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The 2007 Scottish Elections: A Dark Day for Participatory Democracy

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ABSTRACT

This article examines the political campaigns, electoral processes and results of the 2007 Scottish parliamentary election. The Scottish National Party's narrow victory enabled it to form the first Scottish independence-seeking government, and heralded the end of five decades of Labour dominance of Scottish politics. However, the high number of rejected ballots raised questions about the legitimacy of the poll, as well as the effectiveness of the democratic process in Scotland.

Introduction

The Scottish Parliament election of May 2007, held during the anniversary of the 1707 Treaty of Union, produced the first Scottish government whose explicit mandate is to break up the United Kingdom. The Scottish National Party succeeded in doing what no other party in Scotland has achieved for over fifty years: stealing the Labour Party's crown as the largest party north of the border. The SNP replaced Labour (and their LibDem coalition partners) not only in the devolved regional parliament, but also in dozens of local councils across the country. However, this historical result was overshadowed by problems surrounding the voting procedures. Almost 150,000 votes were rendered invalid, constituting the largest disenfranchisement of Scottish citizens since universal suffrage. This article chronicles the main themes, events and results of the elections, paying particular attention to the challenges of widening participation in the electoral process.

The Political Context

The third set of elections to the devolved Scottish Parliament took place on Thursday, 3 May 2007. Previous elections in 1999 and 2003 had each produced a Labour-Liberal Democrat coalition government. In both cases, the result was of little surprise. In 1999, Labour and the LibDems could claim to be the chief advocates of devolution, having led the Constitutional Convention in the 1990s, and both parties had endorsed a pre-electoral coalition. In 2003, Labour's record had been tarnished by minor scandals but the Executive had produced popular legislation which secured the incumbent government another term in office. The situation in 2007, however, was quite different. There was popular disenchantment with Scottish Labour and its perceived inability to represent the interests of the Scottish people on key reserved matters such as the treatment of asylum seekers on Scottish soil, and plans to extend nuclear facilities in Scotland. The Scottish electorate also appeared to be tiring of British Labour. 'Blair's war' in Iraq was as deeply unpopular amongst the Scottish electorate as it was in the rest of the UK; cash for honours had undermined government integrity; and there was widespread concern over the pensions crisis. Although the Scottish Parliament had no control over these issues, they were still important election themes¹. Opposition parties argued that they could better meet the needs of the Scottish people, and the Scottish National Party – which had articulated a 'social democratic' policy platform – was portrayed as the closest alternative to Labour in Scotland. Labour had won a plurality of votes in every election in Scotland since 1964, and the SNP's main goal was to convince voters that it was time for change.

Novelties in the Electoral Process

The 2007 Scottish elections were the product of a number of experiments in election design. First, a new form of proportional representation (PR) was introduced for the local government elections.

¹ Although the importance of these themes in determining voting behaviour has been questioned (see the results of the Scottish Election Study 2007 at <http://www.scottishelectionstudy.org.uk/>).

Under the Single Transferable Vote system, instead of electing one councillor with an 'X' on the ballot, voters choose their candidates in order of preference from '1', '2', '3' and so on. This differed from the additional member system (AMS) used for Scottish Parliament elections. A second innovation was the re-design of the ballot paper following a Scotland Office consultation. The rationale behind placing the regional vote on the left-hand side and the constituency vote on the right-hand side of a single ballot paper was to remove 'any confusion that a vote on the regional list is less important or a second choice' (Scotland Office 2006). Third, Scottish electoral constituencies were reformed in 2005, creating fewer, and larger, constituencies that were no longer identical to those used for Westminster elections. Fourth, vote counting machines were introduced during the 2007 elections in order to facilitate the faster production of results (Scotland Office 2006). And finally, it was decided that the Scottish Parliament and local government elections would be held on same day, with the rationale of increasing voter turnout to the local government elections. Coupling the two elections, however, went against the recommendations of the Arbuthnott Commission – an independent panel of experts that was set up to examine boundaries and voting systems in Scotland.

