

By email

Jamie Hepburn MSP
Minister for Parliamentary Business
and Veterans

06/06/2026



Ballot Box Scotland
Democracy in Detail

Allan Faulds
allan@ballotbox.scot

Reforming the administration of Scottish Parliament and Local Elections to improve transparency and democracy

Dear Mr Hepburn,

Firstly, may I congratulate you on your re-election to the Scottish Parliament last month, and your appointment as Minister for Parliamentary Business and Veterans. As the minister with responsibility for devolved elections, I am writing to you to raise several issues I believe merit action over the course of this term of parliament. It's possible you are familiar with my work on [Ballot Box Scotland](#), but if not, since launching the project in 2018 I have developed a reputation as a leading expert on Scottish elections.

As part of my work, I take an interest in the fair, effective and transparent functioning of democracy. Whilst there is much to commend Scotland's hard working elections teams on, in many respects they are operating within the confines of a mid-20th Century system of administration despite being more than a quarter of the way through the 21st. There is a clear need to bring the administration of Scottish elections up to a modern standard by:

- Replacing the deposit system with signatures and entitlements
- Improving administration of and publication of results for Scottish Parliament elections
- Replacing local government by-elections to fill party councillor vacancies with a system of co-option
- Improving publication of results for local elections

Replacing the Deposit system with Signatures and Entitlements

Ask: The Scottish Government urgently undertakes the consultation previously committed to on reforming the Scottish Parliament deposit system, with an explicit view towards replacing it with a system of signatures and entitlements.

When it was established, the Scottish Parliament inherited the UK Parliament's deposit scheme to regulate standing for election. Although the claimed purpose of this is to ensure only serious candidates are put forward for election, it has failed to achieve this aim.

Quite apart from the oddity of requiring parties with a long history of electing MSPs to do anything else to prove their seriousness, frivolous and at times outright dishonest candidacies remain a feature of Scottish Parliament elections, as (a few instances of) £500 is

no real barrier to candidacy. In extreme cases, as we have seen in both 2021 and 2026, dishonest candidacies from front groups with no real existence as campaigning parties have confused voters and cost legitimate parties seats that they would otherwise fairly have won. This cannot be allowed to happen for a third election.

At the same time, the total sum of £40,500 that would be required to contest every constituency and region is a significant financial outlay for serious but smaller parties. Even if such a party has the entire sum returned after the election, the money is not available to spend during the election on things that will actually win them votes. This creates a deeply undemocratic structural disadvantage against these parties. As such, increasing the value of deposits is not a viable solution to what is a serious democratic issue.

The Electoral Commission itself recommended in 2015 that deposits should be scrapped, in favour of a system of signature collection.ⁱ This is a fairer, more effective mechanism for regulating candidacy, which can be combined with ordinary campaigning, and one that is widely used across Europe.

Such a system could operate largely digitally, ensuring that voters have accurate information and are not duped into backing misleadingly named front organisations. For ease of administration, this could and should be combined with a system of entitlements whereby parties that elected MSPs at the previous election are automatically entitled to stand candidates, already having proven themselves to be serious. For demonstration purposes, I published a simplified example of how voters might experience such a system.ⁱⁱ

I understand that in the previous term of parliament, Ross Greer MSP lodged amendments to what became the Scottish Elections (Representation and Reform) Act 2025 that would have introduced such a system. Given the significant nature of the change, these were withdrawn on the basis that the Scottish Government would commit to a consultation on them. I ask that you both urgently bring forward this consultation and that you do so with the Scottish Government's stated position being in favour of the reforms.

Improving administration of and publication of results for Scottish Parliament Elections

Ask: The Scottish Government mandates and provides adequate resources to enable the Electoral Management Board for Scotland, potentially as reformulated into a broader Elections Scotland body, to declare regional vote results per constituency on an equal basis to constituency vote results, and publish such data immediately after declaration on a public web portal.

Immediately after the 2026 Scottish Parliament Election, I published an Open Letter directed at the Electoral Management Board for Scotland, the Scottish Government, and Scottish broadcasters and the media.ⁱⁱⁱ In it I highlighted the significant failures at every level in reporting on half of the votes cast at the election.

Unlike New Zealand, a country with a high-identical voting system and population size, every level of administration and media completely failed to accurately and transparently report on the regional vote results for individual constituencies. Only by following my website, the website of a hobbyist, could this information be seen in a useful form. This means that during the count period, half of the picture of the election is largely unavailable. It also means that even after the count, very few people are easily able to find information about half of the votes cast in their local area. I do not consider this to be acceptable.

