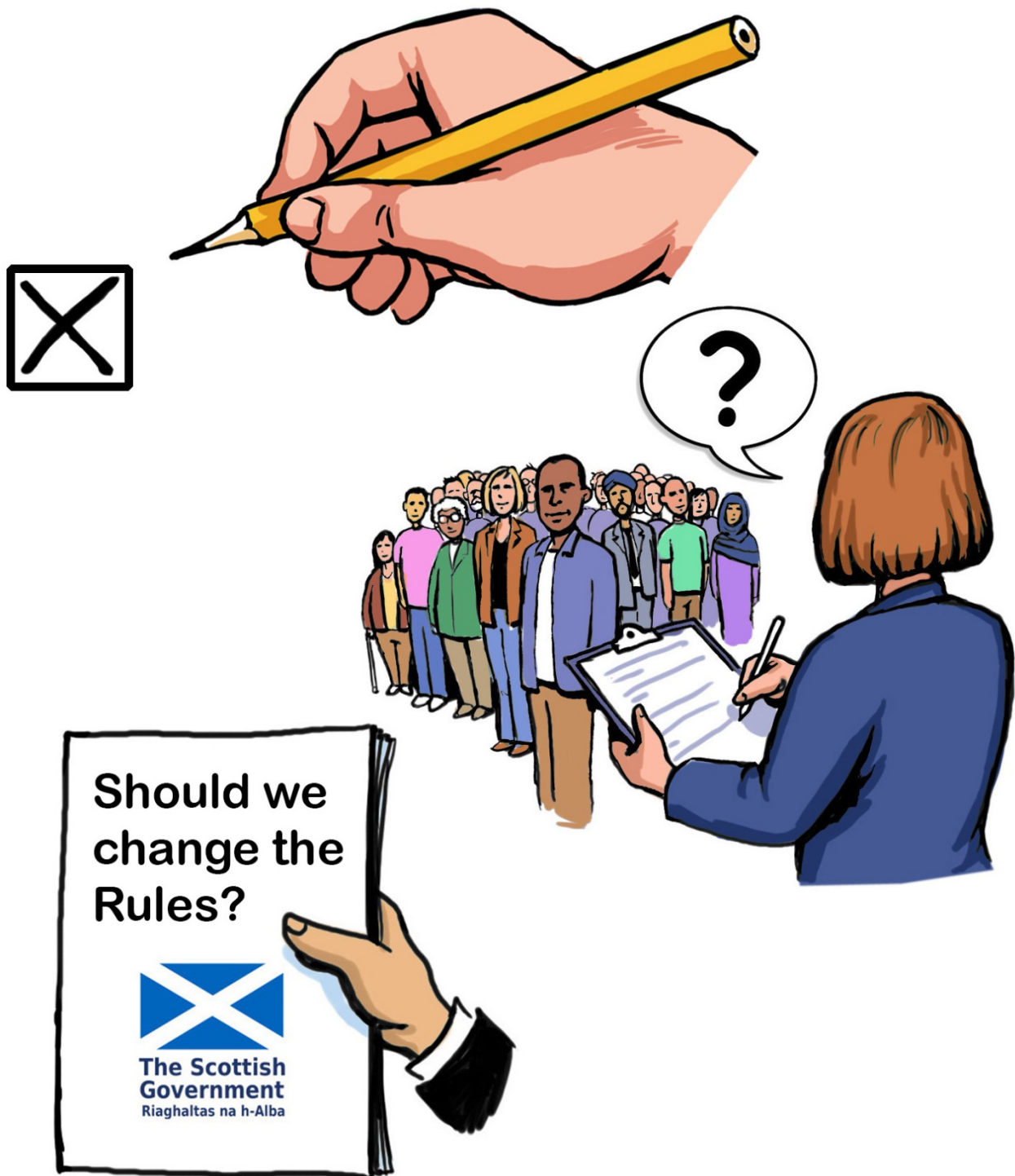


Electoral Reform Consultation

Easy Read

Electoral Reform Consultation

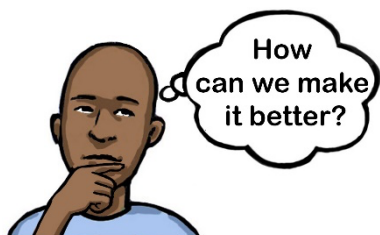


Easy Read Version

Introduction



The Scottish Government wishes to ask people their views before important changes are made. That process is called a Consultation.



