

The Electoral Commission

Alison Johnstone MSP
Presiding Officer
The Scottish Parliament
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27 September 2021

Dear Presiding Officer

2022/2023 Estimate Submission to the Scottish Parliament Corporate Body (with accompanying draft five year Corporate Plan)

In relation to the discharge by the Commission of its devolved Scottish functions, we are pleased to present the Electoral Commission's Estimate for the financial year 2022/23.

In submitting this estimate, we can confirm that the estimated level of income and expenditure is consistent with the economical, efficient and effective exercise by the Commission of its devolved Scottish functions.

The Estimate is under-pinned by our draft five-year Corporate Plan for the period 2022/23 to 2026/27. Consistent with s.17 Scottish Elections (Reform) Act 2020 we will resubmit this Plan to you early in 2022 for your final examination and laying before the Scottish Parliament.

The draft five year Corporate Plan sets out our objectives for the next financial year and those beyond until 2026/27. It reflects our research, horizon scanning, and ongoing consultations with key stakeholders. We have defined five strategic objectives for the period. These seek to maintain the high standards and public trust in the electoral system, as well as to address pressures and areas for development to further enhance the strength of democracy in Scotland and the wider UK.

In the year ahead the Commission stands ready to support the delivery and effective regulation of elections in Scotland. Our plans include the effective implementation of any electoral law changes legislated for by the Parliament and enhancing information for voters about digital campaigning. We will continue to develop our programme of activity to strengthen the capacity of the electoral administration community in Scotland, to ensure it is able to continue to meet the needs of voters and provide continuing trust in our democracy. We will also further develop our learning initiatives with our partners to ensure

our democratic institutions are strengthened in the lead up to the 2022 council elections and beyond.

Funding arrangements

While the Commission team in Scotland leads on work related to devolved Scottish elections, it also draws on regulatory and guidance expertise from across the whole organisation, enabling us to operate in the most efficient and cost effective way. Our work in Scotland derives benefit from this expertise, and in return our staff here also contribute to work on UK-wide issues. Consequently, our estimates for the costs attributable to the Scottish Parliament are divided into the following two streams:

1. Costs that are directly attributable to the Scottish Parliament, such as the costs of our activity in relation to Scottish Parliament and local government elections and activity related to the local government electoral registers used for Scottish Parliament and council elections in Scotland.

In the year 2022/23, these costs will be largely electoral event-related and focussed on supporting the delivery and oversight of the 2022 Scottish Council elections and subsequent reporting on those elections.

Our estimate of these costs for 2022/23 is £1,275,655.

2. Indirect costs relating to the share of Commission-wide costs for work on devolved electoral matters, such as corporate costs (including capital) that underpin the Commission's general functions. As agreed with you and HM Treasury officials, these costs have been apportioned by percentage of population from ONS / NRS data (mid-2020), with an 8% share for Scotland.

The costs for 2022/23 amount to £563,751.

As the Parliament is aware, the relative balance of these two streams will vary over time, with direct costs increasing in years such as 2022/23 with busy electoral cycles and reducing in quieter years. Further information about the activity which will be funded via both streams is provided below.

The total costs for 2022/23 is £1,839,406.

Directly attributable costs: supporting the delivery of devolved Scottish elections and the electoral reform agenda in Scotland

In the next 12 months, the Commission's work to support the delivery of the 2022 council elections and subsequent reporting on those elections will be central to one or more of the strategic objectives in our draft five-year corporate plan.

We will continue to work with the Scottish Government, the Electoral Management Board for Scotland and the wider electoral community to support the delivery of the 2022 polls. We will ensure that any relevant learning from the Scottish Parliament election in May 2021, including in relation to delivering polls in the context of the Covid-19 pandemic, is taken forward. We will keep the needs of voters at the forefront of our work, helping to ensure that they are able to vote with confidence, as they were in May 2021, using their

preferred method of voting and that campaigners are able to put their arguments to the electorate.

With the election of the new Parliament we will seek to advise it and the Scottish Government on any electoral policy initiatives as they develop. Currently, there is an elections bill before the UK Parliament which may have implications for Scottish elections via a legislative consent motion and/or the implications of electoral practice divergence being understood and managed. This will be an increasing focus of our work in the coming years.

We will seek to further develop our learning initiatives with partners to ensure recently enfranchised electors become registered and understand Scotland's electoral systems and how to express their electoral preferences with confidence. We will also be working to improve the accessibility of elections for disabled voters to ensure we understand and take steps to address the barriers they face to participation in our democracy.

We will work with the Scottish Government and others in the electoral community to achieve these developments.

In 2021, the Commission finalised our new performance standards for Electoral Registration Officers (EROs) and laid those standards before Parliament. Together with a variety of tools that have also been developed, the standards are being used by both EROs and the Commission throughout the year, to support understanding and improve performance, ensuring ultimately that registers are as accurate and complete as possible. We have also begun to develop new performance standards for Returning Officers which, when completed and laid in the Parliament, will be used to support continued improvements in the service delivered to electors at elections by the Returning Officers and their staff.

