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| ELECTORAL MANAGEMENT BOARD FOR SCOTLAND**NOTE OF MEETING OF 5 OCTOBER 2022, 1130am*****MEETING HELD VIA MS TEAMS***  |
| Present: Malcolm Burr (Convener and RO), Chris Highcock (Secretary, DRO), Mark Adam (GVJB) (ERO), Kenneth Lawrie (RO), Steve Grimmond (RO), Andy O’Neill (Electoral Commission), Peter Wildman (ERO), Penelope Curtis (Scottish Government), Catherine Heggie (Electoral Commission), Iain Hockenhull (Scottish Government), O'Donnell, Annemarie (CED) (RO), Sarah Mackie (Electoral Commission), Maria McCann (Scottish Government) , Mark Conaghan (DRO, SOLAR Rep)  |
|  |  | **NOTE** | **ACTION** |
| **1.0/****2.0** | **Apologies/Matters Arising****Note of previous meeting** | * Apologies received from Chris Highcock, Secretary to the Board, Jim Savege (RO member of Board). Andrew Kerr (RO member of Board) and Jim Doig (ERO member of the Board)
* The Convener welcomed Annemarie O’Donnell, Returning Officer, Glasgow City Council, to her first meeting of the EMB.
* There were no other Matters Arising which were not already on the agenda.
* It was noted that a brief operational review and update meeting had been held on 28 April 2022, prior to the Local Government Election but that, since no issues for discussion had been raised, no Note of the Meeting was necessary.
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| **3.0** | **Scottish Local Government Elections 5 May 2022** | **Review of feedback from Returning Officer Teams*** A Review Report on the Scottish Local Government Elections held on 5 May 2022, including feedback from Returning Officers and Election Teams across Scotland, was considered. The table of lessons learned/issues and recommendations was noted and agreed. **ACTION** CH to review and implement actions

**eCount Lessons Learned** * **eCount contract** - a separate review of the eCount contract and performance had been undertaken, in the light of the difficulties experienced in some Council areas owing to the performance of the contractor.
	+ It was noted that generally, arrangements had worked well but difficulties had emerged at the time of appointment of regional and local managers who were not always equipped to deal with the operational issues arising during Count preparation and delivery. Many such managers had not inspired confidence that issues could be resolved.
	+ The performance of the eCounting Board and the central arrangements for the contract were commended, and it was noted once again that Election Teams were dependent on the performance of external contractors for the successful delivery of their statutory responsibilities for which ROs and EROs had legal responsibility. In that context, there had been good cooperation, partly through the EMB and partly through arrangements between Fujitsu and individual Returning Officers to ensure that each Count had proceeded as planned, but the margin for error had been far too tight, with unnecessary stress being caused to many election teams.
* **Successful delivery** - it was a credit to all concerned that the local government elections throughout Scotland had been delivered successfully, with all results being accepted and counts concluded in good time.

**Electoral Commission: Report on the Local Government Elections** * The Commission’s Report on the Local Government Elections was considered. It was noted that its findings were that
	+ the vast majority of voters had been satisfied with the process of voting; and
	+ almost all voters had been able to use their preferred method of voting.
	+ Polling station voters were confident that they voted safely in person.
* There was a welcome decline in the number of spoilt ballots, although numbers did grow in some wards. Ongoing issues such as the resilience of Election Teams were once again noted.
* The Board was pleased to note that disabled voters had reported a high rate of satisfaction with the voting process, reflecting particular effort given to this in the EMB’s support for and preparation of the elections.
* The Board noted the ongoing issues for further work, in conjunction with the Review Report at item 3.1 above. **ACTION** CH and AON to review actions and develop work plan to address then.
 | **CH****CH AON** |
| **4.0** | **EMB Future Work Programme** | **Implementation of UK Elections Act 2022 – oral update*** The EMB noted the clear intention of UK Government to implement the Elections Act 2022. This will produce inconsistencies for electoral administrators and polling staffing in particular. Differences between law and practice for UK and Scottish elections is becoming increasingly marked.
* The Board noted that other than voter education, which would inevitably be of limited effect, there was little further action which the Board could take immediately.
* The Board noted for discussion with both Governments that the changes to the duties, particularly for polling staff, who in UK Elections would now have a regulatory aspect to their jobs, would exacerbate known difficulties in recruitment of polling staff. **ACTION** CH, PW and JD to engage continue to with UK Government through existing working groups

**Preparation for Unscheduled Electoral Events** * The current volatility in the political process was noted. 2023 is, in principle, a fallow year other than the prospect of an Independence Referendum on 19 October 2023, partly dependent on the decision of the UK Supreme Court in relation of the lawfulness of proposed legislation in the Scottish Parliament.
	+ The Board had previously noted that work on the guidance to take forward a second Referendum was around 80% complete, and the position would be kept under review.
	+ Should there be such a referendum the Board would support the Convener in his role as Chief Counting Officer and the lessons from the delivery of the 2014 referendum are available for review.