This consultation is about changes to the law on elections in Scotland. The Scottish Government thinks some changes are needed.



We want to ask you for your views on these changes.



We have made this consultation document as accessible as possible. There are still some difficult words and ideas in it to do with voting and elections. You might need to ask a friend, family member or carer to help you complete the consultation.

Part 1 – Candidates



We want to know if you think more people should be allowed to stand for election to be a councillor or a Member of the Scottish Parliament. Under current laws, 16 and 17 year olds are allowed to vote but are not allowed to stand for election.



We also want to know if you think more people from other countries who are living and working in Scotland should be able to stand for election.

Question 1: Do you think 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 or Local Government elections

Question 2: Do you think more people from other countries who are living and working in Scotland 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 or Local Government elections

Question 3: Do you have any other comments about this? Please tell us in the box below:

Disqualification for threatening and abusive behaviour



The Government proposes that anyone found guilty of threatening or abusing electoral candidates could be disqualified from standing in elections themselves. They could be barred from standing as a councillor or member of the Scottish Parliament for 5 years.

Question 4: Do you agree with this proposal?

Yes

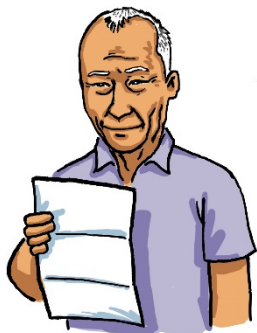
No

Question 5: If you said no, what do you think the punishment should be? Please tell us in the box below:

Freepost communications



Anyone standing in Scottish Parliament elections is allowed to send a leaflet or letter to voters by freepost. We wonder if people standing for Local Government elections should also have this right.



This costs a lot of money. We wonder if candidates should be limited to sending one free mailing to each household rather than to every voter. However, some say that voters are more likely to read mail that is addressed to them by name.

Question 6: Do you think people standing in Scottish Local Government elections should also be allowed to send leaflets and letters by freepost?

Yes

No

Question 7: Do you think there should be a limit of one free mailing to each household instead of to each voter?

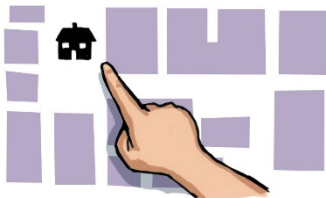
Yes

No

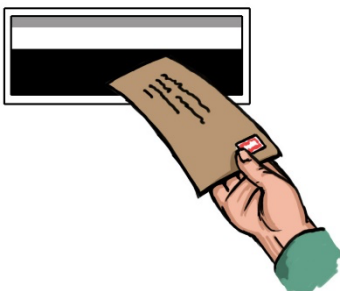
Question 8: Do you have any other comments about free mailings?

Please tell us in the box below:

Publishing home addresses



The law was changed in 2020 so that candidates do not have to put their home addresses on ballot papers. This was because of worries about the safety of the candidate and their families.



Candidates who do not have a person helping them - called an "agent" - still have to publish their home address. We think the candidate should be able to give another address than their home. This could be a workplace or the address of a friend or relative.

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

Yes

No

Candidate's addresses on ballot papers



If a candidate does not want their home address to be printed on a ballot paper, they can put the council area where they live on the ballot. We wonder if they should also be able to say what local area within the council they live in. This is because voters may find it helpful to know if candidates live in their local area.

Question 10: Do you think candidates should have the choice on adding the local area they live in on ballot papers?

Yes

No

Question 11: Do you have any other comments about candidates' addresses? Please tell us in the box below:

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Part 2 - Voting

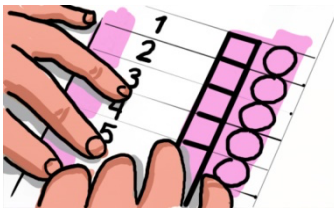
Getting more people to vote



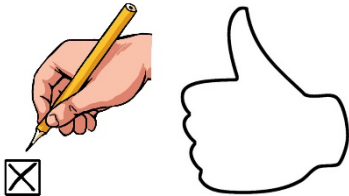
The number of people registered to vote is lower in some groups than others. We want as many people to vote as possible. We want your views on how we can get more people from under-represented groups to take part in elections.

