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**POLLING
PLACE**

Scottish elections 2007

Electoral administration
issues arising from the
Scottish Parliamentary
and local government
elections 3 May 2007

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The Electoral Commission

We are an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the democratic process. We regulate party and election finance and set standards for well-run elections.

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1 Introduction

1.1 This was the third set of elections to the Scottish Parliament and local government to be held on the same day and the second on which the Electoral Commission has reported. Some significant changes were implemented at these elections: the elections to local councils saw the introduction of the single transferable vote (STV) system, while the Scottish Parliamentary election saw the introduction of a combined ballot sheet on which both the regional and constituency ballot papers were included. Both elections were counted electronically for the first time. In addition, a large number of revisions to electoral processes arising out of the Electoral Administration Act 2006 (EAA) and the Local Electoral Administration and Registration Services (Scotland) Act 2006 (LEARS Act) were in force for the first time on 3 May 2007.

Scope of this report

1.2 The Commission has a statutory duty to report on the administration of the Scottish Parliamentary elections and was asked by the Scottish Executive to report on the Scottish local government elections. Subsequent to the election the Scottish Executive has renamed itself the Scottish Government. This report refers throughout to the Scottish Executive given that in the period under discussion that was the name by which it was known.

1.3 Events on 3 and 4 May, and concerns expressed in the weeks prior to polling relating to postal voting, led the Commission to split its duties in relation to reporting on the elections. Mr Ron Gould, an international elections expert, was commissioned to conduct an external independent review of all aspects of the administration of the election he felt to be relevant, but with a particular focus on:

- the high number of rejected ballots
- the electronic counting process
- the arrangements for postal voting
- the decision to hold the Parliamentary and local government polls on the same day
- the decision to combine the two Parliamentary votes on one ballot sheet
- the process by which key decisions were made
- the role of the Commission itself in the preparations for the elections

1.4 This report identifies and comments on a number of remaining issues that emerged in the course of the elections which, while of importance to the electoral profession, are not the subject of widespread public interest. This report is published at the same time as the report of the review undertaken by Ron Gould.

1.5 Details of campaign expenditure incurred by all candidates and by political parties which spent less than £250,000 contesting the Scottish Parliamentary elections, were made available on 30 August 2007. In addition,

details of third party campaign expenditure were also published. All of this detailed information is available either on the Commission's website or at its offices. The remainder of the party expenditure returns from parties that spent more than £250,000 will be available later in 2007, as additional time is provided to allow the return to be audited before submission.

1.6 Elections also took place on 3 May 2007 to the National Assembly for Wales and for 312 English local councils (in all regions outside of London). These included three elected mayors and 12 electoral pilot schemes in 13 English local authorities. The Commission has reported separately on the Welsh elections and the English local elections, as well as evaluating the English electoral pilot schemes. The Commission has also reported on the Northern Ireland Assembly elections which took place in March 2007. A further report examined the introduction of absent voting identifiers in England and Wales. All of these reports are available on the Commission's website, www.electoralcommission.org.uk.

Remit of the Electoral Commission

1.7 The Electoral Commission is an independent body set up by the UK Parliament under the Political Parties, Elections and Referendums Act 2000 (PPERA). Our aim is integrity and public confidence in the UK's democratic process. We regulate party and election finance and set standards for well-run elections. Our corporate plan sets our strategic direction over the next five years from April 2007. The aims and objectives of the plan are underpinned by two key priorities – demonstrating and enhancing our effectiveness as the regulator of party and election finance and leading the drive for increasingly high standards of electoral administration, including electoral registration. Our objectives for the period 2007–08 to 2011–12 are:

- integrity and transparency of party and election finance
- complete and accurate electoral registers supported by a well-run electoral registration process
- well-run elections and referendums which produce results that are accepted
- public understanding of the way our democracy works
- fair boundary arrangements for elections

1.8 As part of our future direction we will continue to produce independent reports on the administration of all major elections in the UK. We will also continue to review and comment on draft legislation and identify where changes in the law will help secure improvements in the delivery of quality electoral administration.

Scottish Parliamentary and local government elections

1.9 Scottish Parliamentary elections are held on a fixed term basis every four years. This was the third set of such elections; the first was in May 1999 (held on the same day as those for local councils) and the second in May 2003 (for the first time officially combined with the council elections by the Scottish

Local Government (Elections) Act 2002). The Commission officially reported on the 2003 Scottish elections.

1.10 Elections to the Scottish Parliament are conducted using the additional member system (AMS). This is a compensatory proportional representation system where each voter has two votes.

1.11 There are 73 constituency seats in the Parliament elected using the first-past-the-post system. In addition, fifty-six regional Members are elected. Regional seats are allocated according to a mathematical formula (known as 'modified d'Hondt'), where the total number of votes for a party or individual candidate in a region is divided by the number of constituency seats won by the party in that region, plus one. This is designed to allow those parties that have not won any constituency seats, and any individual regional candidates, to be included in the calculation and given a chance to be elected if they gain enough votes

1.12 In the 2007 elections for the first time the regional and constituency votes were contained on a single ballot sheet. Under AMS voters mark their choice of party or individual candidate on the regional ballot with a single X and for their choice of constituency candidate they indicate their vote by using a single X.

