

Report: How the 2011 Scottish Parliament election was run | Electoral Commission Search

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You are in the Scottish Parliamentary elections section Home Scottish Parliamentary elections On this page About the report and our role Facts and figures Did people feel informed People's experience of voting Lessons learnt: what should change Electoral Management Board for Scotland Invalid postal votes Our materials and resources for Returning Officers Costs of the election Recommendations: Public awareness Recommendations: Postal voting Recommendations: Ballot papers and other voter-focused election material Recommendations: Candidates and agents Recommendations: Co-ordination of elections Recommendations: Timing of counts Download our full report First published: 4 July 2019 Last updated: 25 July 2022

About the report and our role Our report is about the administration of the Scottish Parliament election held on 5 May 2011. It identifies and comments on key issues that emerged and on experience of the election. It also reviews the impact of combining the election with the referendum on the UK Parliamentary voting system. The Electoral Commission is an independent body which reports directly to the UK Parliament. We regulate party and election finance and set standards for well-run elections and electoral registration. We are responsible for publishing reports on the administration of elections and referendums. For local government elections in Scotland we undertake a number of roles relating to the administration of the elections and for these we report directly to the Scottish Parliament. Facts and figures Our report focuses particularly on the experience of voters, based on public opinion research and other research data. 3,950,751 people were registered to vote in Scotland and 50.6% of them did so in both the constituency and regional votes. In total 14.1% of the electorate had a postal vote for this election and a high proportion of those, 77.0% in the constituency and 76.9% in the regional vote used their postal vote. Postal votes accounted for 20.2% of all votes cast at the election while the rest 79.8% voted at a polling station. Our report reviews people's experience of voting in polling stations or by post. A total of 321 constituency candidates campaigned to be elected and 21 political parties nominated lists of regional candidates. This was 14 fewer constituency candidates and seven fewer political parties than in the Scottish Parliament election in 2007. Eleven individuals stood on the regional lists, three more than in 2007. Our report gives more detail on campaigning in the election. Did people feel informed We undertook a public information campaign to increase people's awareness of the Scottish Parliament election and the UK-wide referendum. We sent an information booklet to all households in Scotland and used television, radio and online advertising to inform people about the polls taking place on 5 May. We evaluated levels of people's awareness by conducting public opinion research before and after our campaign. Of those surveyed, 67% recognised at least one element of our campaign. Of those we surveyed, 79% said they had enough information to make an informed decision on how to vote in the election. Of those aged 55 or over, 85% felt informed compared with 72% of 18-34 year-olds. Prior to polling day, some members of political parties and the media were concerned that holding the Scottish Parliament on the same day as a UK-wide referendum would lead to the referendum overshadowing the election. However, analysis of the content of media conducted for us by the University of Exeter prior to polling day suggested that the election gained more coverage in the Scottish media, while the referendum tended to receive more coverage in most of the UK media. Across the UK-based newspapers, television and radio news included in their study, Exeter found that referendum stories outnumbered those on the various elections taking place by

nearly two to one. Across the Scottish media outlets studied, however, (including Scottish editions of UK newspapers), there was far more election coverage, with a ratio of more than six stories on the elections to every one story on the referendum. It would appear that despite concerns, the prominence of the Scottish election was not overshadowed by the referendum. People's experience of voting The 2007 Scottish Parliament election was notable for the high numbers of rejected ballots (2.88% of regional and 4.08% of constituency ballot papers). Ron Gould's independent report on the 2007 elections concluded that while there were a number of contributory factors relating to supplier management problems and too much political involvement in the design process, at the heart of the problem was a poorly designed ballot paper. The 2007 single ballot sheet on which both the regional and constituency ballot papers were located side by side was widely seen to have failed in enabling voters to express their voting preferences. For the 2011 election the two ballot papers were again presented to the voter on separate pieces of paper as they had been at the 1999 and 2003 Scottish Parliament elections and the layout of the ballot papers had been redesigned. Rejection rates for ballots at the 2011 election were 0.42% of constituency ballots and 0.34% of regional list ballots. This returned rejected vote rates to the levels experienced in 1999. In our public opinion research we asked whether voters found it easy or difficult to complete their ballot papers at the 2011 election. Nearly all (97%) said that they found it easy to fill in the Scottish Parliamentary ballots, with three-quarters (75%) finding it 'very easy' and just 1% reporting difficulties. Lessons learnt: what should change

