

# Scottish council elections 2017

Report on the administration of the elections held  
on 4 May 2017

**September 2017**

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The Electoral Commission is the independent body which oversees elections and regulates political finance in the UK. We work to promote public confidence in the democratic process and ensure its integrity.

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# Foreword

I am pleased to be able to introduce my first election report in my capacity as Electoral Commissioner for Scotland. I welcome the opportunity to report that the evidence from our analysis and research with voters and campaigners shows high levels of satisfaction and confidence in the process and supports our assessment that the elections were well run.

I can also report that at 46.9%, the turnout at these elections was the highest for any stand-alone set of council elections in Scotland since 1977. This is encouraging but still means that less than half of all registered voters participated in the elections. Parties, campaigners and all with an interest in democracy will have further work to do to encourage voter engagement in future elections.

These were the first Scotland-wide set of council elections at which 16 and 17 year olds could vote and significant effort was invested by teachers, local councils, youth organisations, electoral administrators and the Commission to reach these newly enfranchised electors with information about how to register and vote. It was pleasing to see that these efforts were rewarded with this age group more likely to report finding it easy to cast their vote and access information about the elections than those aged 18-34. However, this cohort of young people have high expectations in regard to the further digitalisation of the registration process, including automatic enrolment, and this supports the Commission's call for further modernisation of the electoral registration process.

Returning Officers, Electoral Registration Officers, electoral administrators and the Electoral Management Board for Scotland worked hard to deliver the 2017 council elections. Their challenges for the delivery of the polls intensified further on 18 April when the Prime Minister announced that the UK Parliament general election would be taking place on 8 June. The fact that the council elections ran smoothly across Scotland is testament to the significant efforts of the electoral community in Scotland and we extend our gratitude to them.

Nevertheless, we highlight in this report increasing challenges to the successful delivery and regulation of elections – as we have done at previous elections in Scotland and elsewhere in the UK. The 2017 council elections in Scotland have demonstrated that further work is needed to improve voters' understanding of the Single Transferable Vote system and reduce the number of rejected ballot papers and the framework for regulating campaigning at council elections remains in need of modernisation to improve transparency and confidence in the system.

As well as considering changes which we have recommended in this report, we also want to see progress towards implementing more significant reform in three key areas:

- Improving electoral registration, to make sure the process is more joined-up and integrated with other public services and better reflects the citizen's expectation.
- Improving the regulation of campaigners, by implementing our regulatory review recommendations and those from 2012 election.
- Modernising and streamlining electoral law, in line with the UK's Law Commissions' 2016 recommendations.

The Scotland Act 2016 gave the Scottish Government and Scottish Parliament policy and legislative responsibility for the administration and regulation of campaigning at future Scottish Parliament elections as well as those for council elections. There are opportunities now for the Scottish Government to develop an ambitious agenda for change, and we look forward to contributing to the Scottish Government's forthcoming consultation on electoral reform which we hope will help deliver an electoral process in step with the expectations of the modern voter.

Dame Susan Bruce  
Electoral Commissioner, Scotland

# Scottish council elections 2017

On 4 May 2017, elections were held across Scotland's 32 councils to elect 1227 councillors, an increase of 5 following boundary changes in 27 of the council areas. Three wards were uncontested at these elections in the local authorities of Orkney Islands, Shetland Islands and Argyll & Bute.<sup>1</sup>

The elections saw 16 and 17 year olds voting at ordinary council elections for the first time and the introduction of the Access to Elected Office Fund Scotland to assist disabled candidates to compete on a level playing field.

To inform our report on the council elections we sought the views and experience of voters, through public opinion research and electoral data provided by electoral administrators, as well as feedback about the administration of the election from candidates and agents, those responsible for delivering the poll, and other participants such as Royal Mail and Inclusion Scotland.

Our report provides a summary of the issues that emerged at the elections and makes a number of recommendations to improve elections in the future. These recommendations need to be seen in the context of a wider electoral reform agenda which including proposals made by the Law Commissions of Scotland, England & Wales and Northern Ireland and the consultation on Scottish elections which the Scottish Government has indicated it will undertake via its Programme for Government.

## Key findings

Our research with voters and campaigners found high levels of confidence that the council elections held on 4 May 2017 were well-run:

- Total electorate was 4,110,790 and a total of 1,889,657 votes were cast at the elections, representing a turnout of 46.9% - the highest level of turnout for a set of stand-alone ordinary council elections since 1977.
- More than eight in ten respondents (82%) said they were confident that the polls were well run, up from 75% at the 2012 council elections.
- Nearly nine in ten people (88%) said they were very or fairly satisfied with the process of registering to vote and 78% expressed satisfaction with the procedure for voting.
- Nearly all those voters who responded to our survey (94%) said that they found it easy to fill in their ballot paper.
- The level of rejected ballots was 1.95%, slightly up from 1.74% in 2012

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<sup>1</sup> The wards that were uncontested were; Shetland South (Shetland Islands), Stromness and South Isles (Orkney Islands), and South Kintyre (Argyll & Bute).

- The vast majority (95%) of candidates and agents who responded to our survey said that they were satisfied with the overall administration of the election.

## Recommendations

Below is a summary of all of the recommendations made in our report.

### Voter participation

**Recommendation 1 (Pages 11-12, Paragraphs 1.13-1.14):** We recommend that the Scottish Government consult on and bring forward legislation extending the emergency proxy provisions so that those who have unforeseen caring responsibilities would also be eligible to apply for an emergency proxy.

