The Scottish Assessors Association (SAA) is a voluntary non-statutory body that represents the 14 lands valuation Assessors appointed in terms of section 27(2) of the Local Government etc. (Scotland) Act 1994. The SAA has been in existence in one form or another since 1855, and has as its purpose:

“to encourage amongst its members the exchange of ideas regarding their statutory duties; to record results of discussions on all subjects brought before its meetings; to promote consistency in the operation of the Valuation, Council Tax and Electoral Registration legislation; to act as a consultative and advisory body; engage in partnership work both internally and externally with organisations and public bodies; and to represent the collective interests of its members in carrying out their duties”

Thirteen Assessors are also appointed Electoral Registration Officers (EROs) for 30 local authorities. However the SAA Electoral Registration Committee’s membership includes all 15 Scottish EROs appointed in terms of section 8 of the Representation of the People Act 1983 by the 32 local authorities in Scotland and their senior staff. Representatives from the Electoral Commission, Scottish Government, Boundary Commission and Cabinet Office attend the committee meetings although they are not committee members.

The Electoral Registration Committee (ERC) meets approximately every two months. It facilitates dialogue between Scottish EROs and partner organisations. It also acts as the principle forum to share good practice, agree timetabling, and a common approach to registration amongst Scottish EROs which in turn provides a consistent registration experience for the elector. Examples of this are as follows.

- The ERC has agreed a single date to be used across Scotland for Second Interim Updates to the Registers ahead of Elections.
- The ERC has worked together to ensure that rejected postal vote notification letters are issued across Scotland at the same time.
- The ERC has agreed a common timetable across Scotland for the refresh requests for Absent Vote Identifiers
- The ERC has organised a national media campaign across Scotland to promote awareness of the Annual Canvass
- The ERC has developed a common Data Sharing Agreement for Scottish EROs to facilitate the exchange of information in connection with the registration of young electors.

EROs in Scotland are independent statutory officials and as such the comment in this response is limited to administrative/registration issues surrounding the matters raised in this Call for Evidence.
Question 1  What are your views on the overall policy objectives of the Bill?

The principle of having a framework structure is to be welcomed, as it provides a sound basis for planning and also helps to ensure consistency of approach, which benefits all those parties who are involved in a Referendum e.g. Electors, Campaign Groups, Regulators, Chief Counting Officer, Electoral Registration Officers and Counting Officers. It is important for the effective delivery of a Referendum that the rules surrounding the running of it are clear and in place at least six months prior to the Referendum taking place. This is in line with the recommendations of the 2007 “Gould” Report and the Electoral Commission’s report on the 2014 Scottish Independence Referendum. The framework approach also streamlines and consolidates legislation which is important in an area where the law is already complex and this accords with the recommendations of the “Gould” Report and the Law Commission’s Joint Consultation Paper on Electoral Law.

Question 2  What are your views on the extent to which the Bill reflects good practice in holding referendums?

The Bill has been based on existing legislation for the delivery of registration matters for electoral events in Scotland, these events have been well run and this approach builds upon that strong foundation. In particular the Scottish Independence Referendum in 2014 was recognised as such in the Electoral Commission’s report on it.

The Bill however as it stands does not make provision for interim updates to the Register ahead of a Referendum. These interim updates occur at other electoral events such as Scottish Parliament and Local Government Elections and facilitate the dispatch of Poll Cards and Postal Vote packs to as many electors as possible, as early as possible. It would be welcomed to see these included in a Referendums framework in Scotland.

It is noted that the Chief Counting Officer has the power to prescribe the registration forms to be used. The Electoral Commission currently prescribes the registration application form that is used for Individual Electoral Registration, this ties in with the online user journey on .Gov.uk. It would be sensible for the registration form to be used at Scottish Referendums to be the same form used for other registration applications.
Question 3  The Bill allows for Scottish Ministers to make regulations providing for the holding of a referendum throughout Scotland. What are your views on these regulation making powers?

It is highly desirable that any legislation affecting the running of an electoral event is in place well in advance of that event. The “Gould” report recommended that legislation be in place six months ahead. This helps to ensure that there is sufficient time and certainty to plan and deliver a successful referendum.

Question 4  Should the Bill provide for the possibility of citizen-initiative referendums?

This is a policy matter and one on which the SAA offers no view.

Question 5  What are your views on the Bill’s approach as to who is entitled to vote?

The franchise for a Referendum is a policy matter and as such the SAA offers no view. The framework approach provides a degree of certainty, though it is important that any amending regulations are in place as early as possible and preferably at least six months ahead of any Referendum.

Question 6  What are your views on the extent to which the Bill will provide for referendum polls and counts to be run in an efficient, transparent and fair manner?

The Bill, as it relates to registration, allows for continuity in the registration process ahead of referendum polls. As referenced earlier the current registration process is perceived as well run and a consistent approach is important.

Question 7  What are your views on the extent to which the Bill will ensure that campaigns in support of a referendum outcome are conducted in a fair and transparent manner?

This is not a matter that Electoral Registration Officers are involved with and therefore the SAA does not offer a view on this question.

Question 8  What are your views on the extent to which the provisions for franchise, conduct and campaigns within the Bill reflect lessons learned from previous referendums within Scotland and the UK?

As referred to in the response to question 2 the Bill has been based on the registration framework and timetable currently used for Scottish Parliamentary and Local Government elections. These elections have been successfully delivered and the Electoral Commission in their reports found that voters believed the elections to be well run and were satisfied with the experience of registering and voting. It is therefore sensible to use this as the basis for future events.
Question 9 What are your views on whether the Financial Memorandum adequately identifies the financial implications of the Bill?

The SAA welcomes the provision for Electoral Registration Officers costs to be met in connection with a Referendum. Election Registration, whilst a year round activity is also driven by electoral events. The 2014 Scottish Independence Referendum saw a very large rise in registration applications across Scotland. Electoral Registration Officers and their teams were required to significantly increase the resources allocated to registration to ensure that all applications were processed timeously and effectively. Whilst the introduction of online registration will reduce the amount of paper to be handled and processed it will not reduce the number of applications to be dealt with. The postal and proxy vote application process remains largely paper based. The online process also does not impact on the time spent by EROs and their teams in determining applications in complex cases, holding registration hearings and appeals, production of registers for designated organisations and attending planning meetings etc.

It is important that Electoral Registration is correctly resourced as the Register of Electors forms the bedrock upon which any Referendum is delivered.

Pete Wildman
Chair, Electoral Registration Committee
Scottish Assessors Association