Question 12: What do you think we can do nationally or locally to get more people to vote? Please tell us in the box below:

Polls and voting for people with disabilities



The law says that a Tactile Voting Device has to be available in all polling stations. This is a device to help blind and partially sighted people to vote.



We want to make sure that voting must be made more accessible to all people with disabilities. We want your views on the best ways to do this.

Question 13: The Scottish Government wants to find out how best to support people with disabilities to vote including those with sight loss. Which of the following options would you prefer:

- Returning Officers can choose what support to provide to voters with disabilities at polling stations.
- Returning Officers can choose what support to offer voters with disabilities but must continue to provide a form of tactile voting support by law as well.
- No change to the current law which requires Returning Officers to provide a Tactile Voting Device.
- Something else

If you said 'something else' above, please tell us about this in the box below:



Companions help people who need extra support to vote. These can be friends, family or carers. They can help people who find it difficult to vote by themselves and in secret to get around in the polling station or understand the ballot paper. In the UK, a companion is only allowed to support two voters per election.



There might be several people in one family who need support but only one person available to be a companion. We would like your views on raising the number of voters a companion can support.

Question 14: What should be the limit of people a companion can support in one election?

- Stay at 2 people per election
- Raise it to 5 people per election
- Change to another number

If you said 'change to another number' above, please tell us about this in the box below:



Currently all polling cards are sent out in paper format to voters ahead of an election. We wonder if voters should be able to choose to get poll cards digitally in future.

Question 15: Should voters have the choice to be sent digital poll cards instead of paper ones for Scottish elections?

Yes

No

Question 16: How can we make the voting experience better for people who find it difficult to vote independently or in secret? Please tell us in the box below:

Undue influence of voters



It is already against the law to make someone else vote the way you want them to. This is called undue influence. We think this law needs to be updated to make it clearer.

Question 17: Do you agree that the law about ‘undue influence’ should be easier to understand?

Yes

No

Absent voting



When a person casts another person’s vote for them, this is called voting as a ‘proxy’. It means the person votes on behalf of someone else. The proxy votes in the way the person they are representing tells them to. Someone who has to travel unexpectedly for medical reasons can get someone else to be their emergency proxy. Under the current rules, if they need a companion to travel with them to hospital, the companion would not be allowed to get someone to vote for them.



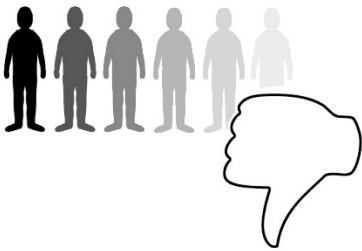
The Scottish Government thinks the companion in this situation should also have the right to have someone vote as a proxy for them.

Question 18: Do you think the companions should also have the right to have someone vote as a proxy for them?

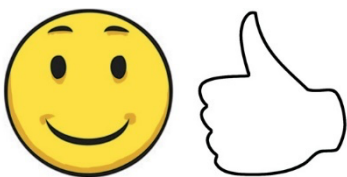
Yes

No

Acting as a proxy



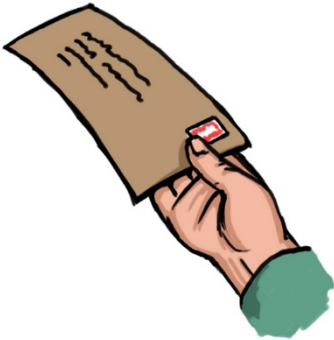
No-one can vote as a proxy for more than 2 other people in a Scottish election unless they are the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the voter. This is to stop a single person voting as a proxy for a large number of people.



We do not see any reason for this law to change in Scotland.

