

## **Scottish Elections (Reform) Bill 2019: Evidence to the Standards, Procedures and Public Appointments Committee of the Scottish Parliament**

### **Purpose**

1. This paper provides draft written evidence for the Commission to submit to the Standards, Procedures and Public Appointments Committee of the Scottish Parliament on the elements of the Scottish Elections (Reform) Bill 2019 that are of interest to the Commission.

### **Background**

2. The Scottish Elections (Reform) Bill 2019 was introduced by the Cabinet Secretary for Government Business and Constitutional Relations, Michael Russell MSP, on 2 September 2019. The Standards, Procedures and Public Appointments Committee has been designated the lead Committee for this Bill. The Committee launched its call for views on Thursday 18 September 2019; the deadline for responses is 7 November 2019. The Committee has requested that written evidence be limited to 4 sides of A4 if possible.
3. The Commission has been invited to give oral evidence on the Bill to the lead Committee on 21 November. The Chair, Deputy Chair and Secretary will attend the evidence session on that day. Separately the Local Government and Communities Committee has also invited the Commission to give evidence on 6 November and the Chair will attend.
4. The Chair, Deputy Chair and Secretary will meet the lead minister for the Bill, on 13 November. Graeme Dey MSP was appointed Minister for Parliamentary Business and Veterans in June 2018.

### **Draft evidence**

5. Draft evidence is at Appendix A. It covers the elements of the Bill that are of particular interest to the Commission and tries to reflect the Commission's preliminary discussion at its meeting on 11 September.
6. The main area where amendment to the Bill is suggested is in relation to the timing of electoral reviews where, even if the Bill seeks only to remove the minimum period between reviews, there would be benefit in ensuring that the timetables for reviews and for elections synchronise.
7. On term lengths the Commission raised at its September meeting whether there was administrative advantage in 5 rather than 4 year terms. A longer gap between elections does offer more time for reviews to be conducted, and for conducting reviews in smaller groups, and is therefore preferable in administrative terms.
8. On the question of use of 2 and 5 member wards the draft evidence notes the potential impact on proportionality.
9. On the approval procedure the evidence is drafted to suggest that one request to re-review might be sufficient. It is hard to see what a second re-review would bring to light that had not been considered before. In terms of timing, if reports are to be submitted a year before the relevant election then there are only 6 months for the Commission to submit its recommendations and the approval procedure to be followed. Limiting the procedure to one re-review would seem more practical.

### Issues not in the Bill

10. The Commission may also wish to consider a number of other issues which are not covered by the Bill but which it may be worth raising in evidence to the Committee or considering its attitude if the matter is raised.

- Different electorate data for local government and Scottish parliament reviews.  
While the franchise for both elections is the same, local government uses 5 year forecasts of electors (attainers not included) and Scottish Parliament uses “names on the electoral register” ie electors and attainers.
- Date of electorate data. For local government reviews the Commission can choose the date of the electorate data it uses eg December 2018 data is being used for the Islands Reviews. Scottish Parliament reviews require use of the electorate data on the enumeration date which is the date the notice of a review is published in the Edinburgh Gazette. Use of the Edinburgh Gazette itself might be considered “old-fashioned” and it would be simpler to use a date of the Commission’s choosing for the base data.
- Parity. It is likely that some will argue as they did during the passage of the Islands Bill that different ratios should be allowed within a council area eg for the islands within a mainland constituency. This would undermine the principle of parity across a council area.
- Consulting councils for 2 months before public consultation. This requirement in the Local Government (Scotland) Act 1973 is designed to allow councils first consideration of proposals but has caused some issues – for example whether the Commission can allow anyone else sight of the proposals during the 2 months; and whether the Commission is required to re-consult the council if it amends its proposals in light of the council comments.

### Conclusion

11. The Commission is invited to consider the draft evidence and suggest any amendments before it is submitted on 7 November.

Secretariat  
October 2019