1.13 In Wales the elections to the National Assembly for Wales also used the AMS system and was held on the same day, but continued the use of separate ballot papers, as had been the case in Scotland in 1999 and 2003.

1.14 Prior to the 3 May 2007 local government elections, the first-past-the-post electoral system was used in elections to Scottish councils. The elections on 3 May 2007 saw the introduction of the single transferable vote (STV) electoral system for the election of Scotland's 1,222 councillors via three or four multi-member wards. A form of proportional representation, STV asks voters to rank listed candidates using numbers in order of preference (1, 2, 3, 4 and so on). Electors can vote for as few or as many candidates as they choose. Under STV, if the voter's first choice of candidate does not require their vote – having already secured enough votes to be elected or being eliminated as a result of having the least number of votes – then the vote or the unused part of the vote (the surplus) is transferred to the next available preference on the ballot paper, and so it continues until the required number of candidates are elected.

1.15 In the Scottish Parliamentary election, 334 candidates stood for election in the 73 constituency elections. Twenty-seven political parties contested the regional lists together with eight individual candidates. In the local council elections, all three- or four-seat multi-member wards were contested across Scotland for the 1,222 seats available. Political parties who wish to contest elections in Scotland must register with the Commission, which maintains and publishes details of registered parties. In a change to the law, from 1 January 2007 political parties were also able to register with the Commission 12 descriptions which could be used on ballot papers.

1.16 Implementing the changes brought about by the introduction of STV, a single ballot sheet for the AMS election and the introduction of e-counting, together with bringing in the changes from the EAA and LEARS Act meant that new secondary legislation governing the conduct of both the Scottish Parliamentary and local government elections was required, along with new guidance for electoral staff, candidates and agents and revised briefings for polling place staff.

1.17 In addition, preventing electoral malpractice continues to be high on the Commission's agenda and the Commission worked with Electoral Registration Officers, Returning Officers, political parties, the Association of Chief Police Officers in Scotland (ACPOS) and the Crown Office on election security and to promote electoral integrity. At the time of compiling this report, the Commission was not aware of any substantiated allegations of electoral malpractice at the Scottish elections. No electoral petitions were lodged challenging a Parliamentary or council election.

1.18 Those registered to vote at the Scottish elections numbered 3,897,675. A significant change introduced in 2007 by the EAA was that the deadline for registering to vote was moved to 11 working days before polling day. In the past, a significant number of people have been prompted to register to vote by an election campaign, only to find that the deadline had already passed. The Commission had called for the law to be changed and at this election electors could register after the official start of the election campaign and as late as 18 April.

1.19 Despite concerns expressed in advance of the elections about the potential administrative impact of registering large number of electors so close to polling day, the majority of Electoral Registration Officers did not, in the event, find the process burdensome. The introduction of the 11 day deadline, which is discussed later, contributed towards improved registration levels and increased the completeness and accuracy of the register and allowed voters who otherwise may have been disenfranchised the opportunity to exercise their right to vote.

Sources used to inform the report

This report has been informed by a number of sources including:

Commission representatives and other observers

1.20 Twenty representatives of the Commission observed in constituencies across all of Scotland's electoral regions. Commission representatives met with Returning Officers, Electoral Registration Officers, candidates and agents in constituencies ahead of the elections, observed postal vote openings, visited polling stations, observed campaigning activity and attended election counts. In addition a number of international observers and academics carried out observations in various parts of Scotland and many, at the request of the Commission, supplied their views which in turn have informed this report.

Survey of Returning Officers and Electoral Registration Officers

1.21 Returning Officers and Electoral Registration Officers were asked to complete a survey seeking their views and feedback on a range of topics on the administration of the elections. Of the 32 councils and 15 Electoral Registration Officers in Scotland, surveys were returned from all but four councils representing seven constituencies and three electoral regions.

Elections results analysis

1.22 The Commission contracted Professor David Denver of the University of Lancaster to collect data including figures for turnout and the extent of postal voting. Data for each constituency and further analysis will be published on the Commission's website later in the year.

Public opinion research

1.23 GfK NOP were commissioned, in conjunction with Professor John Curtice of Strathclyde University, to conduct public opinion research on the voter experience of the Scottish elections. Interviews were conducted with a representative sample of 1,000. Interviewing was carried out by telephone between 4 and 15 May 2007. Further details will be published by the Commission later in the year.

1.24 Unlock Democracy were commissioned to establish a group of election monitors to provide their views on the campaigning of parties and the administration of the elections. Further details will be published later in the year after the report into the election is published.

Stakeholder consultations

1.25 Following the elections, a seminar was held to receive feedback and review the election experiences of Returning Officers, Electoral Registration Officers and electoral administrators.

1.26 Discussions were held with representatives of the political parties which had been represented in the Scottish Parliament in 2003–7 through the Commission's Scottish Parliament Political Parties Panel.