**Recommendation 2 (Pages 13-15, Paragraphs 2.9-2.18):** The Commission will review its own voter information materials with a view to expanding the provision of material which helps voters to understand the voting system and the effect of their vote. We also recommend that:

- Parties review their campaigning strategies and the messaging that is given to voters on the doorstep to ensure that it does not contribute to any misunderstanding of the voting system.
- ROs and the EMB review the provision of training for polling station staff and the written instructions in polling stations and postal voting stationery, to ensure that information is consistent and as accessible as possible for voters. Should this review highlight any changes necessary for prescribed forms then this will require action from the Scottish Government.
- For future elections ROs should also assess each ward to identify those at risk of higher ballot rejection rates (whether as a consequence of multiple candidates standing for a particular party or higher rates of deprivation within the ward) The Commission and the EMB should work with ROs to identify strategies which militate against higher rejection rates in these wards.
- The Commission will review its work with the media to help improve voter understanding of the electoral system.
- Further work should be undertaken by all relevant stakeholders, including the Commission, local authorities and education bodies to identify opportunities for targeting information on the voting system at first time voters via schools, colleges, universities and through social media platforms.

**Recommendation 3 (Page 17, Paragraphs 3.1-3.9):** Given that there are no scheduled elections in which 16 and 17 year olds in Scotland can vote in until the 2021 Scottish Parliament election; consideration needs to be given to how to engage young people who will reach the age of electoral majority in the next four years. In order to do this the Commission will work with educational partners and councils to identify opportunities for supporting ongoing political literacy in schools and encouraging young people to register when they attain the age to do so.

### **Electoral administration framework**

**Recommendation 4 (Pages 18-19, Paragraphs 4.4-4.7):** The Scottish and UK Governments must now legislate to provide the EMB with statutory powers for Scottish and UK Parliament elections. The legal status and funding of the EMB also needs to be reviewed to allow it to undertake the management roles it was initially envisaged it would undertake, including overseeing the procurement and delivery of the e-counting project for council elections.

**Recommendation 5 (Pages 19-20, Paragraphs 4.10-4.13):** Transparency in the count centre is important and helps the RO achieve an accurate result which is accepted by those present. We recommend that the EMB lead a review, in consultation with political parties and other stakeholders, of the transparency of the e-count processes within the count centre, including the use and content of information screens to ensure the highest levels of transparency and confidence in the count.

**Recommendation 6 (Page 20, Paragraph 4.14):** In the event that e-counting continues to be used for future council elections, ROs must take full control and responsibility for the planning and delivery of the e-counting solution ahead of future council elections. This work should be led by the EMB and needs to begin at least three years ahead of the next scheduled elections in 2022. The EMB will need to be adequately resourced to take this forward.

**Recommendation 7 (Pages 20-21, Paragraph 4.15):** The provision of a Scotland-wide results service requires planning, resources and practice to ensure smooth running; we recommend that ahead of the next set of all-out council elections further work is carried out to ensure that this service can be delivered accurately and in good time to meet legitimate public expectations.

### **Regulation of campaigning**

**Recommendation 8 (Page 25, Paragraphs 5.27-5.29):** We suggest that any changes to the rules relating to the use of the register should be considered alongside a review of the regulation of political parties as set out in recommendation 9.

**Recommendation 9 (Pages 22-26, Paragraphs 5.10-5.31):** The Scottish Government should review and modernise the regulation of campaigning at council elections in time for any changes to be implemented for the next elections in 2022. The review should consider and respond to the Electoral Commission’s recommendations following the 2012 Scottish council elections as well as the issues highlighted in this report including:

- Introducing donation controls for candidates at council elections
- Giving the Commission a statutory role to provide guidance for candidates and agents at council elections
- Specifying a list of activities that count against candidates’ spending limits at council elections
- Clarifying whether candidates employed by ‘arms-length’ bodies delivering council services would need to resign from their employment in order to be a councillor at the relevant council
- Requiring ROs to publish candidates’ spending returns online as well as through existing methods of public inspection
- Reviewing the rules on the publication of candidates’ home addresses

The Scottish Government should consult the political parties that contested the 2017 elections, the Crown Office and Procurator Fiscal Service, the Commission and any other interested stakeholders on these issues as part of this review.

## 1. Registering and casting a vote

1.1 The total electorate for the council elections was 4,110,790 which represented a 3.2% increase from the electorate in 2012. A total of 53,687 electors were added to the register in the weeks leading up to the election.

1.2 We ran a public awareness campaign to encourage people to register to vote ahead of the council elections. The registration phase of our main campaign ran from 20 March until the registration deadline on 17 April.

1.3 To evaluate the success of our registration campaigns we set targets for the number of applications to register as well as the total number of additions to the register.<sup>2</sup> Our target for online applications to register to vote during the campaign was 100,000. The number of online applications made during this period was 55,544 meaning that we missed our target. The number of actual

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<sup>2</sup> Not all those who apply to register are ultimately added to the register. This may be because they are already registered to vote, are ineligible, or because their identity cannot be verified.

additions to the registers, via paper and online applications, was 58,000 against our target of 61,000.

1.4 We experienced a number of difficulties in buying TV advertising which may have contributed to our failure to meet our applications target. The registration deadline was 17 April in Scotland but was 13 April in England and Wales. Consequently we could not include the registration deadline in any TV advertising which we could not restrict to Scotland, such as Channel 4.

1.5 Online registration introduced in Scotland in September 2014 has significantly improved access to elections although processing duplicate applications has had an administrative and financial impact. Further modernisation of the registration system is needed and we have recently urged that steps be taken to reduce both the scale and administrative impact of duplicate registration applications for Electoral Registration Officers (EROs) ahead of future polls. Funding for EROs also needs to reflect better the scale of activity required to process electoral registration applications ahead of major polls.

1.6 In order to reflect modern day living, electoral registration should be more joined-up with other public services, to make registering to vote even simpler for the public and more efficient for EROs. This should include integrating applications into other public service transactions, and better use of national data to identify new electors or home movers. Methods of automatic registration should be explored further, drawing on other countries' experiences to improve the registration service in the interests of the voter. We would urge the Scottish Government to consider our proposals contained in our July 2017 report '[Electoral Registration at the June 2017 UK general election](#)'.