Question 19: Do you have any comments on proxy voting in Scottish elections? Please tell us in the box below:

Postal ballot packs



Anyone who has a postal ballot can send the completed ballot to the Returning Officer by post or hand it in to a polling station. They can hand the ballot in themselves or get someone to hand it in for them.



The UK Government are planning to limit the number of postal ballots a person can hand in to a polling station for UK Parliamentary elections. The Scottish Government thinks the current system is good enough for making sure that postal ballots have been filled in by the right person. We do not see any reason to change the law in Scotland.

Question 20: Do you have any comments on how we handle postal ballots in Scottish elections? Please tell us in the box below:

Voting rights



Most people aged 16 or above living in Scotland have the right to vote in Scottish Parliament and Local Government elections.



Some people who break the law are kept in a hospital for mental health reasons and are not allowed to vote. We would like your views on whether people who are detained in mental health hospitals as a result of criminal activity should still be denied voting rights.



Apart from tourists, asylum seekers are the main group of foreign people aged 16 or over who are living in Scotland without voting rights. The Scottish Government would like to hear the views of people on whether to give asylum seekers living in Scotland the right to vote.

Question 21: Do you think that people who break the law and are detained for mental health reasons should have the right to vote in Scottish Parliament and Local Government elections?

Yes

No

Question 22: Do you have any other comments on voting rights for people who are detained for mental health reasons? Please tell us in the box below:

Question 23: Do you think that asylum seekers living in Scotland should have the right to vote in Scottish Parliament and Local Government elections?

- Yes
- No

UK Elections Act



The UK Elections Act 2022 made changes to the election process to the UK Parliament. This included the need to prove your identity before you can vote. The Scottish Government does not plan to bring in ID checks for Scottish Parliament and Local Government elections. But ID will be needed to vote in a General Election.



There are also going to be new rules for postal voting in UK elections which will be different from rules for Scottish elections. This will be confusing for voters, especially if there is more than one election on the same day.

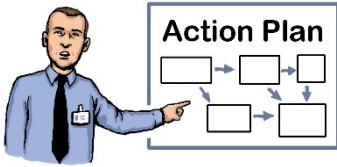
Question 24: What issues do you think the changes in the UK law will cause for elections in Scotland? Please tell us in the box below:

Question 25: Should we make sure Scottish elections are not held on the same day as a UK Parliament election?

- Yes
- No

Part 3 – Scheduling elections

Date of Scottish Parliament elections



We are looking at the rules around putting off scheduled Scottish Parliament and Local Government elections because of an unexpected event like the Covid-19 pandemic.



The Scottish Parliament has only got limited power to change the date of an election. It must be no more than 1 month before or after the first Thursday in May.



Our experience of the 2021 Scottish Parliament election during the Covid-19 pandemic showed the Scottish Government that we need better arrangements for setting new dates for elections.



In 2007 Local Government elections and Scottish Parliament elections were held on the same day and this caused a lot of confusion for voters. We think it is a bad idea for different types of election to be held on the same day.

Question 26: Do you think the Scottish Parliament should be able to change the date of a Scottish election by more than 1 month?

Yes

No



6 weeks

The Scottish Parliament usually breaks up around 6 weeks before a Scottish Parliamentary election.

Members of the Scottish Parliament (MSPs) lose their positions and cannot debate or pass any new laws during this time.



In 2021 there was a special arrangement because of Covid-19 which meant MSPs kept their positions until the day before the election. This meant Parliament could debate and pass any emergency laws that were needed.



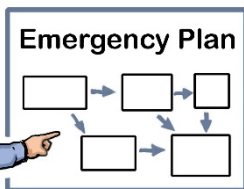
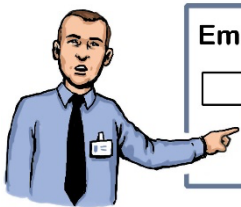
If these emergency rules were made permanent it would mean MSPs kept their positions including pay for an extra 6 weeks. It would also mean they were better able to deal with any emergencies that might come up, like the Covid-19 pandemic.

Question 27: Do you think the Scottish Parliament should break up the day before an election so that MSPs can stay in their positions in case of an emergency?

Yes

No

Putting back the date of Scottish Parliament by-election



Our experience with Covid-19 has shown that it would be good to be able to put back the date of by-elections at shorter notice than the rules currently allow.

