

The Governance of Britain: Election Day Weekend Voting Response of the Scottish Council of Jewish Communities

The Scottish Council of Jewish Communities (SCoJeC) supports the Government's intention to "encourage greater voter participation and engagement" and "make the voting process universally accessible for all eligible people, reflecting the needs of our diverse and mobile society". We therefore urge that care must be taken to ensure that any change in current procedures does not disadvantage any particular group in society.

1) Do you think that polling day should be a weekday, Saturday, Sunday, take place over both Saturday and Sunday? Please tell us why.

We are concerned that a Saturday or Sunday polling day would disadvantage certain faith groups, in particular Jews and some Christian denominations. *Halachah* (Jewish Law) prohibits a range of activities on the Sabbath and Festivals that would affect the ability of observant Jews to participate full in the electoral process. For example, they would be unable to write on a ballot paper, drive to a polling place, distribute leaflets, or otherwise participate in elections on these days. Moreover, since the majority of Jewish festivals last for two days, a two-day poll would not necessarily provide an acceptable solution. A Friday poll would also disadvantage the Jewish community, since the Sabbath begins at sunset, which can be as early as 3pm in Scotland during the winter.

Our preference is, therefore, for a poll on any weekday other than Friday.

Who would be affected by changing the voting day to a weekend and how?

i) Voters

Jewish voters would be unable to vote on Saturday, and voters from some Christian denominations would be unable to vote on Sunday. Increased access to advance polling, either at a polling station or by post would not be an entirely satisfactory solution since it would compel voters to decide how to cast their vote before the end of the campaign.

Two-day polling over both Saturday and Sunday would be an acceptable solution as regards voters except when both days coincide with a Jewish festival.

ii) Candidates and potential candidates

Candidates from the above faith communities would be disadvantaged by a poll on either Saturday or Sunday or both, since they would be unable to campaign or canvass for votes during the poll. It is not inconceivable that, particularly in marginal seats, a constituency party might reject a potential candidate on the grounds that his or her inability to campaign in person during the poll might result in the loss of key votes, and therefore, of the seat.

A weekend poll, whether over one day or two, would be contrary to the policy objective of increasing representation of minorities and would not provide an acceptable solution for candidates and potential candidates.

iii) Employees and potential employees

Staff who would normally be employed in election-related roles may come under pressure to work on polling day, and may therefore be forced into the unacceptable position of having to justify their religious observance to their employer.

Applicants for temporary employment in election-related roles, particularly as campaign staff for a candidate or political party, may be rejected (or simply not apply) on the grounds that it is essential for staff to work on polling day. It appears to us that this may not breach the Employment Equality (Religion or Belief) Regulations, since it could be argued that the requirement to employ staff who are available to work on polling day is a "proportionate means of achieving a legitimate aim", particularly for small political parties which may only employ a very small staff in any constituency. However, this should not be viewed as a justification; on the contrary it is unacceptable to legislate so as to create an occasion for indirect discrimination against any particular group of potential employees.

Two-day polling over both Saturday and Sunday would not provide an acceptable solution for employees and potential employees.

2) Do you think that greater access to advance voting in polling stations should be made available alongside weekend voting? Please explain why.

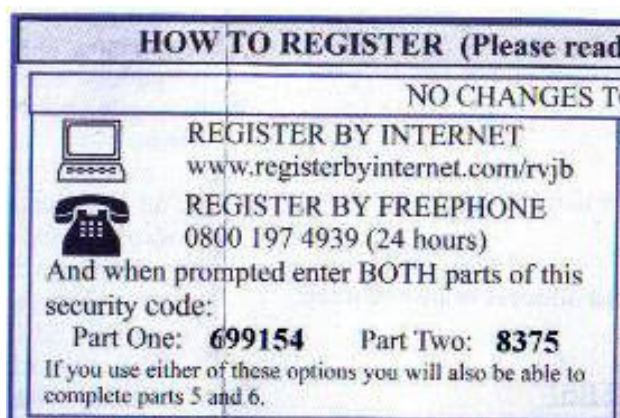
Alternative methods of voting should be available regardless of when an election is held in order not to disenfranchise sections of the community who happen to be away from home on the relevant date, have unavoidable commitments, or are unable to travel to a polling station due either to lack of transport or physical infirmity. Advance polling in polling stations may permit some people in the first three groups to cast their vote in person, but we would not expect it to achieve a significant increase in turnout.