1.7 Turnout at the elections was 46.9% which was an increase of 7.2 percentage points (pp) on the turnout at the 2012 council elections. Turnout increased across every council area apart from Orkney and Shetland, ranging from 39.0% in Glasgow (up 6.6 pp from 2012) to 57.8% in East Renfrewshire (up 9 pp from 2012).

1.8 We carried out research with voters to find out whether they had found it easy to cast their vote, whether voting in person, by post or by proxy.<sup>3</sup> Overall, 86% of those who said they voted at the elections said they were satisfied with the procedures for voting, with over 98% of those who said they voted in a polling station expressing satisfaction.

1.9 There were 733,973 electors registered for a postal vote at the elections, representing 17.8% of the electorate (up from 15.2% in 2012). Turnout

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<sup>3</sup> The detailed findings from our public opinion research with voters can be found here: [www.electoralcommission.org.uk/our-work/our-research/public-opinion-surveys](http://www.electoralcommission.org.uk/our-work/our-research/public-opinion-surveys)

amongst postal voters was 72.8%.<sup>4</sup> Postal votes accounted for 27.9% of all votes included in the count.

1.10 Postal voters were very satisfied with the experience of voting; 98% of our respondents said they were satisfied with the process of voting by post and 95% said they found it easy to understand what to do in order to complete and return their postal vote. 94% of our respondents said that they had found the guidance provided on how to vote and return their vote useful.

1.11 When a completed postal ballot pack is returned by the voter, the personal identifiers provided on the postal voting statement (signature and date of birth) are matched against those previously provided by the elector. Where either or both the signature and date of birth is missing or does not match then the postal vote is rejected and not included in the count. Data from Returning Officers (ROs) indicates that 1.4% of postal votes were rejected for these reasons. This is the lowest rate of postal vote rejection at any election in Scotland since the requirement to check personal identifiers was introduced in 2009, and significantly down on the 3.0% of postal votes rejected for this reason in 2012. Since 2014, EROs have been required to notify electors if their postal vote has been rejected and they can request the elector to provide an up-to-date signature. The fall in the levels of rejected postal votes suggests that the new policy may be having a positive impact.

## Emergency proxy arrangements

1.12 There were 6,196 electors registered for a proxy vote at these elections. An additional 144 were issued with an emergency proxy vote.

1.13 The provision for applying for an emergency proxy was extended at these elections to cover those unexpectedly called away for reasons of occupation, work or service. This brought the requirements for an emergency proxy in to line with other elections. Feedback from EROs suggests that the introduction of the provision worked well, as there was a consistency in the rules for voters.

1.14 There were a small number of queries raised with EROs and the Commission regarding the possibility of allowing a carer to apply for an emergency proxy. We have previously recommended that the qualifying circumstances for appointing an emergency proxy should be extended, so that those who have unforeseen caring responsibilities or who have experienced the death of a close relative would also be eligible for an emergency proxy. This recommendation, to date, has not yet been taken forward by any government with legislative competence over elections within the UK.

**Recommendation 1: We recommend that the Scottish Government consult on and bring forward legislation extending the emergency proxy**

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<sup>4</sup> Including postal ballots ruled as invalid

provisions so that those who have unforeseen caring responsibilities would also be eligible to apply for an emergency proxy.

## 2. Voter confidence and understanding of the Single Transferable Vote electoral system

2.1 The 2017 council elections were the third set of all-out council elections in Scotland to use the Single Transferable Vote (STV) electoral system to elect three or four councillors to each ward.

### Public awareness

2.2 We ran a public awareness campaign in the run up to the elections in order to ensure that people knew that they had to register to vote by 17 April and also knew how to complete their ballot paper so that their vote could count in the way they intended.

2.3 Advertising ran on a variety of channels including TV, radio, press, outdoor and online. We also produced animations which we promoted through social media demonstrating how to complete the ballot paper validly and how votes are counted using STV. These can be found on the [Electoral Commission's YouTube channel](#).

2.4 We distributed a [voting guide](#) to every household in Scotland from 3 - 7 April. The guide contained information on registering to vote, eligibility to vote, the different ways of voting and how to complete the ballot paper using numbers. We also provided the booklet in a range of accessible formats and community languages.

2.5 The public awareness campaign was aimed at all potential voters; however, we targeted different versions of our social media ads at specific groups whom we know to be under-registered. This included students, young people and private renters. We also ran social media advertising targeted specifically at 16 and 17 year olds.

2.6 In order to extend the reach of our public awareness campaign we worked in partnership with a number of organisations. This included working with Snapchat to target 16-25 year olds in Scotland with a reminder to register message. We also repeated our successful partnership with Facebook in which a reminder to register to vote appeared in the newsfeed of everyone in the UK. This ran from 7 April for four days.

2.7 We set a target for the overall campaign recognition that 75% of the general public would see one or more elements of our campaign. We exceeded this target with a recognition rate of 81%.

2.8 Our tracking research found a significant increase in the proportion of people who knew how to complete the ballot paper correctly, rising from 32% at the beginning of our campaign to 80% following the poll. Overall 44% of people said they had seen our voter information booklet with 69% of them claiming to have read some or all of it. Of those who did read the booklet, 85% said they had found it to be useful. Younger people were less likely to have read the booklet (53% of 16-35 year olds compared to 83% of those aged 55+); however, our voter information animations were more likely to have been viewed by younger people with 31% of those under 34 reporting having seen it as opposed to 17% of over 55s. This demonstrates the need for us to continue providing voter information through a variety of routes to ensure we reach all age groups.

## Understanding of Single Transferable Vote

2.9 We have drawn on our research with voters, as well as data on the level of rejected ballot papers and feedback from electoral administrators and campaigners at the elections, to consider whether voters were able to understand the voting system and cast their vote so it may be counted in the way they intended.

### Rejected ballots

2.10 Our research found that 94% of those who voted said that they had found it easy to complete their ballot paper with 73% saying they found it very easy (in 2012, 92% said they found it easy).

