## 

## RNIB Scotland response to the Scottish Parliament Standards, Procedures and Public Appointments Committee call for views on the Scottish Elections (Representation and Reform) Bill

## Organisation details

### 1. Name of organisation

RNIB Scotland - Royal National Institute of Blind People Scotland

### 2. Information about your organisation

RNIB Scotland works on behalf of and with blind and partially sighted people to create a fairer world for people with sight loss. RNIB estimates that around 183,000 people live with a significant degree of sight loss in Scotland.

We seek to advance the interests of visually impaired people in Scotland across devolved policy areas including transport, active travel, public realm design, health and social care, education, and social security, as well as accessible voting.

The right to vote independently, and in secret, is a cornerstone of our democracy. Yet over 150 years after the 1872 Ballot Act - which guaranteed the right to vote in secret - people with sight loss still face unacceptable barriers to exercising their democratic right to vote. RNIB’s Turned Out 2022 report on the May 2022 elections around the UK found that only one in five blind and partially sighted people felt they could exercise their right to vote both in confidence and with confidence.

We welcome the opportunity to respond to this Call for Views. The Call for Views poses questions on who can stand at an election, campaign finance, running elections, and election governance reform. These are all important issues, but as our key focus is on making voting accessible for people with sight loss, we have replied only to Question 5 on election pilots.

## Running Elections

### 5. Making it easier to arrange election pilots, which aim to increase voting engagement, and allowing the Scottish Government to fund activities to increase democratic engagement.

RNIB Scotland offers brief comments on digital poll cards and funding to increase democratic engagement and more detailed comment on election pilots.

### Digital poll cards

RNIB Scotland would welcome an option in the future to request a digital poll card instead of a paper poll card for Scottish elections. A digital poll card could be more accessible for some visually impaired voters while it could be linked to further online voting options.

A digital poll card may be particularly important in future should poll cards contain information on the need for voter ID at some elections following the passage of the UK Elections Act 2022. In Scotland, the voter ID will be necessary for Westminster and any UK-wide poll but not for devolved elections. Voters need clarity on the requirements.

Throughout the parliamentary passage of the UK Elections Act 2022, RNIB at a UK level raised concerns with the UK Government’s proposal to introduce photo identification to vote in UK general elections, local government elections in England and UK referenda. RNIB Scotland also underlined concerns when asked to comment on the then Bill by the Scottish Government. The introduction of voter ID will make the electoral process even less accessible for blind and partially sighted voters, who are less likely to carry the most common forms of ID, such as a passport or a driving licence. RNIB’s Tracker Survey suggests 13 per cent of blind and partially sighted people have no acceptable form of ID, meaning that this new requirement could exclude them from casting their ballot.

### Funding to increase democratic engagement

RNIB Scotland would welcome funding to increase democratic engagement.

The Policy Memorandum to the Bill notes that:

"The Scottish Government and Scottish Green Party - Shared Policy Programme (2021) includes a commitment to the fullest possible democratic participation in Scotland, including improving "the accessibility of elections, with a particular focus on people with sight loss".

We welcome this commitment and underline the success of initiatives such as the Access to Elected Office Fund (Scotland), providing financial support for disabled people seeking selection to overcome the practical barriers they face.

### Election pilots

In and of itself, because of the wide and framework nature of the Bill, the Scottish Elections (Representation and Reform) Bill does not make voting more accessible for blind and partially sighted voters. Most of the Bill deals with other aspects of running elections such as who can stand at an election, campaign finance, and election governance reform along with the roles of the Electoral Management Board for Scotland and the Electoral Management Board for Scotland.

Part 5 (Election Pilots and Democratic Engagement) relates to pilot schemes under the Scottish Local Government (Elections) Act 2002 and funding to increase democratic engagement.

The Scottish Government has chosen an enabling framework for the Bill. The Policy Memorandum says on the "Choice of legislation" that:

"192. The Government has sought to follow the convention that changes which can be made using existing secondary legislation powers should not be made by primary legislation. That is why some changes that featured in the consultation are not included in the Bill: because existing secondary legislation powers allow such changes to be pursued separately. This includes issues discussed in the consultation such as … improvements to the requirement for a tactile ballot paper to be provided in polling places to support voters with sight loss."

The Bill will extend the power to propose electoral pilots to Scottish Ministers, the EMB (Electoral Management Board) and EROs (Electoral Registration Officers).