As I have attached a copy of that Open Letter with this letter, I will not go into too much detail about this ask. I will however re-emphasise my blunt assessment: the reporting of Scottish Parliament results is completely and utterly inadequate, it does a massive disservice to the voting public, it is out of kilter with other countries with similar voting systems, and we cannot have the eighth election in 2031 continue those failings.

Whilst the Scottish Government is not responsible for the behaviour of broadcasters and the media, it is responsible for how Scottish Parliament elections are administered. The current form of administration does not meaningfully enable timely, accurate reporting on regional vote results even if broadcasters and the media wished to do so. The system must therefore be improved so that such reporting is possible.

In my original Open Letter, I suggest a new public body titled Elections Scotland should be responsible both for improving the administration of the count, by mandating equal treatment of both votes in declarations, and for publishing data, in live time, on an authoritative web portal. I do however note that this is envisioned as a reformulation of the Electoral Management Board for Scotland, and as such it is not necessarily a completely new body I am proposing.

Instead, my suggestion for "Elections Scotland" should be understood as encompassing a new approach to administering and officially publishing the results of Scottish Parliament elections. A relatively modest additional expenditure to ensure dedicated staff and a functional web portal is, I hope, a reasonable request given the vital importance of democratic transparency.

Replacing local government by-elections to fill party councillor vacancies with a system of co-option

Ask: The Scottish Government undertakes the consultation previously committed to on reforming how local government vacancies are filled, with co-option replacing by-elections in the case of councillors elected to represent a political party.

Since adopting the Single Transferrable Vote (STV) system for local government elections in 2007, Scotland has been in an odd circumstance where ordinary local government elections use a proportional system, but most by-elections do not. By definition, an election for a single representative cannot be proportional representation: one councillor cannot proportionally represent several groups of voters. This means that by-elections under STV distort democracy rather than enable it.

For example, electing four councillors in a ward entails a quota of 20%+1 vote to guarantee election. Where Party A win 45%, Party B win 25%, Party C win 15%, and the remaining 15% is split between other parties, the typical result will be two councillors for Party A and one each for Parties B and C.

Yet if tragedy strikes and the councillor for Party C passes away shortly after the election, even should all the same voters turn out and vote for same parties, it is mathematically impossible for Party C to win the by-election which now has a quota of 50%+1, and will be won by Party A. Party C's voters have been denied their fairly won representation not because they changed their minds, but because the system changed the goalposts.

Beyond distorting the proportionality within individual wards, which goes against the principle of STV, there can be other effects of such by-elections. Over the course of a term multiple by-elections in a ward can lead to not just distortion but the complete erasure of

representation for other parties. For example, in 2017 Fortissat ward elected two Labour councillors, one SNP and one Conservative. Through by-elections, all four councillors ended up representing Labour, denying any other group of voters representation, completely at odds with STV's core purpose.

In another example from the 2017-2022 term, in Dundee's North East ward a Labour councillor was replaced by one from the SNP. Not only did this give the SNP all three seats in the ward, but it also gave them 15 out of 29 councillors. Although Dundee's voters had not given the SNP a majority at the full election, voters in one ward were able to do so because of a by-election. In other cases, by-elections may even give one ward's worth of voters the ability to change the governing administration, with nobody else being given a say.

Given that by-elections by their nature end up defeating the point and principle of STV, they should be replaced for party councillors by a system of co-option. This would mean the party the councillor was elected to represent nominating a replacement. Whilst very few jurisdictions use the STV voting system, neighbouring Ireland takes exactly this approach to replace local councillors.

I recognise that this may be the most startling of my proposals, rubbing as it does against the very simplistic notion that prevails in the UK that democracy and holding an election are effectively the same thing. Yet as I have outlined here, the democratic effects by other measures are very negative.

I would also add that the reality of all elections in most democratic countries is that party matters substantially more than candidate. Whilst it is true that some party representatives will have or develop some degree of personal vote, and that this is most easy to do at local level, it is still the case that the fortunes of councillors and candidates rise and fall with those of their party.

The Lib Dems for example did not lose over half of their seats in 2012 because they had poor councillors and candidates: they did so because there was a specific backlash against the party. By the same token, the Conservatives didn't more than double their councillors in 2017 due to the quality of their candidates, but because the party was experiencing a revival.