2.11 Despite the findings above, 37,492 ballot papers (1.95%) were rejected at the May council elections. This is slightly higher than the 1.74% of rejected ballot papers at the 2012 council elections and the 1.83% in 2007.

2.12 A total of 30,813 (82.2%) of all ballot paper rejections were because there was a first preference for more than one candidate. Based on our observations at count venues, and feedback from ROs, candidates, agents and party officials, this was largely because voters had marked the ballot paper with multiple 'x's rather than using numbers. Whilst a single 'x' on a ballot paper would be considered as a valid first preference, once a second 'x' is placed on the ballot paper the voter's intention becomes unclear and the RO must reject the ballot paper.

2.13 There was substantial variation in rejected ballot rates both within council areas and across Scotland. Rejected ballot rates varied from as low as 0.47% in the North Isles ward in Orkney Islands Council to as high as 5.67% in the Canal ward in Glasgow.

2.14 We have carried out an initial ward-level analysis with demographic data which indicates that the rate of rejected ballot papers was higher in wards with

greater levels of deprivation and unemployment.<sup>5</sup> However, our initial analysis also suggests that these wards were more likely to have multiple candidates from a single party standing which may also have been a contributory factor. We intend to conduct further analysis to attempt to identify any causal factors for higher than average rates of rejected ballots.

### **Use of preferences**

2.15 The STV voting system enables voters to rank their candidates in order of preference using numbers. We have analysed the results data to establish whether voters used their preferences at these elections.

2.16 Our analysis found that the average number of preferences used across all wards was 3.2 as compared with 3.0 in 2012. Almost 15% of voters in 2017 indicated only a first preference compared with 13.7% in 2012 and 21.7% in 2007. Just over 60% used three preferences in 2017. After three preferences – in line with previous elections – there is a very sharp decline in the use of preferences with only 28.6% expressing four or more preferences.<sup>6</sup>

### **Improving voter understanding of the voting system**

2.17 While evidence from other polls in the UK indicates that preferential voting systems tend to return higher rates of rejected ballots than simple majority voting systems, it is disappointing that the level of rejected ballots has risen slightly since 2012.

2.18 As noted earlier, we intend to carry out further research into the causal factors behind the variation in levels of rejected ballot papers across Scotland at STV elections. Notwithstanding any findings from this research, there are a number of stakeholders who have a key role to play and an inherent interest in improving voter understanding of the electoral system and we make a number of proposals below which we believe may increase voter understanding of STV.

**Recommendation 2: The Commission will review its own voter information materials with a view to expanding the provision of material which helps voters to understand the voting system and the effect of their vote. We also recommend that:**

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<sup>5</sup> We conducted a linear correlation analysis between rejected ballot papers and demographic variables at ward-level in order to identify any relationships between specific groups and levels of ballot rejection. The demographics selected for the analysis were age (16 to 29 year olds), highest level of qualification (people aged 16 and over with no qualification), household deprivation (households deprived in 3 and 4 dimensions), tenure of households (council, social and private renters) and economic activity (unemployed). The analysis found a positive correlation between rejected ballot papers and household deprivation ( $r^2=0.575$ ) and unemployment ( $r^2=0.452$ ). We found weaker correlations with people with no qualification ( $r^2=0.371$ ) and renters ( $r^2=0.348$ ) and no correlation with concentration of 16-29 year olds ( $r^2=0.04$ ).

<sup>6</sup> Curtice, J., (2012), *2012 Scottish Local Government Elections*, Electoral Reform Society, P.13

- **Parties review their campaigning strategies and the messaging that is given to voters on the doorstep to ensure that it does not contribute to any misunderstanding of the voting system.**
- **ROs and the EMB review the provision of training for polling station staff and the written instructions in polling stations and postal voting stationery, to ensure that information is consistent and as accessible as possible for voters. Should this review highlight any changes necessary for prescribed forms then this will require action from the Scottish Government.**
- **For future elections ROs should also assess each ward to identify those at risk of higher ballot rejection rates (whether as a consequence of multiple candidates standing for a particular party or higher rates of deprivation within the ward) The Commission and the EMB should work with ROs to identify strategies which militate against higher rejection rates in these wards.**
- **The Commission will review its work with the media to help improve voter understanding of the electoral system.**
- **Further work should be undertaken by all relevant stakeholders, including the Commission, local authorities and education bodies to identify opportunities for targeting information on the voting system at first time voters via schools, colleges, universities and through social media platforms.**

2.19 Ahead of the next scheduled Scottish council elections, consideration will need to be given to any impact from the Islands Bill and its implications for future council elections. The Bill, which was introduced into the Scottish Parliament in June 2017, provides the Local Government Boundary Commission for Scotland with the flexibility to propose electoral wards of one or two councillors for populated islands, as opposed to the current requirement to propose three or four member wards. This will have implications for our public awareness campaigns as well as for our guidance for candidates and agents and ROs. We will monitor the progress of the Bill and work to address the implications of any changes before the next scheduled elections.

### **Ballot paper design**

2.20 Several stakeholders, including representatives of political parties, have raised concerns about the effect of ballot position – determined alphabetically – when more than one candidate from a political party is standing in the same ward. The concerns relate to the potential effect of ‘alphabetic voting’ when a voter - in a ward with multiple candidates from one party - gives their first preference to the candidate placed highest on the ballot paper and then votes down the party line from there. While it is difficult to establish the effect of alphabetical bias with any certainty (as it does not account for other factors such as the effect on incumbency within wards), a brief analysis does suggest that the alphabetical placement of candidates may have implications for their chances of being elected.

2.21 Of the 351 contested wards at the elections 284 wards (81%) had more than one candidate representing a single political party. Our analysis of the

first preference votes gained by candidates affiliated to parties nominating two or more candidates within a ward indicates that in 73% of cases the highest placed candidate on the ballot paper gained more first preference votes than their party colleagues placed lower down the ballot paper. This seems to affect some parties more than others. For example, in the wards where the SNP stood more than one candidate, the highest placed candidate on the ballot paper got the most first preference votes in 78% of cases and for the Labour Party in 82% of cases. The highest placed Conservative Party candidate gained the most first preference votes in 68% of cases and the highest placed Liberal Democrat in 64% of cases.