Question 28: Do you think it should be possible to change the date of a Scottish Parliament by-election if it is no longer possible to hold it on the original date?

Yes

No

Question 29: Do you have any other comments about changing the date of Scottish Parliament by-elections? Please tell us in the box below:

Putting back the date of scheduled Local Government elections



We think it would also be good to be able to put back the date of Local Government elections at shorter notice than the rules currently allow.

Question 30: Do you think it should be possible to change the date of a Scottish Local Government election if it is no longer possible to hold it on the original date?

Yes

No

Question 31: Do you think it should be possible to put back the date of a Local Government by-election, and if so, who should make the decision?

No

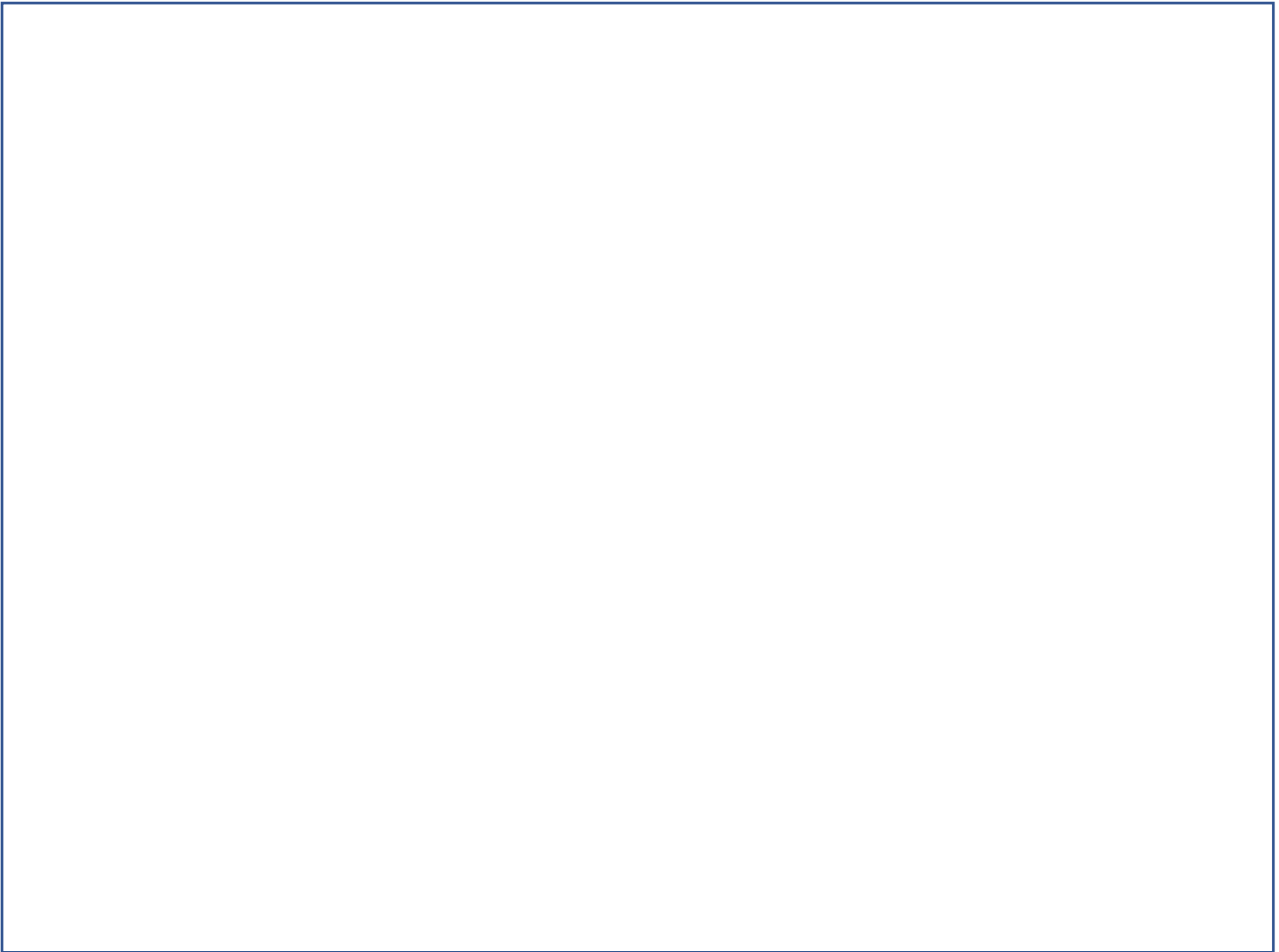
Yes, the Returning Officer should make the decision