The Party Campaigns

As party competition in Scotland tends to take place on one side of the political spectrum, whereby six out of the seven main parties may be classified as 'centre-left' (Labour, SNP, Scottish Liberal Democrats, Scottish Greens, Scottish Socialist Party and Solidarity), party positions on welfare issues – such as health and education – often converge. This did not preclude some differences arising over the issues of local council tax, transport and business tax. Yet the main contest during the election was on a reserved matter: the future of the Union, with most media attention focused on the semi-polarised debates between the 'Unionists' (comprising Labour, the LibDems and the Conservatives) and the 'Nationalists' (the SNP, Greens, Socialists and SSP).

Scottish Labour Party

Due to Labour's increasing unpopularity on both devolved and reserved issues, most opinion polls from November 2006 put them clearly behind the SNP (Bort 2007). This had the effect of placing the party on a defensive footing. Labour's focus was on undermining the SNP and its goal of independence. More problematic was the disorganised way in which it planned the campaign. Campaigners found there were no records of canvass returns for Labour's seats in previous elections, which put Labour seats at risk (Jones 2007: 8). Furthermore, Labour decided not to canvass properly in 'safe' areas, which had the effect of turning voters to other parties who made a greater effort to win their vote. Finally, as later acknowledged by party officials in a post-election review, this was one of Scottish Labour's most negative election campaigns ever (*The Herald*, 6 August 2007). Party rhetoric was peppered with references to 'fear', 'divorce' and 'risks' associated with independence. Labour refused to entertain the possibility of constitutional change within the boundaries of the Union, thus denying that devolution was a process.

Scottish National Party (SNP)

After the previous year's poor poll ratings, the return of Alex Salmond to the party leadership resuscitated the Scottish National Party. In the lead-up to the election the SNP had garnered the support of a number of leading figures in Scottish civil society and the arts, a public endorsement from a former Bank of Scotland chairman and party donations from high-profile Scottish companies that enabled the SNP to mount a professional, wide-reaching campaign. The party had sought to reach out to large sections of society through its popular policies of halting hospital closures, abolishing the graduate endowment, and ending road-bridge tolls. This enabled the SNP to break out of its traditional grass-roots area in the North East into the central belt and previously safe Labour seats. Party activists canvassed across the country, and targeted mailings were employed to lure voters away from other parties in marginal seats (Jones 2007: 11). In contrast to its 2003 election campaign, the central theme in 2007 was independence. The SNP's promise to hold a

referendum on independence within its first year of office gave voters the chance to make a decision on the Scotland's future at a later date. The SNP sought to portray itself as a government-in-making, and the slogan 'It's time' was flexible enough to mean many things to different voters: independence for Nationalists, or a change in government for those disillusioned with Labour.

Scottish Liberal Democrats

After eight years in coalition government with Labour, during which many key policies had been tabled or diluted, the Liberal Democrats embarked on the 2007 election campaign by declaring that they were not interested in entering another coalition. This allowed the party to disassociate itself from Labour, and to mount a positive election campaign with pledges to enhance opportunities for young people, build new local health centres and create youth justice boards. These policies were, however, largely lost in the furore over independence. One of the policies that did stand out – the abolition of the council tax and its replacement with a locally set income tax – received attention largely because of the SNP's endorsement of this policy, leading to speculation about a potential Liberal Democrat-SNP coalition. However, post-election, the LibDems refused to engage in any negotiations with the SNP until the proposal for an independence referendum was shelved, even if it contained a number of different options including federalism. The LibDems' rejection of a partnership with the SNP disappointed some voters who might otherwise have supported the party's ambitions for a more powerful Scottish Parliament.

Scottish Conservative & Unionist Party

After their electoral wipe-out in Scotland during the 1997 general election, the Tories had been slowly trying to rebuild their credibility and Scottish identity north of the border. Under the new leadership of Annabel Goldie, the Tories sought to disentangle themselves from the constitutional question and instead sought to focus on 'bread-and-butter issues' in Scotland, such as law and order and economic development issues. The Tories were able to maintain this focus by removing themselves from the unionist-independence debate (which they did so by declaring that they had no formal commitment to expanding the parliament's powers but would be open to debate), and by pre-empting any doubt as to their governing intentions by declaring that they would not enter a coalition with any party in Scotland. Instead, the Tories advocated the merits of minority government, which Goldie believed was more 'democratic and accountable' than coalition government (*Sunday Herald*, 5 March 2006).