Indirect costs: Supporting the Commission's wider activity

The indirect costs to which the Scottish Parliament will be contributing underpins the Commission's wider work to ensure fairness, trust and confidence in our democratic processes. This work is delivered by regulatory, legal, policy, communications and guidance teams based across the UK. It includes ensuring consistently high standards in the delivery of electoral registration and administration across the UK, and giving voters transparency over money spent and received by campaigners and parties.

The Scottish Parliament's share of these costs also supports investment in initiatives to support confidence in our electoral processes. This includes work to increase voter confidence in the transparency of digital campaigning; strengthening the resilience of electoral administrators to deliver elections in an increasingly pressurised environment; and providing enhanced support to parties and campaigners to ensure that they can comply with their obligations under electoral law. Again, further information about these programmes of work can be found in the accompanying draft Corporate Plan.

Our strategic objectives

Our detailed programme of work to support the delivery of the devolved Scottish elections in 2022/27 is summarised in the draft five year plan annexed to this letter. We would however like to emphasise the following objectives.

Accessible registration and voting

We will continue to seek to remove barriers that prevent people registering or casting their vote. Alongside our ongoing activities to encourage voter registration and protect against electoral fraud, we will work to retain voter confidence in political campaigning as it evolves.

Transparent political campaigning and compliant political finance

We will support parties and campaigners to comply with the law, while continuing to ensure political finance is transparent.

Resilient local electoral services

We will support local authorities to meet the significant economic, social and environmental challenges they face in delivering well-run electoral services. We will also support electoral administrators to adapt to the increasingly diverse approach to the way elections are delivered, brought about by devolution and the changing needs of voters.

Fair and effective electoral law

During the period of this plan, we will work with others to secure changes in electoral law, ensuring it keeps pace with other developments in our society, harnessing technology and working on a continual process of modernisation.

A modern and sustainable electoral system

We will also work with others to secure changes in the operation of the electoral system to ensure it is resilient to changes in society. Critical to this will be taking on board advances in digital technology, seeking sustainable solutions and improving the coherence and efficiency of how we work with other organisations involved in the electoral system.

Ensuring the Commission is equipped to deliver benefits to the electoral system

Underpinning the plan is the requirement to provide value for money and maintain a well-run organisation. The plan incorporates a renewed focus on equality, diversity and inclusion, and is designed to encourage staff engagement, development of skills and use of the technology required to support effective ways of working and continuous learning and improvement.

Delivering value for money

Proposed budgets for the Commission are set out in the draft Corporate Plan. In preparing these budgets we have had regard to the considerations set out in the Scottish Elections (Reform) Act 2020. The estimated level of income and expenditure is consistent with the economical, efficient and effective exercise by the Commission of our devolved Scottish functions.

We are pleased to be able to confirm that the Scottish Parliament's proposed contribution will be lower in real terms by the end of the corporate plan period, than in 2021/22. We will of course continue to keep our budgets under review and the proposed plan represents our current view of maximum budgets. This reflects our commitment to ensuring value for money, and a recognition of the fiscal position, while allowing us to deliver improved Scottish elections and to advise the Scottish Parliament and Government as the new Parliamentary session develops its thinking in this area.

As is usual, the profile of spend reflects the electoral timetable. The Scottish Parliament Corporate Body will of course note that the contribution peaks in 2025/26, representing preparations for the Scottish Parliament elections scheduled in 2026. Equally, however, the contribution falls substantially in 2023/24, reflecting the schedule of elections in Scotland. The key assumptions underlying the plan include not only the timing of relevant elections but also the rate of inflation (GDP deflator) and pay settlements (assumed to average 1% across years). The key risks are changes to these assumptions. In the event that current inflation figures underpinning the budgets were to change to a degree that could not be accommodated within these plans, the Commission may need to amend predicted budgets to ensure they will be no higher in real terms at the end of the period than the start.

Turning to the next financial year (2022/23) specifically, the total contribution is substantially lower than in 2021/22. This is driven by the electoral cycle, and our work aimed at the delivery and subsequent work relating to the 2022 council elections rather than representing any structural increase in applicable costs.

We also note and welcome that from time to time the Scottish Government requests and funds advice and assistance from the Commission on specific electoral related matters. This would be in addition to the funding provided by the Parliament.

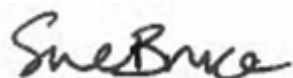
Measuring performance

Section 10 of the draft Corporate Plan contains performance measures, which are also included in Annex 1. We have a key role to work with other partners within the electoral system. We have included a number of performance measures that are 'partnership indicators', as our work together with that of others impacts on the performance in those parts of the system.

There will be an opportunity in early 2022, with the benefit of further data and benchmarking, for the Commission to set targets for the first year of the plan (2022/23). This will also inform the targets for subsequent years. This work will be reflected in the final version of the Corporate Plan which we will submit to you in early 2022.

We commend the enclosed Estimate for the financial year 2022/23 and the draft five year Corporate Plan for 2022/23 to 2026/27 to the Scottish Parliament Corporate Body and look forward to discussing them with you when appropriate.

