. Further work needs to be done on the role of a Chief Returning Officer before a final decision can be made on such an appointment.

A more detailed analysis of the responses can be found at annex A.

### **Background**

3. There were a number of problems with the elections to the Scottish Parliament held in May 2007. The Electoral Commission asked Ron Gould, a Canadian expert in elections administration, to carry out an independent review (the Gould Report) to find out what caused these problems and recommend possible options for sorting them out.

4. The Gould Report was published on 23 October and the Secretary of State for Scotland immediately accepted a number of recommendations which he believed would, in future, help to improve the experience of voters when they vote at elections to the Scottish Parliament. At the same time, it was acknowledged that there were other suggestions or options raised in the Gould Report on which the public, and all those involved with the running of elections, should be consulted. On 13 November,

when giving evidence to the Scottish Affairs Committee, David Cairns, Minister of State at the Scotland Office, confirmed that the Scotland Office would be launching a consultation paper as well as a series of meetings with political and other interested parties.

5. On 13 December 2007, the Government issued its consultation document, *Sorting the Ballot: Improving the Elections to the Scottish Parliament*, on the recommendations contained in the Gould report. The purpose of the consultation paper was to get views on suggestions and options to improve voting at elections to the Scottish Parliament in the future. In particular, the consultation was aimed at people who were entitled to vote at the Scottish Parliament elections in May 2007 or will be entitled to vote by 2011 when the next elections take place.

6. This consultation related only to how the elections to the Scottish Parliament are carried out, it did not relate to the UK and European Parliament elections held in Scotland, which are the responsibility of the Ministry of Justice, nor did it cover elections to local government in Scotland which are the responsibility of the Scottish Executive.

7. The consultation ended in early March and a total of 39 responses were received to the consultation. The respondents could be broken down into the following broad categories:

Category	Number of responses
Individual politicians	11
Electoral administrators	7
Local Authority	9
Political parties	5
Representative body	4
Businesses	2
Academic	1
Total	<u>39</u>

8. The Scotland Office has always acknowledged that there was a range of issues to be considered within the recommendations in the Gould Report. Some of these issues, particularly those relating to the administration of elections, were mainly for Returning Officers and other administrative staff responsible for running the elections. However the Scotland Office has always been of the view that all voters were entitled to give their views on these matters, not just the people who were directly involved in running elections. Therefore it was hoped that the consultation would gather the views of individual voters.

9. However, the responses to the consultation document did not demonstrate that the views of individual voters had been covered. The Scotland Office is very aware that individual voters' views on the electoral system are important and, because of the concern that the responses to the "Sorting the Ballot" consultation mainly came from the political and electoral administrator communities, it was therefore decided to employ a firm to undertake research to find out the views of

individual voters. This research was carried out using focus groups to investigate voters' views on the following areas:

Overnight count  
Design of ballot paper

10. 8 focus groups were held covering all social groups and in particular 2 groups were held for those with visual impairments and learning difficulties. The focus groups were held in Aberdeen, Edinburgh and Glasgow but while the groups were based in these locations, attendees were also drawn from surrounding rural areas so that rural voters' views could be reflected. Because of the relatively small number of focus groups, it was not possible to cover all parts of Scotland but the Scotland Office's view was that voters' views on the areas being considered would be the same Scotland wide and therefore the lack of regional variation would not be a significant issue. The focus groups were held between 28 May and 13 June and a total of 112 voters attended the various sessions. A report summarising the views expressed at the focus groups is available separately.

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### Analysis of responses to questions in “Sorting the Ballot”

#### Five ‘accepted’ Gould recommendations

1. Of the 39 responses to the consultation paper, 33 (84.6%) agreed with the Secretary of State’s decision to accept the 5 Gould recommendations; 3 (7.7%) disagreed with one or more of the recommendations and 3 (7.7%) did not refer to those recommendations in their responses. Those who disagreed were DRS, South Ayrshire council and the Electoral reform Society. The reasons given by the DRS, who provided the electronic counting at the May 2007 elections, are that e-counting systems are not the problem but that better guidance for Returning officers and sufficient time for testing are necessary. The South Ayrshire council considered that e-counting should continue to be an option, and that; therefore, the concept of a combined ballot paper should also remain a possibility. The Electoral reform Society does not think that the single ballot paper should be abandoned without consideration of how it might first be improved

2. While the vast majority of respondents agreed that e-counting should not be considered for the next Scottish Parliament elections, a number of respondents did not think we should rule it out completely however they stated that further testing and analysis of systems was necessary before such a move could be considered again. A few respondents said that their support for manual counting was dependent on the decoupling of the elections. Running two different types of count on the same day clearly would not be acceptable to some administrators. A number of respondents commented that electronic counting was required for elections using STV.