2.22 The Scottish Government has indicated that it will be considering the design of the ballot paper for council elections as part of the forthcoming consultation on electoral reform. Any proposals for ballot paper design that emerge as a result of this consultation should be thoroughly tested with voters to ensure there are no unintended consequences for voters, political parties and electoral administrators.

## 3. Extending the franchise

3.1 These were the first Scotland wide set of council elections at which 16 and 17 year olds could vote. As the majority of this age group are still in school we ran a specific school-based campaign – ReadyToVote – to target this age group with information about electoral registration and voting.

3.2 The ReadyToVote campaign encouraged schools across Scotland to run registration and voting events with their students on 1 March 2017. We worked in partnership with a range of organisations to encourage involvement from schools. These partners included the Society of Local Authority Chief Executives, the Scottish Assessors Association, the Electoral Management Board for Scotland (EMB), Education Scotland, School Leaders Scotland and the Association of Directors of Education Scotland.

3.3 To support schools' involvement we produced a toolkit which included FAQs, factsheets, lesson plans, social media posts, infographics and poster artwork. In total 293 secondary schools signed up to take part in the campaign. This accounts for over 80% of all local authority secondary schools.

3.4 We are grateful to teachers, local authorities and EROs for their support in achieving this level of participation. The ReadyToVote campaign relied on the approaching council elections as a motivator for young people and teachers to engage in the campaign and take action to ensure they were registered.

3.5 Following the elections we carried out public opinion research with this age group of voters to find out how confident they were in casting their vote and to improve our understanding of their motivations in terms of participation in the electoral process. Our research found that 16 and 17 year olds found it easier to access information on how to cast their vote than 18-34 year olds

with 84% of 16-17 year olds saying it was easy to access information compared to only 69% of 18-34 year olds. Similarly only 7% of 16-17 year olds said they found it difficult to complete their ballot paper compared to 16% of 18-34 year olds.

3.6 As we saw at the Scottish Parliament election in 2016, participation by family and friends has a strong influence on turnout among 16 and 17 year olds. Of those that voted in May, 95% said that their parents/guardians had voted while just 50% of those 16 and 17 year olds that did not vote said their parents had voted. Similarly 50% of those that voted said that 'most of my friends voted' compared with just 10% among those that didn't vote.

3.7 Parents appear to be slightly more important than friends in terms of influencing 16 and 17 year olds to vote; 43% saying that their parents voting would have made them more likely to vote on 4 May while over a third (37%) said that knowing their friends were voting would have made them more likely to vote.

3.8 In general young people tend to be most supportive of reforms to the system of both registration and voting: three quarters (74%) of 16 and 17 year olds believe that you should be automatically added to the electoral register when you receive your National Insurance Number. This view is shared by two-thirds of 18-34s (64%) and 35-54s (65%) but just under half of over 55s (47%).

3.9 Unsurprisingly, young people are the biggest advocates of increased digitalisation of the electoral process; 66% of 16 and 17 year olds and 52% of 18-34s said that they would have been more likely to vote if they could have voted online instead (compared with 35% of 35-54s and 17% of over 55s).

**Recommendation 3: Given that there are no scheduled elections in which 16 and 17 year olds in Scotland can vote in until the 2021 Scottish Parliament election; consideration needs to be given to how to engage young people who will reach the age of electoral majority in the next four years. In order to do this the Commission will work with educational partners and councils to identify opportunities for supporting ongoing political literacy in schools and encouraging young people to register when they attain the age to do so.**

## 4. Delivering the poll: co-ordination and administration

4.1 The elections ran smoothly and no significant Scotland-wide administrative issues arose. The evidence from our public opinion research suggests that the vast majority of voters (82%) were confident that the elections were well-run. This is an increase of 7 percentage points from 75% in 2012.

4.2 Feedback from candidates and agents was also positive with 95% of candidates and agents who responded to our survey saying they were satisfied with the overall administration of the election (compared to 90% in 2012). The vast majority of those who responded to our survey also found the nomination process to be straightforward (91%) and well run (90%).

4.3 Nearly all of the legislation governing the administration of the council elections was in place six months prior to polling day and this contributed to the smooth running of the elections as ROs had sufficient time to plan effectively for the polls. We commend the Scottish Government commitment to ensuring that the legislation was in place in good time and we continue to recommend that legislation for all electoral events is in place at least six months prior to the event that they intended to effect.

## Electoral Management Board for Scotland

4.4 The EMB continues to make a positive contribution to the effective delivery of elections in Scotland through the provision of advice, support and challenge to ROs and EROs.

4.5 At the council elections, the Convener of the EMB, Mary Pitcaithly, has the power to direct other ROs in the discharge of their responsibilities in order to ensure a consistent standard of service for voters. At these elections the Convener issued a total of 14 directions to ROs, which included the timings of the dispatch of poll cards and postal votes to electors, the timing of the count and publication of information following the count. In our view these directions supported the delivery of the elections in the interests of voters and ensured high standards of transparency across Scotland.

4.6 The rationale behind the creation of the EMB was to bring clear benefits to the voters in Scotland through the delivery of better and more consistent electoral administration. It does this with statutory backing only with regard to council elections. It continues to have no statutory role in relation to the various parliamentary elections and undertakes co-ordination in these cases on a voluntary and mainly unfunded basis.

4.7 It is now ten years since the Commission recommended the creation of an EMB with statutory powers to co-ordinate and direct other ROs at elections in Scotland and it is six years since the Scottish Government legislated to set the EMB in statute in respect of local government elections. Despite the clear benefits which the EMB has demonstrated in respect of delivering well-run electoral events for voters in Scotland, the Scottish and UK governments have yet to legislate to set the EMB in statute for Scottish Parliament and UK Parliament elections respectively.

