

### RNIB Scotland Response to the Electoral Commission Consultation on Returning Officers (ROs) and Updated Electoral Registration Officers (ERO) Standards

### Introduction

The Royal National Institute of Blind People (RNIB) Scotland is the country’s leading charity working with blind and partially sighted people. We support children and adults with sight loss and help them to live full and independent lives, campaigning for their rights.

Around 178,000 people live with a significant degree of sight loss in Scotland. This number could eventually double unless we act to prevent avoidable sight loss.

RNIB Scotland welcomes the opportunity to respond to this consultation. The right to vote independently, and in secret, is a cornerstone of our democracy. Yet 150 years after the Ballot Act – which guaranteed the right to vote in secret – blind and partially sighted people still face unacceptable barriers to exercising their democratic right to vote.

We have campaigned on this issue for many years, calling for an accessible voting system and guarantees that blind and partially sighted voters can access information about elections and candidates independently.

RNIB’s report on the 2021 elections, “Turned Out 2021”, found that only one in five (19 per cent) blind voters and less than half (46 per cent) of partially sighted voters said they could vote independently and in secret under the current voting system and that less than a third (30 per cent) of blind voters were satisfied with their experience of voting.

We note that the Electoral Commission says that:

“The feedback provided during this consultation will be used to inform the final standards ahead of them being laid in the UK, Scottish and Welsh Parliaments and published by the end of this year. … We are also undertaking work to update our guidance and resources to support ROs and EROs in England, Scotland and Wales with delivering elections and electoral registration services, including to reflect the changes to processes that will be required as a result of the Elections Act.”

We are also aware that the Scottish Government will open a public consultation on elections in Scotland this autumn, a consultation we will respond to, whilst we have been working with the Scottish Government to trial accessible voting solutions for blind and partially sighted voters.

This consultation response echoes concerns separately expressed by our RNIB colleagues in England and Wales on the need for accessible elections.

### About the draft standards

#### Are the standards focussed on the right outcomes?

No - In our view, there needs to be a greater emphasis on accessibility throughout the performance standards. As part of the election planning process, outcome 1 should ensure electoral services support the delivery of well-run and accessible elections.

In outcome 2, there should be a greater focus on the accessibility of the voting process and the ability to vote independently and in secret. Blind and partially sighted people can’t be confident in the voting process unless it is fully accessible.

Similarly, outcome 3 should place a greater focus on making sure the process for those who want to stand for elections is accessible.

In the current Returning Officer performance standards, one of the outcomes is that: “Voters receive the information they need, in an accessible format and within time for them to cast their vote”. In our view this outcome should remain, as it’s essential for blind and partially sighted people to receive accessible information in order to participate equitably.

#### Do the draft standards demonstrate a clear link from inputs through to the overall outcomes?

No – For blind and partially sighted people to be confident in the voting process, as set out in outcome 2, the inputs should make specific reference to suitable budget allocation being made for the provision of equipment to enable an independent and secret vote for those with accessibility needs.

#### Do the standards focus on the right activities?

No – We would like to see the inclusion of the following two activities. Firstly, adequate training should be provided to all polling station staff to ensure they are able to facilitate an independent and secret vote. Secondly, voter information, such as polling cards, should be produced and issued in alternative formats for those who require them.

#### Do you have any thoughts on the measurability of the impact of the activities set out in the draft standards?

Focussing on the accessibility measures of outcome 2, we do not believe the performance measures will adequately capture individuals who have been disenfranchised as a result of inaccessible of polling stations and/or the introduction of the voter ID policy. The results could therefore underestimate the number of people who are unable to cast their vote due to accessibility issues or the new voter ID policy

#### Do the standards cover the full range of responsibilities of the RO? Are there any gaps, or is there anything included in the standards that shouldn’t be there?

No – there are two key responsibilities which we believe are missing. The first is that there is no mention in the standards of the responsibility for Returning Officers to ensure polling cards are provided in accessible formats for those that require them. In the current performance standards, there is an outcome to ensure: “Voters receive the information they need, in an accessible format”, this outcome has been removed in the draft performance standards and there is no mention of providing election information in accessible formats.

