



## CONSULTATION ON ELECTORAL REFORM

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

Scottish Commission For Learning Disability

Phone number

0141 248 3733

Address

Scottish Commission for Learning Disability  
Suite 5.2, Stock Exchange Court  
77 Nelson Mandela Place  
Glasgow

Postcode

G2 1QY

Email

Oonagh.b@sclld.co.uk

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (without name)  
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#### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes  
 No

# Consultation Paper on Electoral Reform

## Scottish Commission for Learning Disability Response

The Scottish Commission for Learning Disability (SCLD) welcomes the opportunity to respond to this important consultation. SCLD is an independent charitable organisation and strategic partner to the Scottish Government in the delivery of Scotland's learning disability strategy, *The keys to life* (2013)<sup>1</sup>. The strategy defines a learning disability as a significant, lifelong, condition that started before adulthood, which affects development and means individuals need help to understand information, learn skills, and cope independently. SCLD is committed to finding new and better ways to improve the lives of people with learning disabilities and is focused on sharing innovation and good practice so that those providing services and interventions can learn from each other. SCLD also aims to be a knowledge hub and to build an evidence base, sharing how policy is being implemented and building on an understanding of what really works.

SCLD's response reflects both *The Human Rights Act* (1998) (Protocol One Article 3 and Article 11)<sup>2</sup> and *The Guiding principles of The UN Convention on The Rights of Persons with Disabilities* (2009)<sup>3</sup> which highlights full and effective participation and inclusion in society as well as the freedom to make one's own choices.

In addition to this SCLD has considered this consultation in line with Marshall's understanding of Political Citizenship as "...the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body" (1950, p.30).<sup>4</sup> SCLD view political citizenship as a key and important part of people with learning disabilities achieving active citizenship.

With regard to our response we have focused the following key themes:

- Avoidance of Clashes
- Accessibility
- List order on ballot papers
- Electronic Voting
- Electoral Boundaries
- Voter Equality
- Anonymous Registration

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<sup>1</sup> [The keys to life](#)

<sup>2</sup> [The Human Rights Act \(1998\)](#)

<sup>3</sup> [UN Convention on the Rights of Persons with Disabilities \(2009\)](#)

<sup>4</sup> [Marshall \(1950\)](#)

- Access for people with learning disabilities to political party membership elected office

Each of these key themes and their relationship to the consultation questions is outlined below.

### **Avoidance of Election Clashes**

With regard to Question 2 of the consultation paper, SCLD acknowledges that The Government may call elections out with term length. However, where possible SCLD would support the principles that clashes should be avoided. This would be of value to people learning disabilities as it would ensure that people with learning disabilities are given appropriate time to register to vote and to make their own informed choices with regard to the selection of political party and candidates. Where there are clashes of elections, this could become more challenging.

### **Accessibility**

SCLD supports a system of Electoral Reform which is accessible to people with learning disabilities and which encourages participation, fairness, and transparency. With regard to Question 4, SCLD would wish to draw The Electoral Management Board's attention to the issue of accessibility in relation to levels of voter registration and voting for individuals with a disability. The barriers to voting for people with disabilities has been demonstrated in international studies with Schur et al (2002)<sup>5</sup> which stated that in America voter turnout was found to be 20 percentage points lower among people with disabilities than among people without disabilities who live in similar areas. Further investigation of voter registration and turn out would be welcome, in a Scottish context with particular focus given to learning disability. In addition the accessibility of voter registration, voting and participating in political parties should be addressed through those working at all levels in the political system adapting information and producing accessible communication in line with the Six Principles of Inclusive Communication (2009)<sup>6</sup>.

### **List ordering and numbering on voting ballots**

In response to Questions 10 and 11 of the consultation document, SCLD sees a need for the issue of accessibility of ballot papers and list ordering for people with learning disabilities to be addressed. Many of the suggested changes regarding list ordering would be inaccessible and would present barriers to active participation in democracy due to increasing the likelihood of voter confusion. In particular, SCLD would ask that the following suggestions are not used: Random ordering, a combination of grouping candidates by party and random ordering and candidate

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<sup>5</sup> [Schur et al \(2002\)](#)

<sup>6</sup> [Principles of Inclusive Communication: An information and self-assessment tool for public authorities \(2011\)](#)

name rotation. Instead, SCLD would favour grouping candidates on the ballot by party and would fully support the provision of easy read ballots alongside voice activated ballots, the use of British Sign Language. SCLD would also value consideration being given to the use of Makaton with regard to voting, due to the use of Makaton with children and young people in nurseries and schools.

With regard to the list order, SCLD would not support the Robson Rotation, outlined on page 13 of the consultation paper, as this may lead to increased voter confusion and may present further barriers to people with learning disabilities.

### **Electronic Voting**

SCLD understands and supports certain benefits regarding electronic voting for example in allowing the use of voice-activated interfaces and the use of British Sign Language stated on page 15 and 16 of the consultation document. In addition to these stated benefits, SCLD would support consideration being given to what the benefits and barriers of electronic voting would be for people with learning disabilities.