**Recommendation 4: The Scottish and UK Governments must now legislate to provide the EMB with statutory powers for Scottish and UK Parliament elections. The legal status and funding of the EMB also needs to be reviewed to allow it to undertake the management roles it**

was initially envisaged it would undertake, including overseeing the procurement and delivery of the e-counting project for council elections.

## Returning Officer performance

4.8 The Electoral Commission and the Convener of the EMB developed a joint approach to monitoring the performance of ROs at the elections. The approach was in line with the Commission's statutory power to monitor the performance of ROs and the Convener of the EMB's duty to ensure the effective co-ordination of council elections in Scotland. It was designed to support the ROs in planning for and delivering well-run elections, and to monitor and report on their performance.

4.9 During the elections we worked closely with the ROs to ensure that the standards were successfully met, and to address any issues that arose in real time through advice and guidance. This work included a Commission and EMB led seminar for all ROs and EROs in January 2017; assessing the performance of all 32 ROs through surveys and monitoring; and selecting a sample of ROs for detailed monitoring. As a result of our monitoring of ROs' planning and delivery for the elections we found that all 32 ROs met the performance standards.

## Counting the votes: transparency and accountability

4.10 There were no significant issues arising at the 32 individual counts which commenced across Scotland on the morning after the poll. This assessment is endorsed by the feedback from candidates and agents, with 92% of respondents to our candidate survey reporting overall satisfaction that the verification and count process were efficiently run.

4.11 In general there was consistency and transparency in the count and adjudication processes. Commission staff noted good signage and use of count booklets in the count venues where they were observing. Transparency was also improved as compared to previous e-counts by the inclusion of 'orientation tables' where ballot papers were sorted in preparation for scanning in full sight of candidates and their agents.

4.12 Our observations found that transparency was enhanced by the use of the information screens provided at the count. As at previous elections, the information screens provided candidates, agents and observers with information on the first preferences which had been counted for candidates until the point where 80% of the boxes had been scanned. While this information is seen as valuable to candidates and agents, it can lead to false expectation unless it is contextualised as to what is being shown. For instance, which boxes have been scanned and which have not can affect the figures shown as the demographics of where the boxes come from will be pertinent. Similarly, the first preferences shown give no indication of transfer patterns of votes which is an important feature of STV. Some ROs have expressed concerns about the use of these screens as they believe the information could be misleading. However, the EMB directed that the screens

should be used with information provided to candidates and agents to explain what was being displayed. The Commission supported this direction.

4.13 Electronic counting (e-counting) has been used at all three sets of all-out council elections since 2007 and at many by-elections. In order to maintain the confidence of ROs, campaigners and voters in the accuracy and integrity of e-counting processes, the Scottish Government and the EMB should carry out a comprehensive lessons learned review of the use of e-counting at the 2017 elections, in line with project management good practice. The results of the review should inform a further cost benefit analysis ahead of any decision being taken to continue using e-counting at future Scottish council elections.

**Recommendation 5: Transparency in the count centre is important and helps the RO achieve an accurate result which is accepted by those present. We recommend that the EMB lead a review, in consultation with political parties and other stakeholders, of the transparency of the e-count processes within the count centre, including the use and content of information screens to ensure the highest levels of transparency and confidence in the count.**

#### **Management of the e-counting project**

4.14 Following the 2012 council elections, where planning for e-counting had been led by Scottish Government officials, we recommended that the EMB should take the lead on planning for the project in recognition of the fact that it is the ROs and not the Government who are legally responsible for the running of the counts. We were pleased to see the EMB taking on a greater role in co-ordinating the e-counting project for the 2017 elections; however, there was still a significant reliance on support from the Scottish Government. One of the original rationales for the proposed establishment of the EMB was to co-ordinate, on behalf of and with the ROs, the e-counting project.

**Recommendation 6: In the event that e-counting continues to be used for future council elections, ROs must take full control and responsibility for the planning and delivery of the e-counting solution ahead of future council elections. This work should be led by the EMB and needs to begin at least three years ahead of the next scheduled elections in 2022. The EMB will need to be adequately resourced to take this forward.**

#### **Collation and publication of results**

4.15 Following concerns raised by parties, academics and the media in 2012 regarding the lack of a national results publication service, the EMB committed to co-ordinating the collection and publication of results data in the interests of improving transparency and providing a valuable service to the public. The Convener of the EMB directed ROs to provide the data at the close of their counts. However, not all ROs provided it within the specified timeframe and the collated results were not published until the Monday following the elections. While a delay of four days was considerably less than the four month delay at the 2012 elections, this is still not ideal. The desire to have a single source of the 'national' result of the council elections published

as soon as the counts are completed is a legitimate desire of the electorate, media and politicians and we believe further efforts should be made to achieve this objective at the next set of elections.

**Recommendation 7: The provision of a Scotland-wide results service requires planning, resources and practice to ensure smooth running; we recommend that ahead of the next set of all-out council elections further work is carried out to ensure that this service can be delivered accurately and in good time to meet legitimate public expectations.**

## 5. Campaigning at the elections

5.1 A total of 2,572 candidates (76 more than in 2012) stood for the 1,227 seats available in 354 wards. Under STV, each ward returned either three or four candidates.

5.2 A total of 499 (19.4%) candidates stood as independents and the other 2,073 (80.6%) stood on behalf of one of 23 parties that contested the election. 1925 (74.9%) of candidates stood for the five parties represented in the Scottish Parliament with 148 (5.8%) coming from other parties.

### Monitoring and compliance

5.3 We took a proactive approach to raising awareness about the rules for candidates and agents. This included cascading our guidance through parties to their candidates, and targeting independent candidates via the ROs. We also held fringe events at party conferences for candidates and agents. In addition to this the 32 ROs organised pre and post nomination briefings for candidates and agents, which 72% of the respondents in our survey for candidates and agents found helpful.