The Minor Parties

The second session of the Scottish Parliament had produced a 'rainbow parliament', which included six Scottish Socialist Party MSPs and seven Scottish Green Party MSPs. This situation would not be repeated in 2007. The Scottish Socialist Party (SSP) had split the previous year following leader Tommy Sheridan's libel case with the *News of the World* newspaper. The SSP and Sheridan's new party – Solidarity – engaged in a contest of one-upmanship whereby one party would declare a policy goal, and the other would aim to better it, i.e. the SSP demanded an £8 minimum wage whilst Solidarity wanted £8.50. Such infighting destroyed Socialist support. The Scottish Greens had more reason to be hopeful. They had a comprehensive election manifesto that went far beyond ecological issues and dealt with public services delivery, taxation and crime. The problem was not so much the content of their policies, than their visibility. Media commentators called the election a 'two-horse race' between Labour and the SNP, and treated it accordingly.

The Results

After a long delay, the final results of the Scottish Parliament elections were given at 6pm on Friday, 4 May 2007. The SNP had won the election by a single seat (see Table 1). Yet this was a far from straight-forward result. The final seats to be counted had been the Highland regional seats, and the first calculation gave Labour all four of the seats, putting them in first place. But following a

recalculation, at the behest of the SNP, it was found that the Nationalists had in fact taken two of the Highland regional seats, giving them an overall majority of one seat in the Parliament.

Table 1: Summary of Seats by Party 1999-2007

	Constituency MSPs			Regional List MSPs			Total MSPs elected		
	1999	2003	2007	1999	2003	2007	1999	2003	2007
Scottish Labour	53	46	37	3	4	9	56	50	46
SNP	7	9	21	28	18	26	35	27	47
Scottish Lib Dems	12	13	11	5	4	5	17	17	16
Scottish Cons	0	3	4	18	15	13	18	18	17
Scottish Greens	0	0	0	1	7	2	1	7	2
SSP	0	0	0	1	6	0	1	6	0
Solidarity	-	-	0	-	-	0	-	-	0

Source: Scottish Parliament Information Service (SPICe)

The SNP had beaten Labour on three electoral measures. First, the Nationalists had overtaken Labour on the number of seats, winning 47 compared to Labour's 46 seats. Second, they took a larger share of constituency votes, amounting to 32.9% compared to Labour's 32.1%. And third, the SNP had outpolled Labour in its share of list votes: taking 31% to Labour's 29.2% (see Table 2). The SNP had also made the largest gains on the previous election out of all the parties, winning 20 seats more than in 2003 (Lynch 2007: 51).

Table 2: Party Share of Constituency and Regional List Votes, 2007

	Const. Votes %	Const. Seats Won	List Votes %	List Seats Won	Total Share of Seats %	Number of Seats	Total No. Votes
Scottish Labour	32.1	37	29.2	9	36.7	46	1,243,789
SNP	32.9	21	31.0	26	36.4	47	1,297,838
Scottish Lib Dems	16.2	11	11.3	5	12.4	16	556,883
Scottish Cons	16.6	4	13.9	13	13.2	17	618,778
Scottish Greens	0.1	0	4.0	2	1.6	2	85,548
SSP	0.0	0	0.6	0	0.0	0	13,621
Solidarity	0.0	0	1.5	0	0.0	0	31,096
	98%	73	92.2%	55	99.2%	129	3,847,553

Source: Scottish Parliament Information Service (SPICe)

Yet although the SNP had beaten Labour in the election by a single seat in the parliament, and had successfully captured a number of Labour's 'safe' seats including Cunningham North, Edinburgh East & Musselburgh, Stirling, and Govan, the Nationalists had not actually made a huge dent into Labour's substantial support base. In fact, Labour's constituency vote only fell by 2.4 points and its regional vote by 0.1 points compared to the 2003 election (see Table 3). Moreover, the Labour vote had declined less in 2007 than it had done in the 2003 election (from 1999 to 2003 it declined by 4%, whilst from 2003 to 2007 it had fallen by 2.5%). Despite taking a smaller share of the constituency votes, at 32.1%, Labour had won more constituency seats than the SNP (see Table 2).