3. On elections timetables, there was unanimous agreement and several responses commented on the need to review timetables for all elections, not just those to the Scottish Parliament. The need to consider the timing of postal vote processes was highlighted by several responses.

#### Ballot paper design

##### Descriptors

4. There was strong support for the Gould recommendation relating to the use of party descriptions on the ballot paper. Of the 27 responses to this point, 26 (96.2%) agreed that the registered party name should appear first followed by party description. The remaining respondent, a MSP, thought that the regional list should have one party heading for each party followed by a list of candidates for that party. There was a small proportion of respondents - mainly electoral administrators - who consider that **only** the party name should appear on the ballot paper and no descriptor should be allowed. 2 respondents, the Conservatives and Fairshare, indicated that they thought parties should still be allowed to include the word “Scottish” in the party name even if it was not part of the registered party name. 5 respondents Fairshare, Glasgow City Council, North Lanarkshire Council, a Deputy Returning Officer and SOLAR/SOLAS & AEA were of the view that independent candidates on the regional ballot paper should be allowed to either describe

themselves as independent or use another relevant description in the same way as party candidates can. A number of responses recommended that the legislation on party descriptors should be reviewed in order to minimise the risk of misleading voters. The Electoral Commission are currently consulting on the registration and use of party descriptions.

On the constituency paper there was unanimous agreement from those that responded (27 responses) that the candidates name should be followed by the party name or independent.

### **Order of candidates on Ballot paper**

5. Only 5 (12.8%) responses favoured a move from alphabetical listing of parties and candidates, 10 (25.6%) did not have a view or did not address this issue, and 24 (61.5%) preferred the retention of alphabetical order. The 5 respondents who favoured a change were the Scottish National Party, Renfrewshire SNP Council Group, the Deputy Returning officer at Aberdeen City Council, an academic writing in an individual capacity and a party candidate. The SNP and party candidate responses indicate that they would favour the Robson rotational system of ordering candidates and parties, rather than a public lottery. The main reasons cited by those wishing to retain alphabetical order were the extra bureaucracy and time needed to arrange a “lottery” for ballot paper order; the voter being used to alphabetical order; and less likelihood of confusion, particularly for voters with certain learning difficulties.

### **Overnight count**

6. 21 responses (53.8%) favour a day-time count as recommended by Gould. 8 (20.5%) prefer the count to take place overnight, with the others having no view. In almost all cases, opinion divided according to type of respondent, with electoral administrators and the Electoral Commission favouring the daytime count and political parties and elected members favouring the status quo.

7. Some of the responses were caveated or nuanced. For example, for some, the critical factor was whether the elections were decoupled. If they were, there was no reason not to go with an overnight count. Some felt that it was better to provide Returning Officers with the discretion to determine when the count took place.

### **Chief Returning Officer**

8. Of the 39 responses to the consultation paper, 11 (28.2%) are in favour of the appointment of a Chief Returning Officer or a similar centralized model, and 8 (20.5%) are in favour of retaining the current arrangements, 20 (51.3%) responses had no strong views. A significant number of those with no strong views suggested that further work required to be done to identify the role and responsibilities of the Chief Returning Officer before they could take an informed view. There was no obvious split between those in favour of the Chief Returning Officer or the existing arrangements, with politicians and Local Authorities on both sides of the debate.

9. From the large number of responses with no strong views, and the associated comments, it would appear that the majority of respondents would welcome a clearer definition of the role and responsibilities of the proposed Chief Returning Officer before coming to a definite view.

10. There was also a significant number of respondents who suggested that an alternative to the Chief Returning Officer might be the establishment of the Scottish Elections Steering Group on a standing basis. The group could then take the lead in providing Returning Officers with guidance to promote consistency across Scotland. It could also be argued that the Chair of such a group would effectively become the CRO.

11. The overall position from the responses would appear to be that further clarification on the role and responsibilities of the proposed Chief Returning Officer is required to allow respondents to make an informed decision.

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