

## WRITTEN MINISTERIAL STATEMENT

### SCOTLAND OFFICE

#### Taking Forward the Gould report

#### **The Secretary of State for Scotland**

In seeking to ensure that the events that led to spoiling of a significant number of ballot papers in the election to the Scottish Parliament in 2007 do not happen again my overriding priority has been to put the interests of the voter first.

On 23<sup>rd</sup> October last year, Ron Gould reported on his review of the 2007 Scottish elections. I said to Parliament then that the Gould report was a valuable contribution to the analysis of what went wrong last May, and I gave a commitment to provide a full response to the report once I had heard the views of a wide range of interests through consultation and debate. The Scotland Office initiated that consultation through our paper, *Sorting the Ballot*. Meetings were held with electoral administrators, political parties and the Electoral Commission to hear their views on Gould's recommendations. In addition, a number of focus groups were held with voters across Scotland. I also welcomed the move from the Scottish Affairs Committee to conduct their own review of the Gould report and its recommendations. The Committee reported on 18 May and its recommendations have been taken into account when considering the Government's response. I shall be responding separately to the Committee's report later today.

Last October, I commended the Gould report to the House. It offered proposals to **all** stakeholders involved in the administration of elections in Scotland. Proposals that aim to improve the way in which Scottish elections are administered and suggest good practices which could inform the running of other elections in the UK. It is my view that all political parties should work together to build on the proposals in the Gould Report in order to improve the election process in Scotland. Elections belong to the people not individual political parties, and that is why we must work for consensus across the board and to ensure that the Scottish voter is put first.

One of the most important steps to put the needs of the voter first is the decoupling of the local government from the Scottish Parliament elections. The decision to combine the elections was taken by the Scottish Parliament. Decoupling will go a long way to delivering the simplicity and clarity that Ron Gould has identified as being needed for elections taking place in Scotland. After the May 2007 elections, when voters were asked by an independent researcher to choose the top priority for the next election, the most popular option was having the Scottish Parliament and local government elections on separate days. This was confirmed by the focus groups referred to above, where the most frequently heard comments asked why there were two elections using different processes on the same day and why couldn't they be held on different days. Responsibility for Scottish local authority elections rests with the Scottish Executive. I therefore welcome the Scottish Executive's consultation, which was launched on 3 March, on how they might decouple the local government elections from the Parliament elections. It will benefit all those involved with elections if this proceeds.

In my statement to the House last October, I accepted outright five recommendations which, in my view, could make a significant improvement to the running of elections to the Scottish Parliament. These were a reversion to manual counting; separate ballot papers for the constituency and regional votes; a longer period between close of nominations and the date of election; a six month cut off for changes in the law governing the conduct of elections; and consolidation of the legislation on the conduct of Scottish Parliament elections. I am pleased to say that the results of our consultation confirm that these five recommendations have overwhelming support. I would like now to set out my response to the other Gould recommendations on which we consulted.

First, on ballot paper design, the Government accepts the Gould recommendation that registered party names should appear first on the regional ballot paper, followed by party description. It is important that voters know which party it is that they are voting for and that they know they are voting for a party rather than an individual in the regional vote. The focus groups in particular highlighted that voters prefer the certainty of the registered party names which are less liable to change than the party descriptors.

While we respect the intention of Gould's further recommendation that ballot paper ordering should be determined by lottery, a strong case has been made against such a move on the grounds of voter confusion, particularly for those with learning difficulties. There was strong support amongst the focus groups and others consulted for retaining alphabetical order on the grounds that that is what people are used to and it is easier to find the candidate or party of the voter's choice.

On the timing of the count, I have decided that there should be no change from the current arrangements, i.e. that the count should take place as soon as practicable after the polls close. There was no direct link between the timing of the count and the problems that occurred last May. Convention is that the count takes place overnight as the ballot boxes come in and, as the focus groups showed, voters enjoy the experience of hearing the results as soon as possible. Voters and candidates should wait no longer to know the results than is necessary to count the ballot papers and verify the result. The final decision on when it is practicable that the count should take place, given local circumstances, though, will remain a matter for individual Returning Officers.

I have considered the question of whether a Chief Returning Officer (CRO) should be appointed with full responsibility for administering all elections. The Gould report sets out a range of functions that a CRO might fulfil. However the views that have been expressed across the political spectrum and by administrators are not conclusive. A considered examination of the structures required for administering elections in Scotland is necessary and I note that the Electoral Commission has taken the initiative in leading on an investigation on this subject and their report is expected later this summer. The Scottish Executive has also indicated that they propose to consult on the detailed options for a CRO for local authority elections later this year. Given the need to ensure a consistent approach across elections in the potential role of a CRO, and the ongoing consideration that is being given to this issue I have decided that the Government should work closely with colleagues across Government, the Electoral Commission and the Scottish Executive in examining this in more detail before a final decision is reached.

This will take time as any change would require primary and secondary legislation. I am very conscious of the need to make decisions now for the elections in 2011 so that there is no uncertainty about how these elections will be run. I am also conscious of the need for a period of stability in order to rebuild confidence in our electoral processes. I do not think it practical therefore to make decisions on a CRO to enable such a person to be in place for the 2011 election. That is not to rule out the concept, but rather to ensure sufficient time is available to give the matter the consideration it deserves.

The recommendations that we have already accepted, together with the proposed decoupling of elections, will address the issues of accountability that underpinned the reasons why Gould recommended a CRO. These steps will ensure there is greater clarity in the election process. I accept the recommendation of the all-party Scottish Affairs Select Committee that there is no compelling case to change the present legislative arrangements for elections to the Scottish Parliament. However accepting Gould's view that co-ordination of elections can be improved I propose to establish, on a non-statutory basis, an Elections Policy and Planning group for the Scottish Parliament elections in 2011. This Group, chaired, for the first time, by a senior Returning Officer, will report to me on a regular basis on progress with the commitments that I have set out today.

Gould also raised commonly-voiced concerns about consistency and professionalism amongst electoral administrators. This, to a large degree, is being addressed by the work of the Electoral Commission in developing performance standards. As this is a new monitoring regime for electoral administrators, once it has been introduced we will need to give it time to establish itself, before reviewing whether any further action is required.

By the end of this year, as Gould recommended, work will have begun on consolidating the legislation that governs the Scottish Parliament elections into a single statutory instrument; we have committed to achieving this at least six months before the 2011 elections are held.

Our key task now is to re-build the confidence of voters in casting their vote. The steps I have set out today are, I believe, the right ones to take to ensure that the problems of the 2007 election never happen again.