

THE ELECTORAL MANAGEMENT BOARD FOR SCOTLAND (EMB)

Annual Report 2022/23

“...to deliver a result that will be trusted as accurate”.



February 2024

Malcolm Burr
Convener of the Electoral Management Board for Scotland
c/o City of Edinburgh Council Elections Office,
249 High Street, Edinburgh EH1 1YJ
0131 469 3126
chris.highcock@edinburgh.gov.uk

www.emb.scot

Purpose of Report

This report provides a financial statement for activity of the Electoral Management Board for Scotland (EMB) for the financial year 2022/23.

In addition it reviews the work of the Board in 2023. The provision of an overview of the EMB's work during the calendar year aligns more closely with the work programme of the Board.

Foreword by the Convener

I am pleased to provide this report and commentary on behalf of the Electoral Management Board for Scotland, reflecting another productive year of work and planning. While there were no national electoral events to deliver, the Board was able to give greater attention to considering the capacity of the sector, its readiness for the challenges of the coming years and the support which the EMB can provide.

As the Board has noted in previous Annual Reports and other statements, the infrastructure for the delivery of elections in Scotland is increasingly fragile. Resources of Councils are limited, reducing and are fully committed, with little or no additional capacity to devote to the planning and preparation of elections. It is vital that action is taken to develop the capacity of the sector and develop its resilience. This has been a major focus of the work of the Board in the last year and I anticipate it will continue to dominate thinking in coming years.

While the EMB may have no direct responsibility for UK elections, the Returning Officer and Electoral Registration Officer community still look to it for guidance and support as they prepare for the UK Parliamentary General Election that we expect sometime in 2024. This prospect comes with the challenge of new rules and integrity measures flowing from the UK Elections Act 2022. As a Board we have responded with events and focused training to support that preparation. Directly within the remit of the EMB is the issue of divergence: the rules for devolved elections will now differ in important respects from those for reserved polls and there is a need for a focused effort to ensure that these differences do not adversely affect the voter through confusion or conflicting approaches in the 2024 reserved, or future devolved, elections.

Since May 2022 there have been eighteen Council by-elections, a Recall Petition and a UK Parliamentary by-election – Election Teams across the country have continued to be fully occupied! The electoral community of Returning Officers, Electoral Registration Officers and those who support them continue to work with dedication and personal commitment to facilitate elections in Scotland and I am grateful for their support and commitment. I would also like to take this opportunity to thank my fellow members of the EMB who give of their time freely, and to record my particular thanks to our excellent Secretary, Chris Highcock, whose Council, City of Edinburgh, continues to provide us with much valued support.

Malcolm Burr

Convener of the Electoral Management Board for Scotland

29 January 2024

Strategic Highlights: Consolidation and Preparation

For those involved in the administration of elections in Scotland, the period following the successful delivery of the Scottish Local Government Elections in May 2022 to the end of 2023 has been characterised by three separate elements of work. These have formed the strategic context for the period reviewed by this report.

Looking Back

Unusually, 2023 saw no national electoral event to plan, prepare and deliver. There were many Council by-elections and a Parliamentary Recall Petition and subsequent by-election but no Scotland-wide electoral event. This gave the EMB an opportunity to reflect on the experience of the polls in 2021 and 2022. There were clear lessons to learn from both events and these have fed into the work of the Board, particularly with respect to planning the eCount for the 2027 elections.

Looking Around

A major concern as noted previously is that the basic underlying capacity of Councils to plan, prepare and administer elections is now much weakened due to limited and diminishing Local Government resources to be put at the disposal of Returning Officers. As elections are rightly regarded as critical national infrastructure, noted on the UK's national Risk Register, their resilience should be a national priority. The overall electoral infrastructure of Returning Officers and Electoral Registration Officers operating through local authorities and Joint Boards is fragile and there is a growing risk to the sustainability of successful delivery of elections. At the same time there is an increasingly high turnover of Returning Officers and Electoral Registration Officers and their teams. Many are new to the role, with limited experience.