5.4 We undertook desk-based monitoring of campaigning at the elections. The purpose of this work was to promote compliance by gathering information on campaigns and taking action wherever necessary at the time. Candidates submitted spending returns to the ROs, which are available for public inspection at the respective council offices upon request.

5.5 Political parties and non-party campaigners have a distinct role in campaigning at council elections beyond the campaigning undertaken by candidates. While the spending of parties was not regulated at the council elections, it was regulated for the extraordinary UK Parliament election (UKPGE). The retrospective spending rules for political parties at the UKPGE also included spending incurred during the regulated period of the council elections. Political parties must submit a return to the Commission following the UKPGE and we will review the returns with the aim of understanding the spending undertaken by parties during the council elections, and will report our findings to the Scottish Government.

## **Legislative changes at the 2017 council elections**

5.6 There were only three legislative changes made to the rules for candidates at the 2017 elections: a higher spending limit; provisions allowing candidates to account for reasonable travel and accommodation costs as 'personal expenses' which were excluded from the spending limit, and the exclusion from the spending limit of expenses relating to a candidate's disability. The latter was aided by the Access to Elected Office Fund Scotland, which was initially set up as a pilot for the elections.

### **Access to Elected Office Fund Scotland**

5.7 The Access to Elected Office Fund Scotland was used for the first time in these elections. It was initiated by the Scottish Government and administered independently by Inclusion Scotland. The Fund had the purpose of offering financial assistance to disabled people, both for the purpose of seeking internal party selection and to stand as a party or independent candidate at the elections. The financial assistance granted was used to pay for practical support including transportation, equipment software and training, and the wages of personal assistants. In total, Inclusion Scotland granted funding to 44 applicants, with 39 of these going on to stand for election either on behalf of parties or as independents. Of these 15 were elected, representing 4 different political parties in 12 councils.

5.8 Feedback from candidates and Inclusion Scotland has been positive overall. Those that have stood previously found that running with the Fund's backing produced a more positive experience than previous campaigns. Several candidates also suggested that they would not have run for election had it not been for the Fund's assistance. We welcome the introduction of the Fund as it opened the election process to be more inclusive.

5.9 We contributed to the promotion of the Fund by highlighting it in our guidance, as well as working and assisting Inclusion Scotland in promoting the Fund. We will continue to assist in increasing awareness of the Fund at future council and Scottish Parliament elections, and any other elections to which it is introduced.

## **Regulatory issues at the 2017 council elections**

5.10 Our monitoring and compliance activities during the elections, which included advising candidates and agents, political parties and members of the public, have highlighted the following issues that should be considered ahead of future elections.

### **Lack of donation controls for candidates**

5.11 The Scottish council elections are currently the only council elections in Great Britain where candidates do not have to declare who has funded their campaign. Controls on donations are important as they bring transparency to the democratic process. The current arrangements mean that candidates may accept money from any source, and that the value and sources of the donations they accept are not made public. This has the potential to enable

donors to exercise undue influence and to damage voters' trust in the outcome of these elections.

5.12 The Commission received a number of enquiries from candidates and agents at the elections asking how they could report their donations, and almost two thirds of the respondents to our candidate and agents survey believe that there should be controls on donations.

### **Advice and guidance**

5.13 The Commission does not have a statutory role in providing advice and guidance on the rules for candidates and agents at the council elections, as it does for all other elections, but did so in 2017 at the request of the Scottish Government. This advice and guidance was considered clear and easy to use by 84% of candidates and agents who responded to our 2017 council elections survey.

5.14 Our guidance on candidate spending in Scotland has a different function from that in England and Wales, because we had no statutory role in advising candidates and agents. This means that the Scottish guidance cannot provide the usual assurance that where candidates and agents comply with it; they will normally be doing enough to comply with the law.

### **Revision of the reporting requirements**

5.15 The activities that count against candidates' spending limits at Scottish council elections include the use of property, the use of other facilities, and goods or services. The rules do not specify in any further detail about the items and activities that count against the spending limit. In comparison, the spending rules for candidates at other elections, such as Scottish and UK Parliament elections, include a standard schedule of items that count against the limit (such as advertising, unsolicited material sent to voters, etc.).

5.16 We had a number of enquiries from agents and candidates preparing their spending return for the elections who were unsure about which expenses needed to be reported. Some agents who had been an agent at other elections were surprised that reporting was not consistent across elections.

### **Candidates employed by arms-length bodies**

5.17 Currently anyone holding any paid office, employment or other place of profit in the gift or disposal of the local council, may stand for election, however, if elected, they must resign from their office, employment or place of profit. The legislation does not clearly define what counts as being 'employed by the council'.

5.18 During the nomination process, as during the 2012 election, we received queries from prospective candidates asking for clarification on the need to resign from their employment at an 'arms-length' organisation delivering council services before becoming a councillor.

## **Publication of candidates' spending returns online**

5.19 Candidates must submit a spending return to the RO within 35 days after the declaration of the result, and the RO must make the returns available for public inspection afterwards.

5.20 The Commission is able to publish the spending returns of political parties, non-party campaigners and permitted participants on our website. However, ROs only make the physical returns available for inspection at the council. Following the elections we received queries from members of the public about the possibility of viewing the returns online.

5.21 We believe it would improve the transparency of candidate spending if ROs were required to publish spending returns online as well as through the existing methods of public inspection.

## **Addresses of candidates and agents**

5.22 In our report on the 2016 Scottish Parliament election we recommended that Scottish Government review the rules relating to access to candidates and agents' home address details, seeking the views of parties, candidates and electoral administrators, as well as the Commission, with the aim of maintaining transparency, while seeking to increase the safety of candidates.

5.23 Candidates at council elections must give their home address on their nomination papers. It subsequently appears on the ballot paper and the notice of poll when published. Election agents are required to have an office address to which all legal documents must be sent. In the absence of an appointment of an agent the candidate becomes their own agent.