Evaluation of Commission support for election staff

1.27 The Commission engaged GHK consultants to undertake an independent review of the support which the Commission provided to elections staff in terms of guidance and other support materials. This independent evaluation has informed this report.

Public enquiries

1.28 The Commission received a substantial number of telephone calls, emails and letters from members of the public, the media, candidates, agents, political parties, Returning Officers and electoral administrators throughout the election period. These enquiries helped inform the Commission's picture of the conduct of the elections, the key issues arising and the experience of voters.

2 Preparing for the elections

2.1 The independent review led by Ron Gould looks at the legislation, the combination of the elections, postal voting, ballot paper design, count arrangements, the electronic counting system (including the issue of rejected and spoilt ballots), public information, and the roles, relationships and accountability of various stakeholders who were involved in the organisation of the elections as a whole. This report therefore does not consider the preparatory arrangement related to these matters, including the organisation and effectiveness of the 2007 Scottish Elections Steering Group. A number of areas however remain on which the Electoral Commission will comment with regard to preparations.

2.2 The Electoral Administration Act 2006 (EAA) received Royal Assent on 11 July 2006. With the exception of the absent voting identifier provisions discussed below, the provisions within the EAA for the purposes of Scottish Parliamentary elections were brought into effect for the 3 May 2007 Scottish Parliamentary elections via the Scottish Parliament (Elections etc.) Order 2007. Similar provisions in relation to the local government elections were contained in the Local Electoral Administration and Registration Services (Scotland) Act 2006 (LEARS Act) which received Royal Assent on 1 August 2006 and was enacted for the 3 May elections via various pieces of secondary legislation including the Scottish Local Government Elections Order 2007. Acts of the UK and Scottish Parliament were necessary as electoral law relating to electoral registration and Scottish Parliamentary elections is reserved to the UK Parliament while legislation relating to local government elections is devolved to the Scottish Parliament.

2.3 The extent of the administrative changes arising from the EAA and the LEARS Act on the Scottish elections – not all of them visible or noticed by electors – was considerable. Returning Officers, Electoral Registration Officers and their supporting electoral administration staff are commended for dealing with such wide-ranging and fundamental change so positively.

Summary of the main changes

2.4 The key changes brought in at these elections arising out of the EAA and the LEARS Act were:

- enabling people to register to vote after an election has been called (up to 11 working days before polling day)
- requiring Electoral Registration Officers and Returning Officers actively to encourage participation in elections and providing some funding for such activities
- enabling Returning Officers to provide explanatory election materials and guidance in alternative formats, such as in languages other than English, using pictures, in Braille, and in audio

- removing the need for ballot paper counterfoils and giving Returning Officers greater discretion as to marking the papers with the official mark and the unique identifying mark¹
- reducing the minimum age of candidacy from 21 to 18 for Parliamentary elections, mirroring previously introduced provisions for Scottish local government enacted in January 2005 under the Local Governance (Scotland) Act 2004
- allowing candidates to use their commonly used names on ballot papers
- increasing the length of time available for the police to carry out investigations into electoral malpractice
- allowing independent observers at elections for the first time
- allowing Returning Officers to correct their own procedural errors
- introducing new provisions about the nature and number of the descriptions that candidates standing on behalf of political parties may use on the ballot paper and the process by which they must be registered with the Commission
- extending the deadline for the registration of political parties wishing to field candidates at an election, from the last date for publication of the Notice of Election to two days prior to the last day for the delivery of nomination papers (this had the practical effect in 2007 of extending this deadline from 2 April to 5 April)
- introducing a procedure for the cancellation and replacement of postal ballot papers
- allowing an elector to confirm that their postal vote has been received by the Returning Officer
- requiring a marked copy of the postal voters list to be compiled

Personal identifiers

2.5 In Scotland, unlike in England and Wales, the introduction of a system of collection and checking of personal identifiers (date of birth and signature) for absent voters was not operative. Also, as in England and Wales, the original intention to provide for the collection of voters' signatures in polling stations at the point where ballot papers are issued to voters was not commenced for these elections. The provision was, however, piloted in England and Wales in four local authorities at the 2007 elections following similar pilots in 2006.

¹ The purpose of the official mark is to validate the ballot paper; the purpose of the unique identifying mark is to allow for security checks in a case of electoral malpractice.

2.6 In relation to checking personal identifiers for postal votes, the problems encountered in England and Wales centred on the introduction of new technologies to assist with processes – such as those for the checking of signatures and dates of birth in respect of postal votes – and the timescales for their implementation. Late legislative change is a perennial issue, but when it is coupled with a need for major computer hardware and software upgrading, it compresses the timeframe for testing, quality assurance and implementation to the limit. In some cases this caused major strain on the electoral administration infrastructure and resulted in reversion to manual processes. The subsequent stress on administrative staff was considerable.