By-elections should still be held to replace councillors elected as Independents or for political parties that had wound up since the full election, however. In such cases, the need to preserve the proportionality established by the voters would be less of an issue.

As with the issue of replacing deposits with signatures and entitlements, I understand that Ross Greer MSP moved an amendment to what became the Scottish Elections (Representation and Reform) Act 2025 to this effect. This was likewise withdrawn on the basis of lack of consultation but with the responsible minister - yourself - recognising the issue merited consultation. As such, I again ask that such a consultation is brought forward as soon as possible, with the Government view expressly being in favour of the change.

On this issue, I recognise that the time taken to legislate and the principle that changes should not be retroactive would mean this system would not take effect until the 2032 local government elections. This is nonetheless an important reform, and one that would also reduce the burden on the substantial number of councillors elected as MSPs, who would no longer have any reason to hold on to their councillor seat for the final year of the local government term for fear of the costs of a by-election or their party losing the seat.

Improving publication of results for Local Elections

Ask: Section 61 of the Scottish Local Government Elections Order 2011 be amended to reduce the threshold for publishing ballot box level results from 200 votes to 50 votes.

Although Scotland lags behind much of the rest of the democratic world in the availability of election results below the level of the relevant electoral unit, local elections are a welcome exception, thanks to the computerised count process. Section 61 of the Scottish Local Government Elections Order 2011 sets out a variety of detailed reports that must be published following local elections. In 2022 I became to my knowledge the first person to properly collate and publish this data in a useful format.^{iv}

An issue I consistently encounter however, especially at by-elections, is the 200 vote threshold for publishing individual ballot box breakdowns. This requires any ballot boxes with fewer votes than that to be merged with other boxes to protect the secrecy of the ballot. In practice, this often means losing out on finer details of vote distributions. It is also my experience that election teams often do not consider the utility of the resulting data and will preferentially merge multiple boxes below the threshold, rather than merge a below threshold box with another box in the same polling district, or at least a neighbouring one.

It is unclear to me why 200 votes has been adopted as the threshold for these purposes. In my experience of following elections across other countries, many which as per the previous section offer real-time reporting of polling district level results, such thresholds rarely exist. In a particularly striking example, I can tell you that in the most recent Croatian election, the single Croatian citizen who voted at their embassy in Slovakia voted for Možemo!

This is a particularly frustrating provision in the context of ever-increasing numbers of postal votes. That in itself is an issue that may need further investigation and accommodation in the future, but for the time being, the more postal votes that are cast the greater the likelihood that individual ballot boxes will contain fewer than 200 votes. To ensure that detailed results data remains useful, I believe this threshold should be reduced to 50 votes.

Given the level of turnout at local elections, and the number of postal votes cast, this would almost certainly still mean that published boxes would still cover areas with over 100 individual voters, helping to maintain secrecy of the ballot. I would also suggest that the text relating to mergers be modified from simply “being such polling stations as the returning officer sees fit” to “being such polling stations as the returning officer sees fit, having regard to the geography of affected polling districts”, emphasising the importance of ensuring that the data is as useful as it can be.

If it is possible to do so in advance of the 2027 Scottish Local Elections, I would encourage you to bring forward an amendment to the Scottish Local Government Elections Order 2011 to give effect to this. If it is not possible ahead of 2027, I nonetheless believe it should be done as soon as possible so that by-elections in the next local government term are covered.

Next steps

I would be grateful if you were able to give a comprehensive response to each of the points I have raised in this letter. In addition, if it would be helpful, I am happy to meet with yourself or your officials at your convenience to discuss these issues further.

Yours sincerely,

Allan Faulds
Ballot Box Scotland

ⁱ The Guardian, 'Scrap the £500 deposit to run for parliament, says Electoral Commission' (January 2015), available at: <https://www.theguardian.com/politics/2015/jan/13/scrap-500-deposit-to-run-for-parliament-says-electoral-commission>

ⁱⁱ Ballot Box Scotland, 'Example 2031 Scottish Parliament Election Nominations Centre' (May 2026), available at: <https://test.ballotbox.scot/>

ⁱⁱⁱ Ballot Box Scotland, 'BBS Open Letter on Improving Scottish Parliament Results Reporting' (May 2026), available at: <https://ballotbox.scot/bbs-open-letter-sp26/>

^{iv} Ballot Box Scotland, 'LE22: Diving into the Detail' (May 2022), available at: <https://ballotbox.scot/le22-diving-into-detail/>