Secondly, following the Elections Act, Returning Officers are now responsible for providing equipment to enable voters with accessibility needs to be able to cast their vote independently and in secret. In our view, this is not clearly specified in the draft performance standards and can be improved by including reference to the ability to vote independently and in secret within outcome 2.

We believe both points should be added to the standards.

#### Do the standards provide sufficient flexibility to accommodate future legislative change?

No comment.

### Using the standards: Returning Officers

#### Will the proposed approach to how the Commission will use the standards to engage with ROs enable the identification and provision of effective support and challenge?

No comment

#### Is there anything more or different the Commission should be using the standards to do?

No comment

#### Do you think the standards will support ROs to provide a consistent, high-quality experience for voters, candidates and agents?

No - The standards lack sufficient specificity to ensure a consistent provision across the country for voters with accessibility needs who require adaptations to cast their vote independently and in secret.

#### Do you think the standards, alongside our guidance, will be effective in supporting ROs with planning for and delivering elections?

No – Without having seen the new accessibility guidance for upcoming elections we cannot comment on its suitability. But as it stands, we believe the standards alone will be insufficient to support Returning Officers to deliver adequate and consistent support for blind and partially sighted voters.

#### Are there any other tools and guidance that would help to support ROs in using the standards to understand and improve their performance?

No comment

### Supporting consistent implementation of legislation

#### Do the standards, including the updates to the ERO standards, appropriately reflect the range of changes being introduced as a result of the Elections Act?

No - The standards fail to take into account the new requirement in the Elections Act for Returning Officers to provide blind and partially sighted voters with the necessary equipment to enable them to cast their vote independently and in secret. Without this inclusion in the standards, we are not confident there will be a suitable mechanism to hold Returning Officers to account or incentivise them to fulfil their obligations in this regard.

#### Do you think the standards, along with our guidance, will help with the consistent implementation of the legislative changes introduced?

No - While we have yet to see the new accessibility of polling station guidance, the standards alone will be insufficient to ensure a consistent implementation of the new accessible voting measures introduced in the Elections Act.

In order to ensure a consistent implementation of the new accessible voting measures either the guidance or the standards need to set out an unambiguous minimum standard of equipment provisions that should be made available at all polling stations.

#### Do you think that the data and information set out in the standards covers the right areas and will provide robust evidence to inform our reporting on the implementation of the Act?

No - It is unclear to us what data will be collected to inform the Electoral Commission’s reporting on whether their accessibility guidance is being implemented effectively. Without clearly defined, well collected and measurable data it’s not clear how the Electoral Commission will use the information they gather to measure the success of the implementation of the revised accessibility measures introduced in the Elections Act.

In order to comply with the Elections Act the specific measures in outcome 2 should be expanded. The fourth measure of “No voters are prevented from casting their vote due to inaccessibility of polling station arrangements”, should be expanded so that it measures not just those that are prevented from casting their vote, but those who are prevented from casting their vote independently and in secret.

Unless there are clear and measurable outcomes related to the accessibility requirements of the Elections Act, we cannot be certain the information collected will be robust or sufficient to measure the successful implementation of the new accessibility measures within the Act.

### Reporting

#### Do you think the proposed approach to reporting would support transparency, promotes confidence that elections are well-run and enable the sharing of good practice?

No – We do not believe that the proposed reporting process set out in this consultation will promote confidence that elections are well-run for people with accessibility needs.

During the passage of the Elections Bill, we had repeated reassurances that performance standards would be used to monitor and assess how well Electoral Registration Officers and Returning Officers manage their new statutory duties related to accessible voting. Yet, there is little indication within the draft standards that any data assessing the accessibility of the polling stations will be collected or reported on in the reporting process. Therefore, it is unclear how the Electoral Commission intends to report on its accessible voting practices and share best practice amongst Returning Officers to ensure an accessible ballot for all.

#### Is there anything more or different the Commission should be doing to support ROs and their teams when issues arise?

Yes – to avoid issues arising related to the accessibility of polling stations, the Electoral Commission needs to ensure their guidance is clear and unambiguous, so that Returning Officers are equipped with the information they need to fulfil their new legal obligations to support blind and partially sighted people to vote independently and in secret.

### Contact

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