2.7 While the Commission's report *The introduction of absent voting identifiers in England and Wales*, published in July 2007, identified challenges to the implementation of the personal identifier provisions, the overall conclusion was that they worked well once in place and had a positive impact on the safety – and the elector's perception of the safety – of the postal voting system, although the introduction of individual electoral registration would provide further security to the whole electoral process. The Commission recommended that the Scotland Office move without delay to plan for the introduction of personal identifiers for absent voters in Scotland. The Commission is aware that the Scotland Office is actively considering a timetable for the introduction of personal identifiers; the Scotland Office should ensure that legislation is made to allow for their introduction to coincide with the 2008 annual registration canvass. At the time of writing this report the exact timetable was not known.

Guidance from the Commission

2.8 The Commission published guidance materials and provided support for Returning Officers and their staff and for candidates and agents. These materials were provided free of charge and included:

- a good practice guidance manual for Returning Officers, to assist in managing all aspects of the electoral process
- a handbook for polling station staff, which could be ordered in sufficient numbers for all polling stations
- separate candidates and agents guides for both the Scottish Parliamentary and the local government elections
- guides on adjudicating doubtful ballot papers at the count
- additional materials for download from the Commission's website, such as an election project planner and risk register and frequently asked questions
- individual advice and enquiry service

2.9 The Commission also provided four briefing sessions in January and February for Returning Officers and their staff on the new legislation and on the conduct of the elections. Staff from all but one council attended these briefing sessions and GHK, the independent external evaluation consultants, found general satisfaction with the briefings while highlighting issues for future attention, for example the suggestion of having separate briefings for electoral

administrators based on their own level of experience, which the Commission will act upon. A copy of the evaluation report is available on the Commission's website, www.electoralcommission.org.uk. In addition to briefings for elections staff, a number of briefing sessions were provided for individual political parties, candidates and agents on the elections, particularly on election campaign expenditure.

2.10 Returning Officers indicated during the independent evaluation of the Commission's support programme that they had made use of the good practice guidance manual and polling station handbook. The external evaluation found that the guidance manual for Returning Officers was used by staff at all levels in electoral services teams regardless of position or seniority. In addition, it was agreed that the 2007 edition of the manual had improved in breadth and coverage. The polling station staff handbook was also widely distributed and was seen as a useful reference document. Most authorities were using these materials to answer specific queries, to clarify or amend existing procedures or to train new staff.

3 Electoral Integrity

Electoral Commission activity

3.1 Preventing electoral malpractice continues to be high on the Electoral Commission's agenda and it has been working with Electoral Registration Officers, Returning Officers, political parties, the Association of Chief Police Officers in Scotland (ACPOS) and the Crown Office to promote electoral integrity and to make sure elections are safe and secure.

3.2 Renewing its partnership with ACPOS, first established for the 2005 UK Parliamentary general election, the Commission issued a revised version of *Guidance on fraud prevention and detection* to all police forces in Scotland in March 2007, along with a new pocket guide for beat officers for the May 2007 elections. This guidance provided practical advice on electoral administration to police officers to assist them in the handling of any issues that may arise. These documents are part of the Commission's response to both public disquiet about electoral malpractice and a demonstrated need for more information and support for police forces on this specialised area of law.

3.3 The Commission also agreed a revised Code of conduct with political parties on the handling of postal vote applications and postal ballot papers and continue to monitor adherence to the Code. During the May 2007 elections, a small number of instances were brought to the Commission's attention, and that of Returning Officers and the police, relating to failure to adhere to the Code of conduct. Where relevant, the Commission discussed this with the political party concerned and behaviour was changed due to the action of the Commission. The Commission will continue to monitor the effectiveness of the Code.

Single points of contact in police forces

3.4 Single points of contact (SPOCs) were created in each police force to deal with electoral issues in time for the May 2007 elections. These officers act as a focal point for both police officers and electoral officials in relation to electoral malpractice and allegations of offences.

3.5 Almost all of the police forces in Scotland attended a SPOC briefing seminar run jointly by the Commission and ACPOS in March 2007 in order to promote the message that prevention is better than prosecution and to give delegates the opportunity to consider different scenarios through workshops and exercises. This was the first such seminar in Scotland and was well received by all participants.

Support for electoral administrators

3.6 As in previous years, the Commission issued guidance to Returning Officers and Electoral Registration Officers on the steps that should be taken to promote electoral integrity at a local level through the overall guidance

manual. The Commission will continue to advise and support them, and police and prosecutors, when any new issues arise.

Reports and allegations of malpractice

3.7 As the Commission has previously reflected, there is no central record of electoral offences, however at the time of writing, which is halfway through the time period in which prosecutions can be launched, the reported volume and scale of alleged offences is negligible. The Commission is aware of a limited number of breaches of the Code of conduct on handling postal ballots but is encouraged that the police have been prepared to approach people and remind them of the requirements of the Code.

3.8 The Commission also believes that the low reported level of attempted malpractice as well as the better information and statistics available to the Commission are in part due to police taking an increased and more proactive role, through the SPOC system, the use of the pocket guides and the continued support of ACPOS at a central level. The Commission also continues to appreciate the excellent response from many police forces across Scotland.