Timing of election counts

The timing of election counts has increasingly become an area of discussion between political parties and Returning Officers (ROs) in Scotland. Opinion varies as to whether they should take place overnight or the next morning. Tensions emerged over the timing of the count at the 2007 Scottish Parliament election, the 2010 UK Parliament election and again at the 2011 Scottish Parliament election. We have no role in determining the timing of any election counts. However, it is clear that the question of the timing of election counts need to be addressed. We intend to circulate an Issues Paper on the timing of election counts. It will include evidence on the time taken to count votes at different elections and the impact of factors such as: the combination of elections; different electoral systems; and the number of ballot papers. It will identify the different perspectives that can be held by those delivering elections, parties campaigning in them and broadcasters who cover election results. We will circulate the Issues Paper on the timing of election counts by the end of November 2011. We will seek views from those with an interest in the timing of election counts, including governments, political parties, Returning Officers, broadcasters and voters. Following analysis of views received, we will seek to make recommendations in early 2012 on the timing of election counts and the way in which they are organised, taking account of the type of elections and a range of relevant circumstances.

Electoral Management Board for Scotland

The Commission has championed the development of the concept of the Electoral Management Board (EMB) since 2008 and continues to support it as a robust mechanism for the co-ordination of Scotland's electoral process. The EMB has continued to progress since it was established in November 2008. While still an interim EMB given its lack of statutory recognition for the Scottish Parliament elections it has added value to the planning and delivery of elections in Scotland and built upon the positive support it enjoys among the various stakeholders in the electoral community. We welcomed the decision of the Scottish Government to establish the EMB on a statutory basis for local government elections with a power of direction for its Elections Convener. The subsequent passing of the

Local Electoral Administration (Scotland) Act 2011 in March 2011 is a welcome development in electoral administration for the future. The establishment of the EMB was intended to bring clear benefits to the voters in Scotland through the delivery of better and more consistent electoral administration. This was particularly important in the light of events surrounding the 2007 Scottish elections. The next 12 months is an important time for the EMB and the Elections Convener as they undertake on a statutory basis for the first time activities in relation to the local government elections in May 2012. Ministers in Scottish Government and the Scotland Office, and the Commission, expect that the EMB, led by the Elections Convener, will proactively develop its role as the co-ordinating body for Scotland's elections both strategically and operationally. The EMB's period as a steering group is over we will seek to support it as it develops into the national focal point for the administration of elections. We will consider the implications for the Commission as the EMB assumes a greater role and powers over time.

Invalid postal votes Of the 429,432 postal ballots that were returned by voters at the Scottish Parliament election, 25,042 postal votes were rejected or not included in the counts in constituency contests and 25,058 in regional list elections. The rejection rates of 5.9% and 5.8% respectively were markedly higher than at the UK Parliamentary election in 2010 when 3.6% of returned postal votes in Scotland were rejected prior to the count. ROs rejected returned postal votes for the following reasons: the postal vote statement which must accompany the ballot paper was missing; the ballot paper was missing; or because the signature or date of birth supplied by postal voters could not be matched with their postal vote application. Our report contains more information and data about invalid postal votes. Allowing Electoral Registration Officers (EROs) to request a refreshed identifying signature, and also to provide electors with feedback if their postal vote has been rejected would help address this problem. We first made this recommendation to the UK Government in 2007 and have since reiterated it. In September 2011, the UK Government said that it would work with the Commission and electoral administrators to avoid the problems we have highlighted with the current postal voting system, while taking into consideration the need to ensure it remains secure against fraudulent applications for postal votes. We will work with the UK Government to ensure changes are in place by the UK Parliamentary General Election in 2015.

Our materials and resources for Returning Officers We received positive feedback from ROs about the materials and resources and the direct support we provided to them, but there was also negative feedback. Some felt that we 'micro-managed' the UK referendum, with consequent impact on the combined elements of the election. There was also some negative feedback about presentational issues, with some electoral administrators saying they found our website difficult to navigate, preferring to have the guidance in one printed volume and not to receive updates by email, in case these were missed. We have taken account of the feedback we received in planning our guidance and resources for elections in 2012 and how we present that information on our website.

