

Chapter One: How Often Elections Should be Held

1. Term Lengths

Background

Clash of elections

In Scotland, local government (i.e. council) elections and Scottish Parliament elections are usually held every four years. The rules on term length for the Scottish Parliament are set out in the Scotland Act 1998. The rules on term length for local government are set out in section 5 of the [Local Government etc. \(Scotland\) Act 1994](#).

The [Scottish Elections \(Dates\) Act 2016](#) moved the dates of the 2020 Scottish Parliament election and the 2021 local government elections. This was to avoid a clash between the Scottish Parliament election and the UK Parliament General Election, which were both due to take place in 2020. The Local government election then had to be moved to avoid a clash with the revised date for the Scottish Parliament elections.

The idea that electoral “clashes” should be avoided is well established. The Scottish Parliament legislated to extend the term of the local authorities elected in 2007 to five years to avoid a clash with the Scottish Parliament elections in 2011. This followed the experience of the 2007 Scottish Parliament and local government elections taking place on the same date, when there was an unusually high number of rejected ballot papers². In 2004 the Smith Commission recommended that the Scottish Parliament general elections should not be held on the same day as UK Parliament general elections, European Parliament elections, or ordinary local government elections.³

As things stand, the next scheduled UK general election will fall on the same day as the May 2022 local government elections. The Scottish Government is aware of this potential clash and will, if necessary, seek Parliament’s agreement for appropriate action.

It may be sensible to move all elections onto a 5-year cycle (as has already been done in Wales and Northern Ireland) as this would mean that scheduled elections would not fall on the same day. However, there is always the risk of an early general election changing the scheduling, which would re-introduce clashes.

The Conservative Party manifesto for the recent UK general election included a commitment to repeal the Fixed Term Parliament Act that sets Westminster terms at 5 years, but the UK Government’s current intentions are not clear. If that Act were repealed, it would remove the 5-year fixed term at UK level and further complicate any prediction of clashes between UK and Scottish elections.

² Electoral Commission: [Scottish elections 2007: The independent review of the Scottish Parliamentary and local government elections 3 May 2007](#)

³ <http://webarchive.nationalarchives.gov.uk/20151202171017/http://www.smith-commission.scot/>

What term length is best?

Although there is a need to take UK parliamentary term lengths into account, there are other reasons to consider term lengths. During the parliamentary process for the Scottish Elections (Dates) Act 2016 there was some discussion about the issue of finding a permanent solution to term lengths, with a number of interesting potential solutions raised. It was agreed that there should be a debate about what the appropriate term length for Scottish elections should be. This consultation provides an opportunity to:

- a. plan an election cycle for Scottish Parliament and local government elections that is both coherent and durable; and
- b. consider the most appropriate term length for the Scottish Parliament and local government in light of wider objectives, such as increasing democratic participation.

What should our term length be?

The vast majority of parliaments around the world, both national and sub-national, have term lengths of four or five years.

The Northern Ireland Assembly, the Welsh Assembly and the UK Parliament (for the time being) have all moved to 5-year terms. Doing likewise could be an obvious solution for the Scottish Parliament. Longer parliamentary terms have been regarded as helping to facilitate longer term policy planning and greater consultation.

There are also other factors to take into account. Supporters of shorter terms argue that they provide more opportunities for the electorate to hold the government to account.

Changing term lengths may have implications for the review timetables of the Local Government Boundary Commission for Scotland, including the current requirement to complete the next review of the Scottish parliament boundaries by 2022.

QUESTION 1: Do you think the term length for the Scottish Parliament and local government should be:

- 4 years?
- 5 years?
- Other length (please specify)?

QUESTION 2: Do you have any other comments or suggestions on term lengths?