3.9 As expected, given the Commission's knowledge of previous years' allegations in England, Wales and Scotland, police have also received allegations about imprint, treating and false statement offences. The low level of such reports and allegations of offences is, however, encouraging.

4 Electoral registration

4.1 Electoral registration of households is undertaken annually in the autumn (the 'annual canvass') and the Electoral Administration Act 2006 (EAA) inserted new minimum procedures to be followed by Electoral Registration Officers when conducting their annual canvass. In addition, individuals may register or amend their existing details at any time of the year, usually as a result of moving home or having missed the annual canvass.

4.2 The EAA places a new duty on Electoral Registration Officers to take a number of specific steps with the aim of increasing registration rates and enabling a more accurate register to be compiled. This came into effect at the annual canvass in the latter part of 2006. The specific steps include:

- sending the annual canvass form more than once to any address
- making house-to-house enquiries on one or more occasions
- inspecting any records that the Electoral Registration Officer is permitted to inspect, such as council tax and housing databases

4.3 Overall in Scotland, an additional 18,242 electors were added to the electoral registers published in December 2006 compared with 12 months previously, an increase of around 0.47%.

Latest date to register to vote

4.4 A significant change introduced by the EAA was to move the latest date for registering to vote to 11 working days before polling day. In the past, a significant minority of people have been prompted to register to vote by an election campaign, only to find that the deadline to register to vote in that election had already passed. In 2007, for the first time, potential voters could register after the formal start of the campaign period and as late as 18 April (just over two weeks before polling day).

4.5 The Electoral Commission had called for the law to be amended to allow registration nearer the date of an election. Some Electoral Registration Officers, while acknowledging the benefits of the later registration date for voters, had expressed concerns ahead of the elections about the potential administrative impact of registering large numbers of voters just ahead of it.

4.6 In the event, the majority of Electoral Registration Officers did not find this aspect of the process too burdensome although it is acknowledged that it requires additional resources to meet this demand. They did report telephone calls and queries about electoral registration and the receipt of new registrations up to the deadline of 18 April, but overall the volumes were not difficult to manage. They were able to advise most enquirers that there was still time for them to register, instead of telling them that they were too late and having to deal with the resulting dissatisfaction. During the period 9 March (this date would have been the equivalent last date to register at the 2003 Scottish elections) to 18 April 2007, 37,386 applications to register were received by Electoral Registration Officers. Many of these applicants would

then have had the opportunity to vote on 3 May rather than be disenfranchised as was previously the case.

4.7 Electoral Registration Officers undertook a number of awareness raising initiatives to highlight the new later registration date, independently and in conjunction with the wider VoteScotland awareness and information campaign.

4.8 The change in deadline appears to have improved registration levels and added to the completeness of the electoral register and assisted in the administration of the election. For example, the vast majority of poll cards were despatched ahead of the registration deadline of 18 April. Receipt or non-receipt of poll cards prompted some people who had moved house to register at their new address after the poll card was sent to their old address, enabling records to be updated and the incorrect details to be removed from the register.

5 Polling

Issue of ballot papers – the official mark and the unique identifying mark

5.1 The Electoral Administration Act 2006 (EAA) and the Local Electoral Administration and Registration Services (Scotland) Act 2006 (LEARS Act) introduced some administrative innovations for dealing with ballot papers. Previously, it was a requirement for ballot papers to be individually perforated by staff in polling stations using a manual stamping instrument, to create the 'official mark' which validates the ballot paper. In 2007, this practice was no longer mandatory. Instead, an alternative official mark could be provided by underprinting or watermarking the ballot paper. In addition, given both elections were electronically counted, the use of perforations as an official mark was incompatible with scanning and therefore not applicable at all in Scotland.

5.2 Functional difficulties with stamping instruments, which in the past had caused subsequent rejection of ballot papers for want of the relevant perforation, therefore became a thing of the past. Feedback has suggested that overwhelmingly the innovation was welcomed by polling station staff. Few voters appeared to notice the change.

5.3 A unique identifying mark is also required to be printed on the reverse of each ballot paper for security purposes. This is to allow for the identification and removal of any personated postal ballot papers and to provide an audit trail in the event of a court order for inspection of the ballot papers. The unique identifying mark could be the ballot paper number with the addition of a suffix or prefix or could be in the form of a barcode; no format was specified in the legislation. Again, this change was for administrative efficiency – to allow for automation of processes and for security checks – and was of no reported concern to voters.

Issue of ballot papers – the corresponding number list

5.4 There was also a new requirement to produce a 'corresponding number list' (CNL) to record the issue of ballot papers – both postal and at polling stations. This list replaced the ballot paper counterfoil and, like the previous counterfoil, is the only place where the ballot paper number and the elector number appear together. Its purpose is to allow for subsequent investigation of electoral malpractice should a court order it. It is also a precursor to the introduction of the uncommenced provisions in the EAA which will require electors to sign for their ballot paper in polling stations.