3) Do you think that greater access to remote voting (whether through traditional postal voting or by electronic means) should be made available alongside weekend voting? Should such arrangements be explored even if polling day were not moved to the weekend? Please explain why.

We support improving access to remote voting for those people who prefer not to attend a polling station or who are unable to do so for any of the above reasons. However, we emphasise that no-one should be compelled to vote by a remote method on account of his or her religion, which would be the case if weekend polling were to be introduced.

Remote voting increases the risk of personation and coercion, so any programme to increase remote voting must also include rigorous measures to ensure that the poll remains free and fair. We note that current online voter registration procedures fall

short of this standard – for example, both parts of a two-part PIN are sent to applicants in the same form!



4) What do you perceive to be the benefits and the drawbacks of remote e-voting?

Whilst remote e-voting may encourage some people to cast their vote who would not otherwise have done so, we emphasise that internet access is not as widespread as is sometimes presumed (the Office of National Statistics reports that 35% of households do not have internet access¹) so it must not replace or be given priority over traditional methods of voting. It also, as stated above, increases the risk of personation, even if a secure method of identifying users is introduced.

5) Should the Government pilot weekend voting before introducing it across the UK?

We disagree with the premise of this question, which presupposes that weekend voting will be introduced across the UK. We do not support the introduction of weekend voting, and do not support a pilot scheme, since that would still disadvantage particular faith communities, albeit on a more limited scale.

6) What other issues may arise if the polling day is moved to the weekend? What are the issues for: resources? polling station venues? security? administration of the election?

As suggested in the consultation paper, church halls and similar premises may not be available for use as polling stations on Sunday, nor would synagogues or other Jewish premises be available on Friday or Saturday (although this is not currently an issue in Scotland). Moreover, particularly in some parts of the Scottish Highlands and Islands it may be difficult to staff polling stations on Sundays. It should not be forgotten that two-day polling on Saturday and Sunday implies a Sunday evening count which may be unacceptable to some Christian denominations, and which may present practical difficulties in those areas where Sunday is observed as a day of rest by the majority of the population.

¹ Internet Access, Office of National Statistics <http://www.statistics.gov.uk/CCI/nugget.asp?ID=8>

A Saturday or Sunday poll would clearly be more expensive to administer than a weekday election since staff would require to be paid at a higher rate, and this higher cost would naturally be further increased for a two-day poll on both Saturday and Sunday.

7) If weekend voting is introduced for local government elections, do you agree that the normal time for holding these elections should be moved from the first Thursday in May to the second weekend in May? If not, please explain which weekend you believe it would be most appropriate for these elections to be held and why.

Since the Jewish calendar comprises lunar months combined with solar years, festivals do not always fall on the same date of the Gregorian calendar. It is however unlikely that any Jewish festival will fall on the second weekend in May, so Jewish people would not be any more disadvantaged by an election on this date than they would be on other weekends.

8) Are you aware of any barriers which prevent individuals from voting? What are the issues and how can they be overcome?

We do not have any comment to make on this question.

Note: The Scottish Council of Jewish Communities (SCoJeC) is the representative body of all the Jewish communities in Scotland comprising Glasgow, Edinburgh, Aberdeen, and Dundee as well as the more loosely linked groups of the Jewish Network of Argyll and the Highlands, and of students studying in Scottish Universities and Colleges. SCoJeC is Scottish Charity SC029438, and its aims are to advance public understanding about the Jewish religion, culture and community. It works with others to promote good relations and understanding among community groups and to promote equality, and represents the Jewish community in Scotland to government and other statutory and official bodies on matters affecting the Jewish community.

In preparing this response we have consulted widely among members of the Scottish Jewish community, and with the Board of Deputies of British Jews, whose response to this consultation we support.