The Scottish LibDems had a rather uneven performance in the election. Although they had increased their share of the constituency vote, which at 16.2% was up 0.8 points on the 2003 election, their support dropped in the regional list seats, down 0.5 points to 11.3% (see Table 2). Although their overall vote share increased, giving them 16 seats in the Scottish Parliament, they had dropped back to fourth place behind the SNP, Labour and the Conservatives. The latter had won 17 seats, despite their regional vote share having dropped 1.6% from 2003 – their lowest

nationwide vote ever. Given the Tories' opposition to PR it is ironic that they were clearly benefiting from this, whilst the LibDems, PR's greatest advocate, were unable to work the system to their advantage. Although there was no sign of the 'Cameron effect' north of the border, this was a respectable result for party which had ten years previously lost all its seats.

Table 3: Changes in the Distribution of Votes and Seats 2003-7

	Const. Share of Votes, %	Const. Seats Won	Regional Share of Votes,%	Regional Seats Won	Total Seats
Scottish Labour	-2.4	-9	-0.1	+5	-4
SNP	+9.0	+12	+10.1	+8	+20
Scottish LibDems	+0.8	-2	-0.5	+1	-1
Scottish Cons	0.0	+1	-1.6	-2	-1
Scottish Greens	+0.1	0	-2.9	-5	-5
SSP	-6.2	-	-6.1	-6	-6
Solidarity	-	-	+1.5	0	0

Sources: Scottish Parliament Information Centre (SPICe) and Denver (2007)

The figures in Table 3 show that the SNP's electoral success came largely at the expense of regional list support for the Greens, the Socialists and the independents. The six SSP/Solidarity MSPs lost all their seats in Parliament. The SSP's share of the regional vote fell to 0.6% and because it did not put forward any individual candidates, like the Greens and Solidarity, it received no share of the constituency vote. Solidarity received 1.5% of the regional vote but this was insufficient to elect a list candidate. The Scottish Greens fared relatively better. Its share of the vote had dropped from 7% in 2003 to 4% - which was just under the 5-6% required to elect a candidate via proportional representation. The party lost 5 of its MSPs, electing only two list candidates in 2007. Margo MacDonald was the only independent candidate elected.

Once the final results had been announced, preparations for the new government began. As the SNP had taken the biggest share, they were considered to have the 'moral authority' to form a government. As they lacked a plurality of votes in the Parliament, however, they sought to make coalition deals with the Liberal Democrats, the Greens and Margo MacDonald. Each refused in turn, though the Greens agreed to support the SNP on an issue-by-issue basis. As a result, the SNP formed the first minority government in Scotland, electing Alex Salmond as First Minister and his second-in-command, Nicola Sturgeon, as Deputy First Minister. Although minority government presents the SNP with challenges in implementing policy, Salmond stated in his acceptance speech that the most pressing task facing the government was to lay 'bare the outrage of why 100,000 Scots were denied their democratic voice' (BBC News, 4 May 2007).

The Ballot Fiasco

To the astonishment of political commentators, the main election 'story' of the night was not the SNP's gains over Labour. Rather, it was the astounding evidence that more than 100,000 votes cast had been disqualified, a figure that was later re-calculated to be 146,097 (Electoral Commission 2007a). This figure constituted almost 4% of all votes cast in the election, though this figure varied in individual areas. The high number of rejected ballots was pervasive throughout Scotland. In the constituency vote, 85,643 ballots had been rejected, constituting 4.07% of the votes cast. As we can see from Table 4, this represented a huge increase on the 1999 and 2003 election figures. Moreover, the number of rejected votes was even greater than the successful candidate's winning margin in 16 Scottish constituencies, which questioned the legitimacy of the election outcome. For instance, if Labour had managed to maintain the constituency Cunningham North, which it had lost by only 48

votes (which was a smaller margin than the number of spoiled ballots), then Labour would have would have reversed final election result by being one seat ahead of the SNP.