5.5 The Scottish elections in 2007 were combined elections of Scottish Parliament and local government. Returning Officers decided to use a single CNL at the combined election and developed a workable CNL. At the conclusion of the poll the CNL was required to be then sealed in the relevant packet by polling station staff. The packet would then be sent to the Sheriff

Clerk for storage in the case of the Parliamentary election and to the Proper Officer of the Council for storage in the case of the local government election. There was, in practice however, only one CNL per polling station, but a requirement to send the CNL to two separate destinations, which clearly created difficulties in respect of meeting the statutory storage requirements. In England a number of concerns were raised over the practicalities of using a CNL, although in Scotland no such reports were received and Returning Officers believed them to have assisted staff in polling stations. In addition, positive experiences of using CNL were received in Wales. The handling of CNLs in the future in relation to their management, storage and retrieval needs to be addressed, in particular to clarify permissibility under election rules.

Accessibility

5.6 Accessibility of polling places has been a significant issue in the past and one on which the Electoral Commission has reported before. Following the Commission's recommendations, the EAA and the LEARS Act introduced a number of measures to improve accessibility, including enabling electoral documents to be made available in languages other than English, using pictures, in Braille, in audio and in other accessible formats.

5.7 Respondents to the Commission's Returning Officer and Electoral Registration Officer surveys provided some useful information on the use of languages other than English. Nearly 60% of respondents said that they had provided election documents in alternative languages. Of those respondents who had issued materials in other languages, most reported providing translated registration forms and leaflets on how to vote. Polish was the language into which documents were most often translated, followed by Chinese and Urdu.

5.8 Of those who responded to the survey, 35% had provided election documents in either Braille, audio or large-print formats.

5.9 Legislative changes have also made it a requirement for local authorities to review their polling districts and the accessibility of polling places every four years, commencing with a review in the 12 months from 1 January 2007. On 26 June 2007, the Commission issued guidance on the conduct of these reviews.

5.10 Since these reviews are already under way the Commission did not order an independent review of polling place accessibility at the Scottish elections. However, public opinion research for the Commission illustrates the voter experience, as do the many enquiries and comments received by the Commission from members of the public. The available evidence suggests that there continues to be a gradual improvement in the accessibility of polling places, with positive and conscious steps being taken by Returning Officers and polling station staff. Efforts have been made to improve access in communities where choice of public buildings is limited, particularly in rural areas. Capability Scotland undertook a survey of accessibility of polling places at the 2007 Scottish elections and noted a 'general improvement' on the 2005

situation,² with specific improvements in relation to level access to polling places and the propping open of doors to polling places.

5.11 Despite this positive picture, work still remains to be done before the polling process is accessible for all voters. The Capability Scotland survey found that while accessibility had improved for physically disabled people, there was still progress to be made to make voting more accessible for adults with learning disabilities including more provision of voting information in an 'easy read' format. The Commission also received several representations from the deaf community regarding the lack of elections information provided in British Sign Language. While there are positive advancements for physical accessibility to voting, more consideration will be required to ensure that there is the same progress in accessibility of electoral information.

Tendered votes and the correction of procedural errors

5.12 The Scottish elections 2007 saw the introduction of changes in respect of the issuing of tendered votes and the correction of procedural errors. A tendered vote can be issued to a voter or proxy voter who claims not to have voted in the election but where polling station records indicate that a vote has already been cast by that voter or proxy voter. Changes are now in place to allow postal voters, or voters who have been issued a postal vote but claim never to have applied for one, to be issued with such a vote. Provision also now exists for the correction of procedural errors that have been made by the Electoral Registration Officer or their staff, for example if the name of an elector should have been included in the polling station register but the name was erroneously not included.

5.13 As in previous elections very few tendered votes were issued in Scotland. A total of 132 tendered votes were issued, according to the survey returned by Returning Officers.

5.14 In Scotland as a whole there were 48 occasions on which the new power to correct procedural errors was employed. Again, while a tiny number, the Commission sees it as a small positive measure which can assist voters to exercise their democratic right.

Electoral observers

5.15 For the first time at these elections there was provision, made by the EAA and the LEARS Act, for observers to attend postal vote issuing and opening, polling places and the count. The Commission was given the responsibility both for accrediting observers and for producing guidance for administrators and observers for the Parliamentary election. Production of guidance to Returning Officers in respect of their accrediting observers at the local government election rested with the Scottish Executive. Responsibility for permitting and regulating attendance at local council elections rested with the local government Returning Officer. The Commission worked with the

² *Polls apart 5: Disabled voters' experiences in the 2007 Scottish election*, (Capability Scotland, June 2007).

Executive to assist in the production of complementary systems for both elections. Most local government Returning Officers chose to accept Commission accreditation as valid for their council election.

5.16 Once observers received their accreditation and had signed the relevant declaration (undertaking to respect the secrecy of the ballot), they were able to attend any permitted event in Scotland. Most observers chose to attend, from data received from Returning Officers, either the count or polling stations. Some chose to observe postal vote openings, but none chose to observe the issue of postal votes. To support observers in undertaking their role, the Commission organised a briefing session for observers held on 2 May in Edinburgh, which over 70 observers attended.