Yours sincerely



Dame Sue Bruce

Electoral Commissioner - Scotland



Bob Posner

Chief Executive and Accounting Officer,
Electoral Commission

Annex 1 – Measuring performance

| Strategic objectives | Improvements | Performance indicators |
|----------------------------------------------------------------------|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| 1. Accessible registration and voting | Increased ease of registering and voting | Public satisfaction with the system of registering to vote |
| | | Public satisfaction with the process of voting |
| | | Accuracy of the electoral register |
| | | Completeness of the electoral register |
| | | Votes rejected and not included in the count for elections |
| | | Public perception that the process of voting is easy |
| | | Additions to electoral registers during our public awareness campaigns |
| 2. Transparent political campaigning and compliant political finance | Maintained availability of information | Publish donation and loan reports received within deadlines |
| | | Publish statements of accounts within deadlines |
| | Increased confidence in decision making | Applicants are notified of the outcome of their registration application within the working day targets |
| | | Decisions on final notices issued for representations within deadlines |
| Increased compliance with electoral law | Responses to requests for regulatory advice on financial reporting within targets | |

| Strategic objectives | Improvements | Performance indicators |
|----------------------------------------------|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. Resilient local electoral services | Maintained quality of electoral services | Public perception that appropriate action will be taken by the authorities if a political party or a campaigner is caught breaking the rules on campaign funding |
| | | Formal Electoral Registration Officers and Returning Officers performance assessment of when standards are not met |
| | | Guidance products for electoral administrators published on time with no substantive errors |
| | | Confidence that elections are well run |
| | | Election reports published within deadlines |
| | Maintained confidence in the electoral process | Public confidence in knowing how to register to vote |
| | | Public confidence in how to cast their vote |
| 4. Fair and effective electoral law | Increased parliamentary accountability | Election, referendum and other reports responded to by the relevant government within deadlines |
| | | Responses to policy proposals and legislative consultations by the deadlines |
| | | Responses to Members of the Scottish Parliament's correspondence responded to within deadlines |
| 5. A modern and sustainable electoral system | Improved security of the electoral system | Public perception that voting in general is safe from fraud and abuse |

The strategic objectives are underpinned by three key factors

| Key factors | Improvements | Performance indicators |
|------------------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. We demonstrate independence and integrity | Improved reputation as an independent regulator | <p>Responses to oral and written parliamentary questions within timeframes</p> <p>Responses to requests for advice from Electoral Registration Officers and Returning Officers within deadlines</p> <p>Responses to requests for elections guidance from candidates and agents within deadlines</p> <p>Responses to requests and enquiries from the public within the target working days</p> |
| 2. We are a skilled organisation where diversity is valued | Maintained staff well-being | Staff engagement score in the annual employee survey |
| 3. We are a learning organisation where improvement is continuous and resources are used efficiently | Increased value for money | Agreed auditors' recommendations that are implemented by the target date |

Indicators being developed and to be set for 2022/23

Developing our corporate plan has identified a number of areas of performance where suitable data has not previously been collected or where the data is not currently available. Research and development for potential indicators in the areas below is currently underway, with the ambition to consider and set these for 2022/23.

| Strategic objectives | Improvements | Performance areas |
|----------------------------------------------------------------------|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| 1. Accessible registration and voting | Increased ease of registering and voting | Levels of new voter registrations by groups that currently have difficulty engaging in the process |
| | | Eligible/registered voters who cast their vote from groups that currently have difficulty engaging in the process |
| 2. Transparent political campaigning and compliant political finance | Maintained availability of information | Register of regulated entities |
| | Reducing regulatory barriers to campaigning | Campaigner opinion on finance rules reducing actual or perceived barriers to campaigning |
| | Increased trustworthiness of campaigning | Voter opinion on confidence in the trustworthiness of campaigning |
| 3. Resilient local electoral services | Maintained quality of electoral services | Electoral administrator opinion on resilience of electoral services |
| 5. A modern and sustainable electoral system | Improved customer service | User pop-up survey on satisfaction with our website and systems |
| | Improved security of the electoral system | Allegations of electoral fraud/security incidences |
| | Improved partnerships within the electoral system | Key engagements with partners |

Strategic objectives**Improvements****Performance areas**

Increased environmental sustainability

Meeting requirements if existing and emerging or new environmental legislation

Key factors**Improvements****Performance areas**

1. We demonstrate independence and integrity

Improved reputation as an independent regulator

Parliamentarian survey on our independence, reputation and satisfaction with our services

Maintained confidence in the electoral process

Voter opinion on our reputation as an independent regulator

2. We are a skilled organisation where diversity is valued

Maintained staff well-being

Employees booked on learning and development training¹External training offered to employees¹

Increased staff diversity

Commissioner and staff diversity¹¹ Whole Commission target to be set

| Key factors | Improvements | Performance areas |
|------------------------------------------------------------------------------------------------------|----------------------------------------|-----------------------------------------|
| 3. We are a learning organisation where improvement is continuous and resources are used efficiently | Increased value for money | Costs saved ¹ |
| | Increased environmental sustainability | Public value framework ¹ |
| | | Energy consumption ¹ |
| | | Waste and recycling levels ¹ |