5.24 The issue of the personal safety of candidates and agents was raised with the Commission and ROs during the nomination period by a small number of agents and political parties.

5.25 Our survey and interviews with candidates and agents show that a majority (63%) of the respondents are content with their home address being published; however 28% do have concerns. Many of the candidates interviewed believed that there was a purpose in having the home address made public, as it would show that candidates are local and allowed voters to contact them. Others described situations arising which threatened their personal security, as a result of having their address in the public domain. The issue of making home addresses publically available is clearly complex and sensitive. While the safety of candidates and agents is, of course, important, there is also a desire from voters to know whether their candidates live locally, although this could potentially be achieved by means other than including their full home address on the ballot paper.

5.26 We recommend that the Scottish Government reviews the rules on the publication of candidates' home addresses to find a balance between safety and transparency.

## **Use of registers by parties**

5.27 At Scottish council elections candidates are entitled to a copy of the electoral register and the list of absent voters for their ward, as well as the relevant election updates. This data contains the details of those 15 year olds who will reach the age of 16 on or by polling day. Candidates are able to use the information contained in the register for campaign purposes, but must not disclose it to third parties. This last requirement is particularly important as it would be in breach of the data protection rules for the EROs to share this data with anyone that is not entitled to it.

5.28 Political parties are entitled to a copy of the published electoral register and to election updates. However, the version supplied cannot include details of those electors who will turn 16 on or by polling day. We received some complaints from parties that they were not entitled to a copy of the election register and updates which candidates receive, as they wanted to use the information to target their campaign in support of all their candidates to all eligible electors including those yet to turn 16.

5.29 Unlike candidates, political parties are not regulated at council elections, which they are at other elections, and are therefore not entitled to receive the same benefits as those who are regulated.

**Recommendation 8: We suggest that any changes to the rules relating to the use of the register should be considered alongside a review of the regulation of political parties as set out in recommendation 9.**

## **Regulation of campaigning at future council elections**

5.30 In our report on the 2012 council elections we recommended that before the next set of council elections, the Scottish Government should review the arrangements for the regulation of campaigning at those elections. In particular we recommended that this review should consider:

- how candidate spending and donations should be regulated and how candidates and agents should be supported to comply with the rules; and
- whether rules for political parties and general campaigning by non-party campaigners should be introduced at council elections.

5.31 No such review took place, and the arrangements for the regulation of campaigning at the 2017 elections were largely the same as the 2012 elections. Compared to other arrangements for similar elections across UK, the rules for the regulation of campaigning at council elections in Scotland are out of date.

**Recommendation 9: The Scottish Government should review and modernise the regulation of campaigning at council elections in time for any changes to be implemented for the next elections in 2022. The review should consider and respond to the Electoral Commission's recommendations following the 2012 Scottish council elections as well as the issues highlighted in this report including:**

- **Introducing donation controls for candidates at council elections**
- **Giving the Commission a statutory role to provide guidance for candidates and agents at council elections**
- **Specifying a list of activities that count against candidates' spending limits at council elections**
- **Clarifying whether candidates employed by 'arms-length' bodies delivering council services would need to resign from their employment in order to be a councillor at the relevant council**
- **Requiring ROs to publish candidates' spending returns online as well as through existing methods of public inspection**
- **Reviewing the rules on the publication of candidates' home addresses**

**The Scottish Government should consult the political parties that contested the 2017 elections, the Crown Office and Procurator Fiscal Service, the Commission and any other interested stakeholders on these issues as part of this review.**

# Appendix A: Research methodology

## Electoral Data

Hugh Bochel, University of Lincoln, and David Denver, University of Lancaster, collected and collated data from RO and EROs in Scotland on the Commission's behalf. This comprised the Statement on Absent Voters and an additional data form, which included data relating to electoral registration, turnout, absent voting and rejected ballots.

## Candidates and agents survey

Research was conducted in-house using a quantitative postal survey and qualitative telephone interviews with a sample of respondents. A total of 3,277 questionnaires were sent the week following the poll to all candidates and agents for whom contact details could be sourced.

A total of 1,001 questionnaires were returned in time for analysis - a response rate of 31%. A total of eight telephone interviews were completed.

The profile of respondents varied. 67% stood as candidates, 18% as agents, and 15% said they acted as both. 77% of respondents were standing or working on behalf of a political party, but 23% were independent. For 36% respondents, this was the first time they had stood in or worked on an election, whereas 64% had previous experience.

Many questions on the survey asked whether respondents agreed or disagreed with certain statements; in general, reporting of these proportions is aggregated. Percentages given for some questions will not sum to 100% due to rounding. Findings are not representative of the views of all candidates and agents.

## Public opinion survey

Between Friday 5 May and Monday 5 June 2017, ICM interviewed a sample of 600 adults aged 18+ across Scotland, as well as 150 interviews among 16 and 17 year olds.

This survey was carried out by telephone using a random digit dialling methodology and demographic quotas. This means that telephone numbers in Scotland were randomly selected for interview. 85% of the sample was made up of landline numbers, and 15% was mobile.

More information on our public opinion research can be found on [our website](#).

## Public awareness campaign tracking research

Fieldwork was conducted by ICM, who interviewed a total of 3,909 people across Scotland as part of three waves of campaign tracking research:

- A '**pre-wave**' which fielded between 15 February and 7 March, before the launch of our public awareness activity. [N=1,424]
- A '**post registration wave**' which fielded after the register to vote deadline on 17 April and before polling day and was designed to measure the impact of our registration campaign. [N=1,485]
- A '**post voter info wave**' which fielded after polling day (from 5 May), and aimed to gauge the success of our voter information materials. [N=1,000]

All interviews were conducted online. We oversampled the key target audiences of the campaign to ensure we could confidently assess the performance of our content among these groups. In Scotland these audiences were; 16-34s, recent home movers, private renters, students and BAME groups. All overall figures reported are weighted to nationally representative quotas.

More information on our public awareness activity can be found on [our website](#).