Considering Question 12, SCLD would support the use of electronic voting machines, with a series of caveats. To ensure that a person with a learning disability can participate it would be of central importance that these machines are programmed in a way that would be fully accessible and that people with learning disabilities were involved in their design, testing, and approval. There is potential links here with assistive technology such as [tobii dynavoc](#) or eye tracking. SCLD would not view the introduction of voting machines as a move away from paper and postal voting; to ensure all individuals can participate a suite of voting options should be made available. To support the use of voting machines, there would be a need for training for those working at polling locations to ensure that people with learning disabilities are appropriately supported to use these machines.

SCLD would fully support voting taking place on more than one day to allow for flexibility for voters which will be of central importance for people with learning disabilities who may need assistance from a support worker, family member or friend to attend a polling location. For this same reason, SCLD would welcome people with learning disabilities being able to vote at any polling station.

Despite support for voting machines, SCLD would ask that a number of potential barriers for people with learning disabilities, regarding internet and mobile phone voting, are fully addressed. The potential barriers could be:

- Lack of access to smartphones or pcs due to low income or personal choice
- Restricted access to technology due to concerns for wellbeing and safety

- Potential vulnerability to voter coercion or external influence.

Taking these barriers into consideration, it would be of value that a range of voting options was available and was not restricted to personal devices.

### **Electoral Boundaries**

In establishing electoral boundaries recognition needs to be given to establishing a clear process for voting arrangements for people with learning disabilities who may be in out of area placements in care facilities. This may have implications for the proposal on local government electoral arrangements outlined on page 20 of the consultation. Therefore, any recommendations of The Local Government Boundary Commission for Scotland would require paying due regard to the complexities around 'ordinary residence'.

### **Voter Equality**

With respect to people with learning disabilities, SCLD support expanding the franchise and improving equality in voting outlined on pages 24 and 25 of this consultation. SCLD would welcome additional consideration being given to the access to voting to people with learning disabilities. This could require focused attention in the form of research around voter uptake and support requirements. It is critical that we positively embrace the right of franchise and do not make assumptions about the capacity of people with learning disabilities ability to understand and take part in the electoral process. This is in line with the Electoral Commission's Guidance for Electoral Registration Officers which states, "A lack of mental capacity is not a legal incapacity to vote: persons who meet the other registration qualifications are eligible for registration regardless of their mental capacity." (2017,p.25)<sup>7</sup>. The provision of appropriate support is also highlighted in the guidance. A helpful frequently asked questions document regarding this has been produced by The Mental Welfare Commission for Scotland and can be found [here](#).

With regard to multiple voter registrations for individuals with more than one home, SCLD views this as a potential challenge to equality. For groups of individuals with protected characteristics, including people with learning disabilities, barriers can be faced in accessing education and employment. Therefore giving multiple votes to individuals based on multiple property ownership gives a disproportionate say to those in society who may have potentially experienced more opportunity in establishing income and property and fewer barriers to this than many people with learning disabilities.

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<sup>7</sup> [The Electoral Commission: Guidance for Electoral Registration Officers \(2017\)](#)

## **Anonymous Registration**

SCLD fully support the proposal regarding anonymous registration outlined on pages 25 to 27. SCLD view this as a suitable way to protect individuals with learning disabilities who may have experienced hate crime or domestic abuse from stalking, harassment or exploitation. This is of particular importance as with regard to hate crime as the Hidden in Plain Sight: inquiry into disability related harassment (2011)<sup>8</sup> highlighted that harassment is a common experience for people with disabilities. Anonymous registration would also help to protect women with learning disabilities who have experienced gender-based violence. Women with Learning Disabilities are at an increased risk of gender-based violence as highlighted by SCLD and NHS Scotland (2011)<sup>9</sup> and demonstrated in McCarthy (2016)<sup>10</sup> work about disabled women's experiences of domestic abuse and impairment specific abuse.

## **Access for people with learning disabilities to political party membership and elected office**

In response to Question 23 of this consultation, SCLD would welcome wider representation of people with learning disabilities in the governance of the country. A multi-layered approach would be required to ensure this would be achievable. This would involve:

- Improved access to education and ongoing learning for people with learning disabilities
- Communication about the political system which meets individuals needs
- Mentoring and coaching support for people with learning disabilities
- Investigating the role supported decision making could play in individuals with learning disabilities conducting their role as an elected member or as a voter
- Improving our society's aspiration for people with learning disabilities through awareness raising and training
- Promoting awareness of The Access to Elected Office Fund and provide a range of accessible communications about this
- Political parties to actively engage in promoting equality
- Identifying international good practice where this exists

SCLD views this consultation as important in underpinning people with learning disabilities rights to political citizenship and full and active participation. To ensure that barriers to voting and taking part in the political process is established consideration should be given to avoiding clashes of voting, the need for accessible information and voting mechanisms. In addition to this SCLD supports additional

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<sup>8</sup> [Hidden in plain sight: Inquiry into disability related harassment \(2011\)](#)

<sup>9</sup> [Learning Disabilities and Gender Based Violence: Literature Review Summary](#)

<sup>10</sup> [McCarthy \(2016\)](#)

consideration being given to the needs of people with learning disabilities in out of area of placements, the need for voter equality and the value of anonymous registration in specific circumstances. Finally, SCLD welcomes a recognition that people with learning disabilities should not only be able to vote without the experience of barriers but that they should also have the opportunity to fully participate at all levels in the political system. Thank you for the opportunity to respond to this important consultation.



Oonagh Brown  
Policy and Implementation Officer (Parenting)  
Scottish Commission for Learning Disability