Yes, the Convener of the Electoral Management Board should make the decision

Yes, someone else should make the decision

If you said 'Yes, someone else' above, please tell us who this should be in the box below:

Question 32: Do you have any other comments about rescheduling elections? Please tell us in the box below:

A large, empty rectangular box with a thin blue border, intended for the user to provide their comments on rescheduling elections.

Part 4 – Campaigning

Campaigning and money



Notional spending

The UK Elections Act changed some laws about money for campaigning. These are for UK elections, but the Scottish Government thinks it would be good to have some of the same rules for Scottish elections.



Notional spending is when candidates are given goods or services for free or at a discount. The candidate must declare what the full price would have been in their accounts. The new rules make it clear that candidates do not have to declare spending that they did not know about.

Question 33: Do you think that the new rules about notional spending should also apply to Scottish elections?

Yes

No



Third party campaigning

Third party campaigners are campaigners who are not candidates or political parties. The UK Elections Act made some changes to the rules about third party campaigners.



Third party campaigners now need to register with the Electoral Commission if they spend more than £10,000 across the whole of the UK in a UK General Election. We think this should be the rule when Scotland Parliament and local elections take place at the same time as elections in other parts of the UK.

Question 34: Do you think third party campaigners should have to register with the Electoral Commission if they spend more than £10,000 across the whole of the UK?

- They should have to register if they spend £10,000 across the UK
- They should only have to register if they spend £10,000 in Scotland
- I have a different idea

If you said 'I have a different idea' above, please tell us about this in the box below:

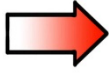


The UK Elections Act included a new rule that third party campaigners based in other countries have to register with the Electoral Commission if they spend more than £700. We think we should also have this rule for Scottish elections.

Question 35: Do you think third party campaigners in other countries should have to register if they spend more than £700 on Scottish elections?

- The spending limit should be £700
- The spending limit should stay the same as it is now - £10,000
- I have a different idea

If you said 'I have a different idea' above, please tell us about this in the box below:



The UK Government has the power to add, remove or change the kinds of third-party campaigners that are allowed. The Scottish Parliament would need the same powers to make sure that the rules are the same as the rest of the UK.

Question 36: Do you think the Scottish Parliament should have the power to add, remove or change the kinds of third-party campaigners that are allowed?

Yes

No



The Electoral Commission has a code of practice that sets out the rules for third party campaign spending. These rules are about UK elections, but the Scottish Government wants a similar set of rules for Scottish elections.

Question 37: Do you think the Electoral Commission should make a set of rules on third party campaign spending in Scottish elections?

Yes

No



The Electoral Commission can fine people and organisations who break election laws. The maximum fine they can give is £10,000 for elections and £500,000 for referendums. We think £10,000 is too low to stop major parties and donors from breaking the law.

Question 38: Do you think the maximum fine the Electoral Commission can give to people and organisations who break election laws should:

- Go up to £500,000
- Stay at £10,000
- Be set at a different amount

If you said 'a different amount' above, please tell us about this in the box below:

Digital imprints



The UK Elections Act contains a new rule saying that online election campaign material must contain digital imprints. These contain information about who has made and paid for the online material.



This rule would replace the existing rule for digital imprints in Scotland. We want to know if there are any parts of the existing Scottish rule that we should keep.

Question 39: Do you think the Scottish Government should do away with its own rules about digital imprints and use the new rules in the Elections Act 2022 instead?