Costs of the election Our report gives detail on how much the election cost. Scottish Parliament elections are funded by the Scotland Office. They meet the costs incurred by Returning Officers in administering the election. The total maximum recoverable for the constituencies in Scotland was £7,785,521 and for the regions was £20,080. The overall total cost was £7,805,601. The actual cost that Returning Officers incurred in running the elections is not yet known as the Scotland Office has set the deadline of 5 January for the submission of Returning Officers election accounts. Scotland Office also met the costs of Royal Mail's delivery of the freepost election communications of candidates

and political parties. Royal Mail delivered 11,404,377 addressed items and 12,650,313 unaddressed items totally 24,054,690. The total cost of all postings was £6,402,314.

Recommendations: Public awareness The Commission will make template public awareness materials available to the Public Awareness Network of the EMB at an earlier date at future elections. This will ensure that they receive them in adequate time to use them in their local public awareness activity.

Recommendations: Postal voting We recommend that the UK and Scottish Governments amend legislation on postal voting to provide the power for EROs to request a refreshed identifying signature, and to provide feedback to electors, in cases where their postal vote has been rejected as a consequence of mismatched or incomplete identifiers. In order to obtain a clearer understanding of the scale of postal vote rejection on the grounds of mismatched or incomplete identifiers we will work with ROs to review our postal vote data collection forms ahead of the 2012 local government elections and provide additional guidance for those collating the data if required. Urgent steps need to be taken by ROs, EROs and ourselves ahead of the Scottish local government elections in 2012 to review postal voting materials in Scotland to ensure that the instructions for postal voters are sufficiently clear and the consequences of mismatched or missing identifiers are highlighted to the voter. We will work with the EMB to ensure that this happens and, as part of this review, we will consider other materials and communications for voters in which information about postal voting can be added, including canvass forms and poll cards).

Recommendations: Ballot papers and other voter-focused election material We continue to recommend that all election materials aimed at voters, including ballot papers, should be thoroughly tested with voters to ensure they are accessible before being used in an election. We recommend that the legislation concerning 'commonly used names' is reviewed to ensure clarity as to what ROs can and cannot accept in time for the 2015 UK Parliamentary general election and subsequent elections. ROs must ensure that, when outsourcing the printing of the ballot papers, they have sufficient arrangements in place with their printer to produce a ballot paper of any length. In future elections, the exact colours to be used for each ballot paper will need to be agreed well in advance of the election and must take account of the lighting conditions in which they will be used. In Scotland, the Elections Convener of the EMB will be best-placed to undertake this role. We recommend that a member of the RO's staff should always be present at the printing and issue of ballot papers and postal votes in order to ensure that any errors are identified and addressed before they impact on voters. We will work with the forms sub-group of the EMB in advance of the 2012 Scottish local government elections, to ensure that voter-focused forms are accessible and produced timeously for electoral administrators.

Recommendations: Candidates and agents We will evaluate the new format of our guidance for candidates and agents and will consider their feedback as part of that process. Governments must ensure that any changes in the rules on spending at elections - such as the introduction of the long campaign for candidate spending at the 2011 Scottish Parliament election - are carefully thought through and clearly communicated in good time to all organisations that may need to reflect the rules in their own guidance. We will seek to work with the Scottish Parliament to ensure that the guidance provided to incumbent Members in advance of future elections is comprehensive.

Recommendations: Co-ordination of elections We urge governments to legislate to provide for a statutory EMB with a power of direction for other elections before the next Scottish Parliament election in 2016. Ahead of the 2012 local government elections in Scotland the EMB must be proactive in developing its role as the co-ordinator both strategically and operationally. As the EMB assumes a

greater role and powers the Commission will consider the implications of the EMBs development for our own role in elections in Scotland. We will take account of the feedback received on our performance monitoring and revise our performance standards scheme for ROs to monitor their performance in real-time. We will ensure that new standards are in place for elections held in May 2012. Following any boundary reviews ROs and EROs must make thorough checks with the relevant Boundary Commission to ensure they are able to precisely identify the exact boundaries that are set out in legislation. We welcome the recent decision of the Scottish Government to enact a legislative provision for the 2012 local government elections to allow for the issuing of ballots to those electors who were present in the polling station before the close of poll. We continue to recommend that similar provisions are brought in for other elections.

Recommendations: Timing of counts We will circulate a discussion paper by the end of November 2011 on the timing of election counts, identifying issues that have arisen at elections across the UK in recent years and inviting feedback from stakeholders. We commit to giving our view on the future timing of counts by mid-2012.

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