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August 2019 About this report On 4 May 2017, elections were held across Scotland's 32

councils to elect 1227 councillors, an increase of 5 following boundary changes in 27

of the council areas. Three wards were uncontested at these elections in the local

authorities of Orkney Islands, Shetland Islands and Argyll & Bute. 1 The elections

saw 16 and 17 year olds voting at ordinary council elections for the first time and

the introduction of the Access to Elected Office Fund Scotland to assist disabled

candidates to compete on a level playing field. To inform our report on the council

elections we sought the views and experience of voters, through public opinion

research and electoral data provided by electoral administrators, as well as feedback

about the administration of the election from candidates and agents, those

responsible for delivering the poll, and other participants such as Royal Mail and

Inclusion Scotland. Our report provides a summary of the issues that emerged at the

elections and makes a number of recommendations to improve elections in the future.

These recommendations need to be seen in the context of a wider electoral reform

agenda which including proposals made by the Law Commissions of Scotland, England &

Wales and Northern Ireland and the consultation on Scottish elections which the

Scottish Government has indicated it will undertake via its Programme for Government.

Key findings Our research with voters and campaigners found high levels of confidence

that the council elections held on 4 May 2017 were well-run: Total electorate was

4,110,790 and a total of 1,889,657 votes were cast at the elections, representing a

turnout of 46.9% - the highest level of turnout for a set of stand-alone ordinary

council elections since 1977. More than eight in ten respondents (82%) said they were

confident that the polls were well run, up from 75% at the 2012 council elections.

Nearly nine in ten people (88%) said they were very or fairly satisfied with the

process of registering to vote and 78% expressed satisfaction with the procedure for

voting. Nearly all those voters who responded to our survey (94%) said that they

found it easy to fill in their ballot paper. The level of rejected ballots was 1.95%,

slightly up from 1.74% in 2012 The vast majority (95%) of candidates and agents who

responded to our survey said that they were satisfied with the overall administration

of the election. Recommendations: Voter participation Recommendation 1 We recommend

that the Scottish Government consult on and bring forward legislation extending the

emergency proxy provisions so that those who have unforeseen caring responsibilities

would also be eligible to apply for an emergency proxy. Recommendation 2 The

Commission will review its own voter information materials with a view to expanding

the provision of material which helps voters to understand the voting system and the

effect of their vote. We also recommend that: Parties review their campaigning

strategies and the messaging that is given to voters on the doorstep to ensure that

it does not contribute to any misunderstanding of the voting system. ROs and the EMB

review the provision of training for polling station staff and the written

instructions in polling stations and postal voting stationery, to ensure that

information is consistent and as accessible as possible for voters. Should this

review highlight any changes necessary for prescribed forms then this will require

action from the Scottish Government. For future elections ROs should also assess each

ward to identify those at risk of higher ballot rejection rates (whether as a

consequence of multiple candidates standing for a particular party or higher rates of deprivation within the ward) The Commission and the EMB should work with ROs to identify strategies which militate against higher rejection rates in these wards. The Commission will review its work with the media to help improve voter understanding of the electoral system. Further work should be undertaken by all relevant stakeholders, including the Commission, local authorities and education bodies to identify opportunities for targeting information on the voting system at first time voters via schools, colleges, universities and through social media platforms.

**Recommendation 3** Given that there are no scheduled elections in which 16 and 17 year olds in Scotland can vote in until the 2021 Scottish Parliament election; consideration needs to be given to how to engage young people who will reach the age of electoral majority in the next four years. In order to do this the Commission will work with educational partners and councils to identify opportunities for supporting ongoing political literacy in schools and encouraging young people to register when they attain the age to do so.

**Recommendations: Electoral administration framework**

**Recommendation 4** The Scottish and UK Governments must now legislate to provide the EMB with statutory powers for Scottish and UK Parliament elections. The legal status and funding of the EMB also needs to be reviewed to allow it to undertake the management roles it was initially envisaged it would undertake, including overseeing the procurement and delivery of the e-counting project for council elections.

**Recommendation 5** Transparency in the count centre is important and helps the RO achieve an accurate result which is accepted by those present. We recommend that the EMB lead a review, in consultation with political parties and other stakeholders, of the transparency of the e-count processes within the count centre, including the use and content of information screens to ensure the highest levels of transparency and confidence in the count.

**Recommendation 6** In the event that e-counting continues to be used for future council elections, ROs must take full control and responsibility for the planning and delivery of the e-counting solution ahead of future council elections. This work should be led by the EMB and needs to begin at least three years ahead of the next scheduled elections in 2022. The EMB will need to be adequately resourced to take this forward.

**Recommendation 7** The provision of a Scotland-wide results service requires planning, resources and practice to ensure smooth running; we recommend that ahead of the next set of all-out council elections further work is carried out to ensure that this service can be delivered accurately and in good time to meet legitimate public expectations.

**Recommendations: Regulation of campaigning**

**Recommendation 8** We suggest that any changes to the rules relating to the use of the register should be considered alongside a review of the regulation of political parties as set out in recommendation 9.

**Recommendation 9** The Scottish Government should review and modernise the regulation of campaigning at council elections in time for any changes to be implemented for the next elections in 2022. The review should consider and respond to the Electoral Commission's recommendations following the 2012 Scottish council elections as well as the issues highlighted in this report including:

- Introducing donation controls for candidates at council elections
- Giving the Commission a statutory role to provide guidance for candidates and agents at council elections
- Specifying a list of activities that count against candidates' spending limits at council elections
- Clarifying whether candidates employed by 'arms-length' bodies delivering council services would need to resign from their employment in order to be a councillor at the relevant council
- Requiring ROs to publish candidates' spending returns online as well as through existing methods of public inspection
- Reviewing the rules on the publication of candidates' home addresses

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Scottish Government should consult the political parties that contested the 2017 elections, the Crown Office and Procurator Fiscal Service, the Commission and any other interested stakeholders on these issues as part of this review. Download our full report The administration of the Scottish council elections held on 4 May 2017

1. The wards that were uncontested were; Shetland South (Shetland Islands), Stromness and South Isles (Orkney Islands), and South Kintyre (Argyll & Bute). ■ Back to content at footnote 1 Related content Report on the May 2022 Scottish council elections Read our report on the May 2022 Scottish council elections. Report: Voting in 2017 Read our report about voting at the general election in 2017 Results and turnout at the 2017 Scottish local council elections View the results and turnout at the 2017 Scottish local elections Local councils Find out about local councils and how to vote in local council elections.