Yes

No

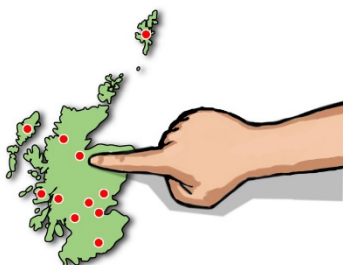
**Question 40: Do you have any further comments on digital imprints?
Please tell us in the box below:**

Part 5 – Administration and Governance

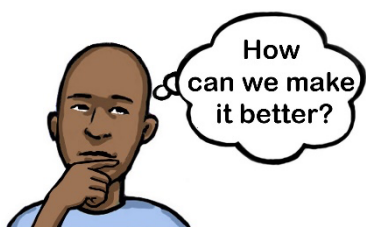
Boundaries Scotland



Boundaries Scotland is an independent organisation that reviews and makes suggestions on where the boundaries between different electoral areas of Scotland should be.



If Boundaries Scotland propose changing a boundary between parts of Scotland, the Scottish Parliament has to look at this. They can then approve the proposal or ask Boundaries Scotland to review it again based on their comments.



The Scottish Government is looking at ways to make sure political reasons do not affect proposed boundary changes. We have come up with three options for this.



Option 1

The Scottish Parliament will no longer be able to ask Boundaries Scotland to consider their proposals again if they are rejected by the Scottish Parliament. This might mean that some boundaries become out of date as the number of people living in an area changes.



Option 2

Change the way the Scottish Parliament looks at proposals from Boundaries Scotland. They will only be able to reject proposals if they think Boundaries Scotland has not properly followed the law.



Option 3

The Scottish Parliament would have to accept the proposals made by Boundaries Scotland. There would be no option for them to be rejected – they would have to become law. This is what happens in the UK and some other countries.

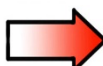
Question 41: Do you think the process for approving boundary changes should be changed, and which Option do you think is the best one:

- No change
- Option 1
- Option 2
- Option 3
- Something else

If you said 'something else above, please tell us about this in the box below:

Question 42: Do you have any further comments on Boundaries Scotland? Please tell us in the box below:

Electoral Commission



Scottish Elections are overseen by the Electoral Commission which is supervised by the UK Parliament. We wonder if the Scottish Parliament should have a bigger role in this.

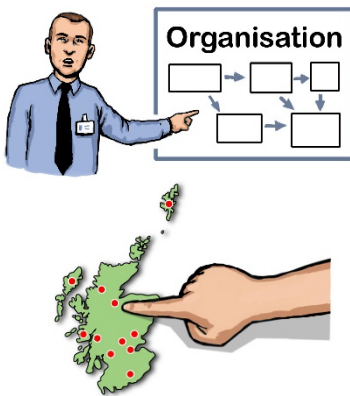
Question 43: Should the Scottish Parliament have a bigger role in overseeing the Electoral Commission's work in Scottish elections?

Yes

No

Question 44: Do you have any further comments on the Electoral Commission's work in Scottish elections? Please tell us in the box below:

Electoral Management Board for Scotland (EMB)



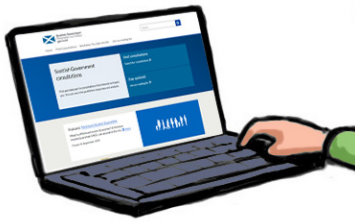
The EMB is an organisation that organises election events across Scotland. The EMB provides leadership and support for Returning Officers and Electoral Registration Officers. Since they do such a good job, we wonder if they could play a bigger role in Scottish elections.

Question 45: Do you have any further comments on the role of the EMB? Please tell us in the box below:

Question 43: Should there be a Deputy Convener who can take charge if the Convener is unable to do their job?

- Yes
- No

Responding to this consultation



Please give your answers to this consultation using the Scottish Government's consultation hub, Citizen Space: <http://consult.gov.scot>



If you are unable to use our consultation hub, please complete the Respondent Information Form and return it to:

The Elections Team
Scottish Government
2W
St Andrews House
Edinburgh
EH1 3DG

You can also email your completed questions to ElectionsTeam@gov.scot

Please Note this form **must** be completed and returned with your response.
To find out how we handle your personal data, please see our privacy policy:
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email Address

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No



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