Table 4: Rejected Ballots on the Constituency Vote

Region	No. of Votes Cast, 2007	No. Rejected Ballots, 2007	% Rejected Ballots, 2007	% Rejected Ballots, 2003	% Rejected Ballots, 1999
Central Scotland	293,326	10,877	3.71	0.67	0.33
Glasgow	215,667	16,933	7.85	0.68	0.45
Highlands & Islands	191,279	6,478	3.39	0.62	0.40
Lothians	296,132	15,399	5.20	0.72	0.30
Mid Scotland & Fife	279,684	8,443	3.02	0.57	0.26
NE Scotland	265,592	9,128	3.44	0.61	0.28
South of Scotland	284,810	9,031	3.17	0.57	0.35
West of Scotland	276,141	9,354	3.39	0.66	0.33
Scotland	2,102,631	85,643	4.07	0.64	0.33

Source: Electoral Commission

The voting debacle was met with condemnation by national and international observers. The US-based organisation 'Fair Vote', which had sent thirty experts to Scotland to monitor the electronic scanning machines, drew parallels with the 'hanging chads' problem in Florida during the 2000 presidential election. Executive Director Robert Richie called the ballot fiasco 'totally unacceptable' (*Observer*, 6 May 2007). Salmond argued that the decision to conduct STV and AMS elections on the same day as 'deeply mistaken' and promised to set up an independent judicial enquiry. Meanwhile, the independent Electoral Commission appointed Ron Gould, a Canadian elections expert, to conduct a review of the spoiled election ballots. His report concludes the exceptionally high number of rejected ballots can be attributed to the design of the ballot (Electoral Commission 2007b). The regional and constituency votes, which were placed on the same ballot paper, provoked confusion as they appeared to be a continuation of the same vote. This problem was compounded by the abbreviation of instructions on the Glasgow and Lothians ballots, which recorded the highest number of rejected ballots. Yet it was not only the layout of the ballot that was confusing: the contents were also complicated. Some parties put their leaders on the ballot without mentioning the party or adding the party symbol, such as 'Alex Salmond for First Minister'. The Gould report recommended that this be avoided in future by placing names of parties first on regional ballot papers, and by producing separate constituency ballot papers for elections.

The Participation Gap

On election night, it became apparent that greatest problems were concentrated in the poorest parts of the country. Areas like Glasgow Shettleston, Maryhill, Pollok and Baillieston saw spoiled ballots run to over 10% of the total number of votes counted – almost three times higher than the national average. Carman and Mitchell (2007: 11) confirmed this in a statistical analysis of the pattern of rejected ballot papers, finding that 'there is a glaring and distinct relationship between the relative level of social deprivation in a constituency and that constituency's relative level of rejected ballots'. The socioeconomic background of the voter appeared to determine their ability to understand the confusing ballot paper. Constituencies like Glasgow Shettleston are also known for their consistently low turnout in elections, which reached only 38.0% in 2007, compared with 59.4% in Dunbartonshire. Although overall turnout increased slightly during the 2007 elections to just under 52%, as Curtice (2007: 43) posits, 'the participation gap in Scotland appears to have widened further'. The combination of low turnout and a high proportion of spoil ballots meant that the most socially deprived areas were also the most disenfranchised.

Conclusion: Overcoming the Democratic Deficit

The Scottish elections of 2007 have ushered in a new chapter in the history of Scottish politics. Within the first 100 days in office the new Scottish government released a white paper on an independence referendum entitled 'Choosing Scotland's Future: A National Conversation' (Scottish Executive 2007). The SNP promised a more dynamic approach to intergovernmental relations in the UK, and a more lively debate on the constitutional future of Scotland. Yet before this issue can be tackled, the basic political needs and entitlements of the Scottish citizenry must be met. As Mitchell (2007) argues, Scotland's democratic procedures have been 'damaged' by the ballot fiasco. The Gould report makes a number of specific recommendations to rectify voting problems. Yet widening political participation in Scotland's democratic process also requires tackling Scotland's socioeconomic problems, which is the only way to begin to remedy the democratic deficit in Scotland that was so shockingly exposed on 4 May 2007.

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