POLICY NOTE

THE SCOTTISH LOCAL GOVERNMENT ELECTIONS AMENDMENT (NO. 2) ORDER 2012

S.S.I 2012/342

The above instrument, if approved, will be made by Scottish Ministers in exercise of the powers conferred by sections 3A(1) and (2) and 16(2)(a) of the Local Governance (Scotland) Act 2004 and all other powers enabling them to do so. The instrument is subject to affirmative resolution procedure.

Policy Objectives

The purpose of this Order is to amend the Scottish Local Government Elections Order 2011 which provides rules governing the conduct of elections of members of Scottish local authorities. This amendment is to facilitate publication of voting sequences by ward at local government elections (including by-elections). as part of the declaration of the result.

Current situation

Voters at local government elections rank the candidates using numbers. That results in a sequence of preferences, and these are used to transfer votes between the candidates when calculating the results. For example, in a poll with two candidates (A and B) a voter would have four potential voting sequences:

- Vote for Candidate A first and Candidate B second.
- Vote for Candidate B first and Candidate A second.
- Vote only for Candidate A
- Vote only for Candidate B.

Multi-member wards generate significantly larger numbers of sequences It is useful to provide political parties and candidates with access to information about these voting sequences, as it helps them to gauge how successful their campaigning has been and to plan future strategy.

The electronic counting system developed ahead of the local government elections in May 2012 has the facility to generate a system report to provide information about the sequences. This report is part of the complete electronic copy of the information stored in the electronic counting system, retained by the Proper Officer of the council under rule 60(b) of the Scottish Local Government Elections Order 2011.

Effect of Instrument

Article 4 of the Order provides that the requirement to publish voting sequences will only apply when votes have been counted electronically.

Article 5 outlines that there will be a requirement to publish each unique sequence of preferences. There will also be a requirement to publish the number of voters who chose each sequence. The published information will not reveal which voter cast any particular sequence of votes, only details of the sequences.

Article 6 provides for transitional arrangements around the local government elections held on 3 May 2012, and any other election held after that date, but before the Order comes into force on 7 January 2013. Under these arrangements, the returning officer will be provided with access to the electronic records of the poll, to enable compilation of the information. Article 6 also outlines conditions attached to this access to ensure that voting secrecy is maintained.

Consultation

The following bodies and stakeholders have been consulted during the preparation of the instrument:

Electoral Management Board for Scotland
The Electoral Commission (Scotland)
The Scottish Parliament Political Parties Panel

Financial Effects

Local authorities are responsible for meeting the costs associated with local government elections from within their overall budget.

The instrument has no financial effects on business.

Scottish Government Directorate for Culture, External Affairs and Constitution
October 2012