**Funding of Elections: UK and Scottish Government processes under review*** **UK Government** - Slides provided by the UK Department for Levelling Up, Housing and Communities (DLUHC) to a meeting of the Elections Funding Working Group on 26 September 2022 were distributed. These set out UK Government’s proposals that election staff be paid within defined pay bands, with some discretion as to the amount of payment within each band.
	+ The Board was concerned that greater prescription of pay and job descriptions for elections staff and teams would not assist with recruitment of staff and would, most of all, reduce Returning Officers’ discretion and judgement as to the staffing arrangements including pay, required in each local area. **ACTION** – CH to continue to engage with UK government through their Funding Working Group and to emphasise these concerns.
* **Scottish Government** - Scottish Government colleagues advised that Scottish Government was also commencing a review of the funding of elections and would work with the Board on the terms of reference and the implementation of any recommendations from that review. **ACTION** CH to discuss with SG colleagues

**Returning Officer/Electoral Registration Officer Seminar for 2023** * The success of the January RO/ERO seminar in advance of the Local Government Elections was noted. It was agreed that, despite 2023 being a potentially fallow year, it would be beneficial to gather election teams together in an in-person environment (the last Seminar had been held remotely). This may be an opportunity to review the implementation of Voter ID and other measures in the English elections in May 2023. **ACTION** EMB and Commission colleagues would consider a suitable date for the Seminar, to be held in early 2023.
 | **CH PW JD****CH****CH****CH AON** |
| **5.0** | **Scottish Government Consultation on Electoral Reform / Future of the EMB** | * SG colleagues thanked Returning Officers and the EMB for contributions to the proposed topics to be included in the Consultation on Electoral Reform. The Convener noting that from the EMB perspective, the process had been inclusive and consensual. The Convener’s response to a letter from the Minister for Parliamentary Business, George Adam MSP, expressing his appreciation of the work of Returning Officers and the EMB, was circulated and noted. The consultation would be launched in November and would reflect the issues raised by the Board and Returning Officers and EROs.
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| **6.0** | **Scottish Government Update** | * A Scottish Government General Update was circulated for information and was noted. Briefing provided on
	+ Electoral Reform Bill consultation
	+ eCounting 2022
	+ UK Elections Act 2022 noting that the Scottish Parliament did not give legislative consent to the Elections Bill; and
	+ Scottish Local Government Elections (Candidacy Rights of Foreign Nationals) Act 2022
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| **7.0** | **UK Government Update** | * No update from UK Government was provided or available. It is understood that the primary work currently is around the implementation of he measures in the Elections Act.
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| **8.0** | **Electoral Commission General Update** | * Key issues for the current work of the Electoral Commission were addressed earlier in the agenda particularly in the review of the May 2022 elections.
* The Electoral Commission are working with the UK Government, AEA EMB, SAA and others on the practical implications of the Elections Act and will be drafting guidance in coming weeks to support EROs and ROs
* There will be a formal consultation in coming months on issues around accessibility of elections.
* Plans are being developed to observe elections in May 2023 where Voter ID will be applied for the first time to identify lessons to inform practice at future UK elections.
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| **9.0** | **Electoral Registration Update from the Electoral Registration Committee of the SAA** | * It was noted that the annual canvass was underway, and that pending postal strikes could be anticipated to cause difficulties with both the canvass and with the administration of scheduled by-elections.
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| **10.0** | **Local Government Boundary Commission for Scotland** | * There was no update from Boundaries Scotland, but the commencement of the Second Review of Scottish Parliamentary Boundaries was noted.
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| **10.0** | **AEA Update** | * There was no AEA update provided.
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| **11.0**  | **EMB Administration** | * **Finance**: the annual grant had been received by the EMB and a report would be provided to a future meeting on use of the Board’s resources. **ACTION** CH
* **Annual Report**: the Annual Report for 2021/22 was currently being drafted and would be submitted to the December meeting
 | **CH****CH** |
| **12.0** | **Log of By-Elections** | * The log of Local Government by-elections was noted.
* The Convener intends to observe the by- election and subsequent count at Glasgow City Council on 17 November.
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**Future Meetings**

* 2 December 2022, 14:00
* 25 January 2023, 14:00
* 30 March 2023, 14:00