5.17 Of the 29 Returning Officers who replied to our survey, 25 indicated they had observers attending their count who in number totalled 95. A total of 197 observers were accredited by the Commission for the elections taking place on 3 May across the UK and many chose to observe at the Scottish elections 2007. Commission representatives were also accredited and could attend polling places and the count as well as observing other processes and working practices of electoral administrators.

6 Candidates, agents and parties

6.1 The nomination process for both the Scottish Parliamentary and local government elections went smoothly across Scotland according to comments received from parties and candidates. The Electoral Commission's *Guidance for candidates and agents* for both elections was widely used and welcomed. All Returning Officers either included the Guidance in their nomination packs to prospective candidates or directed them to it on the Commission's website. Many Returning Officers offered and held briefing meetings with candidates and agents to iron out difficulties in advance and these were considered helpful. Special events were also held in certain areas to explain the many changes occurring at these elections, which were well received.

6.2 Responses to the Commission's Returning Officer survey paint an interesting picture as to how some of the recent administrative changes worked in these elections. For example in relation to the candidature of 18-year-olds, of those Returning Officers who responded to a question on this subject, two indicated that candidates under 21 had stood at the Scottish Parliamentary election and seven indicated that such candidates had stood in the council elections.

6.3 In relation to commonly used names, practically all Returning Officers who responded to the question stated that at least one candidate stood using a commonly used first name. In total, 904 candidates chose to use a commonly used first name while 84 chose to stand for election under a commonly used surname.

7 Challenges to elections

7.1 Election results can only be challenged through the issue of an election petition. In the case of an election to the Scottish Parliament the petition is made to the Petitions Office of the Court of Session; for petitions concerning local government elections, the petition is lodged with the Sheriff Principal at the Office of the Sheriff Court for the local government area concerned. The Electoral Commission monitors on a UK-wide basis the level and type of electoral petitions from year to year. No election petitions were submitted arising from the May 2007 Scottish elections.

7.2 Early in 2007, the Commission held a roundtable discussion with stakeholders across the UK to facilitate discussion and to identify areas of concern or agreement about the challenge process. A number of ideas were developed in the roundtable to be considered further by stakeholders.

Appendix – Facts and figures

Table A1: Turnout in Scottish elections

	2007	2003	1999
Registered electorate	3,897,675	3,877,603	4,027,433
Valid turnout – constituency votes	51.7%	49.4%	58.2%
Valid turnout – regional votes	52.4%	49.4%	58.1%

Table A2: Scottish Parliamentary election results 2007– distribution of votes and seats

	Constituencies		Regional lists		Total seats
	Share of votes (%)	Seats won	Share of votes (%)	Seats won	
Conservatives	16.6	4	13.9	13	17
Labour	32.2	37	29.2	9	46
Lib Dems	16.2	11	11.3	5	16
SNP	32.9	21	31.0	26	47
Greens	0.1	0	4.0	2	2
Others	2.0	0	10.6	1	1

Table A3: Scottish Parliamentary election results 2007– changes in the distribution of votes and seats 2003–7

	Constituencies		Regional lists		Total seats
	Share of votes (%)	Seats won	Share of votes (%)	Seats won	
Conservatives	0.0	+1	-1.6	-2	-1
Labour	-2.4	-9	-0.1	+5	-4
Lib Dems	+0.8	-2	-0.5	+1	-1
SNP	+9.0	+12	+10.1	+8	+20
Greens	+0.1	0	-2.9	-5	-5
Others	-7.5	-2	-5.1	-7	-9

Table A4: Total seats in the Scottish Parliament 2007

	Labour	SNP	Lib Dems	Conservatives	Greens	Other
2007 elections	46	47	16	17	2	1
2003 elections	50	27	17	18	7	10
Change in seats 2003–7	-4	+20	+1	-1	-5	-9

Table A5: Scottish local government – councillors by party following 2007 elections

Council	Result	Labour	SNP	Lib Dems	Conservatives	Greens	Other	Total
Aberdeen	NOC* hold	10	12	15	5		1	43
Aberdeenshire	NOC hold		22	24	14		8	68
Angus	SNP lose to NOC	2	13	3	5		6	29
Argyll & Bute	Other lose to NOC		10	7	3		16	36
Clackmannanshire	Labour lose to NOC	8	7	1	1		1	18
Dumfries & Galloway	NOC hold	14	10	3	18		2	47
Dundee	NOC hold	10	13	2	3		1	29
East Ayrshire	Labour lose to NOC	14	14		3		1	32
East Dunbartonshire	NOC hold	6	8	3	5		2	24
East Lothian	Labour lose to NOC	7	7	6	2		1	23
East Renfrewshire	NOC hold	7	3	1	7		2	20
Edinburgh	Labour lose to NOC	15	12	17	11	3		58
Falkirk	NOC hold	14	13		2		3	32
Fife	NOC hold	24	23	21	5		5	78
Glasgow	Labour hold	45	22	5	1	5	1	79
Highland	Other lose to NOC	7	17	21			35	80
Inverclyde	Lib Dems lose to NOC	9	5	4	1		1	20
Midlothian	Labour lose to NOC	9	6	3				18
Moray	Other lose to NOC	2	9		3		12	26
North Ayrshire	Labour lose to NOC	12	8	2	3		5	30
North Lanarkshire	Labour hold	40	23	1	1		5	70
Orkney	Other hold						21	21
Perth & Kinross	NOC hold	3	18	8	12			41
Renfrewshire	NOC hold	17	17	4	2			40
Scottish Borders	NOC Hold		6	10	11		7	34

