

# May 2007 Scottish election fiasco: Report finds voters “treated as an afterthought”

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Elections to the Scottish Parliament at Holyrood in May saw more than 146,000 votes discounted—the largest number of rejected ballots in UK electoral history.

The rejected ballots included 85,644 votes for the first-past-the-post constituency elections and a further 56,247 votes for the regional lists (run on the Additional Member form of proportional representation).

In addition to this total—representing about 4 percent of all votes cast on the May 3 poll—more than 32,000 votes were discounted for elections to local councils held on the same day.

Seventeen seats in the 129-seat parliament were won by candidates whose majorities were lower than the number of spoiled ballots in their constituency. The Scottish National Party, which favours independence from the UK, won the election with 47 seats—just 1 more than Labour.

Then-Scottish Secretary Douglas Alexander, the member of the UK government responsible for organising Scottish parliamentary elections, had initially stated that there would be a statutory review of the election by the Electoral Commission. However, public outrage at the debacle forced the Labour government to organise an inquiry by an independent international expert into why so many voters had been disenfranchised.

After a lengthy inquiry, the report by Ron Gould, a former senior Canadian election official, claimed that ministers in the Scottish Parliament and the UK had focused their decisions about the election on “partisan political interest,” with voters treated as an “afterthought.”

In 2006, government ministers, in consultation with opposition parties in Holyrood, initiated a major change to the layout of the parliamentary ballot paper. Previous elections to Holyrood in 1999 and 2003 used two separate ballot papers for the constituency and regional lists. The 2007 ballot, however, placed both forms of election to the parliament on the same ballot paper.

Alexander had been warned by civil servants and an independent marketing firm that this change to the parliamentary ballot forms would lead to confusion and a

higher-than-average number of rejected votes. Despite this, the government continued to promote the new layout, claiming it would be more “popular.” When the proposals were published, the Scotland Office and the Electoral Commission played down their findings that indicated the single ballot paper favoured by the government was likely to be the most confusing option.

Gould’s report, criticising the Electoral Commission for being “very much remiss” for ignoring the study of the new ballot paper before the election, noted that it had found that 4 percent of voters were too confused to correctly use it—the same figure as the actual percentage of spoilt papers.

In addition, the government decided to hold local council elections on the same day as the parliamentary vote using another ballot paper with a different form of proportional representation—the Single Transferable Vote system. Although Gould found that this was not a major factor in the massive level of discarded votes in the election, it undoubtedly added in an extra layer of confusion for many voters.

Commenting on the attitude taken by the election’s organisers towards the vote, Gould’s report stated, “Changes were introduced with the expectation that they would simply fall into place.”

Gould concluded that the Scotland Office’s decision to combine the names of constituency and regional candidates on a single ballot paper was the “main reason” for the spoilt papers. The inquiry found that Douglas Alexander and other ministers took decisions on the running of the election based on party political calculations. “What is characteristic of 2007 was a notable level of party self interest evident in ministerial decision-making (especially in regard to the timing and method of counts and the design of ballot papers),” the report stated.

“We recommend that those involved in future elections consider voters’ interests above all considerations,” Gould added.

What reason did Labour have to promote such a confusing form of ballot paper? What were the partisan considerations

of the UK Labour government and the Labour-Liberal coalition government in Edinburgh, alluded to by the Gould report?

In the run-up to the 2007 elections to Holyrood, the Welsh Assembly and local councils in much of England, Labour was facing a crisis. The unpopular invasion of Iraq and the disastrous occupation of that country, a worsening military quagmire in Afghanistan, and the cash-for-honours scandal (in which then-Prime Minister Tony Blair was being interviewed by the police) were all threatening to precipitate an electoral humiliation for Labour.

Largely thanks to Labour's unpopularity, the SNP was enjoying an upswing of support and looked set to beat Labour in Scotland for the first time. Under such circumstances, the government was willing to play fast and loose with the electoral system.

The 2003 Holyrood election had seen a number of Members of the Scottish Parliament (MSPs) representing smaller parties elected through the regional list vote: seven Greens, six Scottish Socialist Party, one from the Senior Citizens Party and one independent. In what was likely to be a very closely fought election, the hundreds of thousands of votes garnered by these smaller parties became prime targets for Labour, the Liberals, the Scottish National Party and the Conservatives.

Gould's report shies away from saying what the "party self interest" behind the decisions about the Scottish election was, and he has even stated that he believes that ministers and the main parties acted with "good intentions." However, a single ballot paper would encourage people to vote for the parties fielding candidates for both the constituency and the region. The ballot paper's design was predicted to squeeze smaller parties, such as the Greens, which tend not to stand candidates in the constituency seats. Additionally, the single ballot paper left less room for the multitude of parties and independent candidates standing on the regional lists.

In the event of any confusion about the new ballot layout—as the government's own research had indicated could be the case—it was the smaller parties that would be disproportionately affected by spoiled ballots.

When the Scotland Office and the Electoral Commission presented the proposed new parliamentary ballot paper to Holyrood, Labour and the three other main parties argued for months about the ballot paper's design, each hoping to engineer a ballot that was most advantageous to them. As a result of the protracted wrangling in Holyrood, the new form of ballot paper was not approved by Westminster until less than three months before the May 3 polling day, giving no time to test the efficacy of the new system.

The SNP is complicit in the election fiasco, having approved of the new design and then used the changes to its

own electoral advantage. Party leader Alex Salmond was listed on the regional list (thus putting him at the top of the paper by alphabetical order) instead of the party name, adding to the confusion between regional and constituency votes.

After initially calling for a full judicial review of the election, Salmond, eager not to cast any more light on the role of the SNP and the Scottish parliament in sanctioning the new layout, has now stated that the Gould report has rendered this unnecessary. As part of its campaign to win more powers for Holyrood, the SNP has jumped on Gould's recommendation that it be responsible for its own elections, instead of Westminster.

Labour's efforts to improve its electoral chances through changes to the ballot paper did not prevent it from suffering its worst electoral result in Scotland for half a century. But they are an indication of the political desperation and the growing disregard of the government for the norms of parliamentary democracy.

The issue provoked a heated exchange in parliament, with calls for Alexander's resignation by the SNP. Conservative Leader David Cameron's accusations of Labour having placed its interests above those of voters prompted Prime Minister Gordon Brown to accuse him of misrepresenting the report's findings, only to be warned by the speaker against using "intemperate language." However, the fact that the Liberals, the SNP and the Tories had all agreed to the ballot's design—and in the SNP's case used its provisions to their advantage—rendered their attacks ineffective despite the huge numbers that were disenfranchised.



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