The Policy Memorandum states that "It is hoped that this will increase the prospect of pilots on electoral innovations being undertaken." The Delegated Powers Memo says that the reason for taking power is "to expand what is seen as an overly restrictive existing regime on who can propose pilot schemes for electoral purposes. By allowing other organisations in addition to local authorities to initiate pilots the Bill will allow for increased flexibility in electoral innovation." It gives examples of possible future pilots as including "the use of digital poll cards (transmitted to voters by email or App), either in addition to or in place of paper poll cards - this would be aimed at making these accessible for people with sight loss. Other possibilities include a pilot of a new tactile or audio voting aid."

The references to electoral innovation and pilots of a new tactile or audio voting aid are encouraging. However, the Policy Memorandum states that the existing power to propose an election pilot has not been used since 2004 and that:

"No pilots under this legislation are currently planned. It is not anticipated that these changes will result in a substantial number of pilots, for example there could be two pilots in one year and then no pilots for the rest of the five-year electoral cycle."

The Financial Memorandum notes that the power has rarely been used and that "at present the changes made by the Bill will not directly result in the additional cost identified below".

The Memo goes on to note costs as below:

"The scale of costs would depend on the nature of the pilot but could be in the range £50,000 for a small pilot of e.g. electronic poll cards or for a ballot paper overlay to assist persons with sight loss. Modest additional costs, proportionate to the scale and scope of a pilot and likely to be less than £20,000, may be incurred by the Scottish Government for the purchase or licence and subsequent testing of voting aids; for training of administrators; and for publicity and communication with electors. … Formal Electoral Commission assessment of a pilot could also be required, and this could cost around £100,000. No pilots under this legislation are currently planned."

We cannot comment on whether the proposed funding is sufficient, but RNIB Scotland is concerned that no pilots are currently being planned "under this legislation". However, the Financial Memorandum sets out that:

"Secondary legislation (‘no procedure’) will be required where a pilot is proposed.

"An EMB-initiated pilot would use EMB funds, which are provided by the Scottish Government. An ERO-initiated pilot could be funded by the relevant council area(s) or by the Scottish Government, subject to agreement. The financial impact of each specific pilot would be set out along with the relevant Order."

RNIB Scotland strongly supports the development of new accessible voting aids and their testing and piloting and having them available for the next set of elections within the responsibility of the Scottish Government, that is, the Scottish Parliament elections (2026) and Scottish local government elections (2027).

The practical act of voting – making a cross (or a number) in a specific location on a piece of paper – is fundamentally a visual exercise. RNIB Turned Out surveys of the voting experiences of people with sight loss since 2015 underline that for blind and partially sighted people to vote in an equitable way, they should be able to:

* Review the candidates on the ballot paper without assistance;
* Reliably find, and mark, their chosen candidate/s on the official ballot paper without assistance;
* Be in sole control of the secrecy of their vote.

The standard aid currently in use is the Tactile Voting Device (TVD), a thin plastic template that is placed on a ballot paper to help locate where to vote for a preferred candidate. However, as it doesn't provide the names of the candidates, in practice most blind or partially sighted people need assistance to vote. In 2019, a Judicial Review found the use of the TVD, unlawful, with the judge describing the provisions as “a parody of the electoral process” because of the inability for voters to review and mark the ballot paper independently. The UK Elections Act 2022 removed a requirement for all polling places to have TVDs. There is now a general requirement to provide ‘reasonable equipment’ to support people with disabilities to vote. The Electoral Commission was charged with providing guidance on this accessibility aspect of the 2022 Act, including on minimum equipment standards.

Yet, for now given the lack of alternatives, TVDs should be available at polling stations with audio support while other feasible and tested alternatives are developed and made available at the necessary scale for use at elections.

In the long run, we look forward to the replacement of the TVD and are ready to consider a range of options.

RNIB Scotland has been working with the Scottish Government and Scottish sight loss organisations to test potential accessible voting solutions for blind and partially sighted voters. These have included alternatives to the TVD such as perforated ballot papers and a new card ballot overlay developed by the Scottish Government Elections Team. We have also tested an audio device that can be taken into the ballot box with a headset. This allows individuals to listen to the candidates’ names and cast their votes independently using the TVD, with no need for another person to be present. We also welcome the Scottish Government's readiness to explore the use of phone helplines to identify who is on a given ballot paper.

We are keen and ready to work with people with sight loss alongside the Scottish Government Elections Team, the Electoral Management Board for Scotland, and the Electoral Commission to develop feasible accessible voting aids for blind and partially sighted voters. Election pilots will play a critical role in arriving at a better solution.