Table A5 (cont.): Scottish local government – councillors by party following 2007 elections

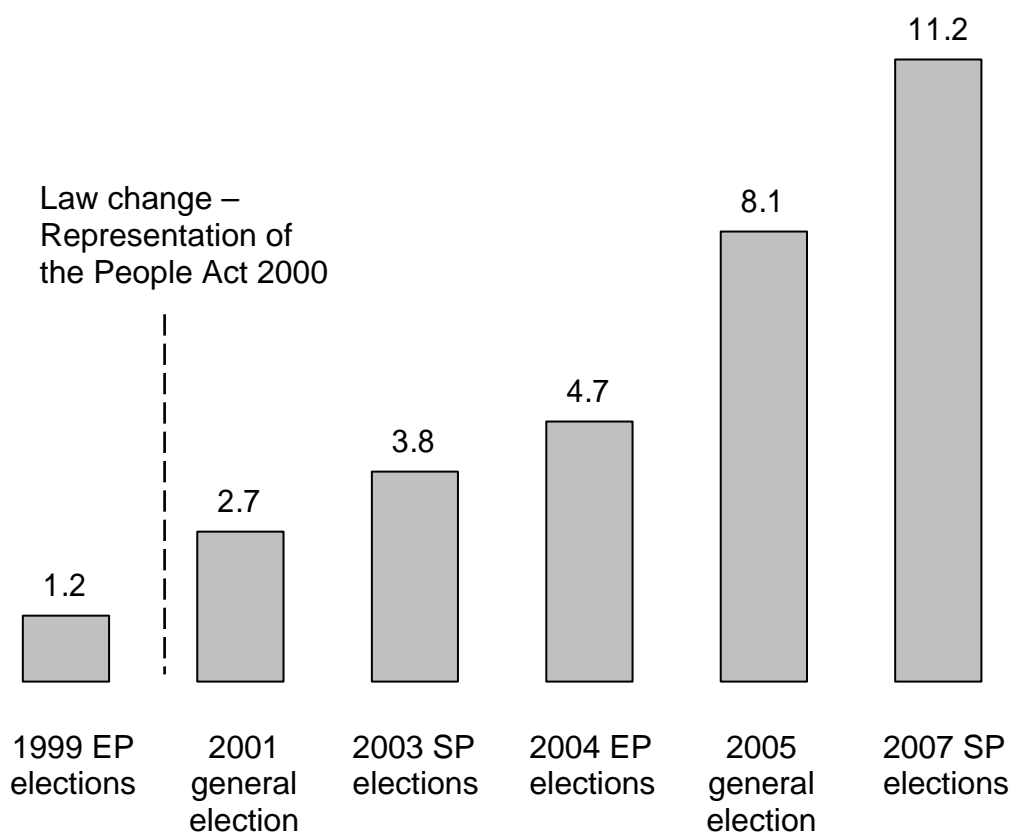
Council	Result	Labour	SNP	Lib Dems	Conservatives	Greens	Other	Total
Shetland	Other hold						22	22
South Ayrshire	Conservatives lose to NOC	9	8		12		1	30
South Lanarkshire	Labour lose to NOC	30	24	2	8		3	67
Stirling	NOC hold	8	7	3	4			22
West Dunbartonshire	NOC hold	10	9				3	22
West Lothian	Labour lose to NOC	14	13		1		4	32
Western Isles	Other hold	2	4				25	31
Total		348	363	166	143	8	194	1,222
Percentage		28.5%	29.7%	13.6%	11.7%	0.7%	15.9%	100%

Note: *NOC = no overall control.

Table A6: Council elections – votes and seats 2003 and 2007

	2003		2007	
	Votes (%)	Seats (%)	Votes (%)	Seats (%)
Conservatives	15.2	10.1	15.6	11.7
Labour	32.9	41.7	28.1	28.5
Lib Dems	14.6	14.3	12.7	13.6
SNP	24.3	14.8	27.9	29.7
Independents	9.5	18.9	10.9	15.3
Others	3.6	0.3	4.9	1.3

Figure A1: The take-up of postal voting in Scotland 1999–2007



Note: Figures shown as percentages of the total electorate.
 EP = European Parliamentary, SP = Scottish Parliamentary.

The Electoral Commission

We are an independent body set up by the UK Parliament. Our aim is integrity and public confidence in the democratic process. We regulate party and election finance and set standards for well-run elections.

Democracy matters

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