Looking Forward

In the light of these factors, the community of electoral professionals is looking with concern at the future. A UK Parliamentary General Election will need to be delivered possibly at short notice with a raft of new rules including the application of photographic ID for voters and new registration processes including online absent vote applications. These pressures come at a time when, as noted, the sector is fragile with limited capacity.

There is also increasing divergence between reserved and devolved election rules, with a consequent need for careful preparation, education and planning to ensure that the interests of voters are given priority. The theme of work in this period has therefore been to consider how best to develop the capacity of the sector, learning the lessons of recent events in preparation for what will be faced in the coming years.

Operating Highlights: the work of the EMB in 2022/23

This section of the report highlights specific areas of work undertaken by the Board during this period in support of its objectives.

Identification of actions in response to experience at recent Elections

Following the Scottish Local Government Elections in May 2022 the EMB undertook a full review of the planning, preparation and delivery of the elections with extensive input from all Returning Officer and Electoral Registration Officer teams. This review identified several issues to be taken forward for action by the EMB during the period covered by this report. These included:

- **eCount lessons** – there were several issues identified with respect to the delivery of the eCount project by the contractor, Fujitsu, which will be taken fully into account in planning procurement of the eCount solution for the 2027 Scottish Local Government Elections. The EMB has worked closely with Scottish Government to document these lessons to allow the best possible delivery of the eCount in 2027.
- **Spoilt ballots** – there were high rates of spoilt ballots in a small number of wards in STV elections, reflecting some continuing lack of understanding of the voting system. The EMB is working with the Electoral Commission to develop ways to minimise such issues in future through voter education and communications.
- **Nomination Form confusion** – there were issues with the nomination form for the May 2022 elections which led to some confusion for candidates. The EMB is working with the Electoral Commission to develop a simpler form, less prone to misinterpretation.
- **Resilience and Capacity Building** – there is a clear perception from ROs and EROs that the infrastructure of the sector is increasingly fragile across several areas: senior staff, polling staff, resources in general. As noted elsewhere in this report this has been a major theme of work of the EMB through this year.

Resilience and Capacity Building

In the summer of 2023 the EMB conducted a national survey of ROs and their teams, to identify their state of readiness, pressures faced and any identified needs for additional support. At the joint EMB/Electoral Commission Conference in October a dedicated session was organised on a regional basis, focused on capacity building and the development of resilience. Several actions were identified which will be implemented in the coming months to improve contingency and capacity to the sector. For example, particular attention is being paid to current polling scheme reviews to ensure that there is no over-provision or over-staffing of polling facilities. Returning Officers are also encouraged to engage with community groups to broaden the pool for recruitment of staff, implementing also year round recruitment to ensure that there is the maximum possible number of potential staff in time for elections.

Electoral Reform – status of the EMB

The EMB has had detailed and extended discussions with Scottish Government officials as they plan and draft an Electoral Reform Bill to be brought to the Scottish Parliament in 2024. This has included discussion around the legal status of the EMB.

Since its creation, the EMB's profile, work and reputation have developed significantly. When established in 2011 the Board had the general function of co-ordinating the administration of local government elections in Scotland. The Scottish Elections Reform Act 2020 extended that remit to Scottish Parliamentary Elections.

The planning, preparation and delivery of the Scottish Parliament Elections in May 2021 under Covid conditions emphasised this change, with Returning Officers, Electoral Registration Officers, Government and MSPs all relying more heavily on the advice, support and direction of the Board and its Convener.

While the role of the EMB has developed its legal structure, resourcing and formal remit remain as they were a decade ago. The EMB has no legal personality and exists only as a statutory board. It cannot enter into contracts or employ staff. The EMB is a valued and important part of the electoral landscape in Scotland and it is appropriate that its status is revised to give it a more robust and effective structure.

To add resilience and efficiency, the Convener of the EMB has appointed two deputies – one RO and one ERO - to support him and to substitute for him should he be unable to fulfil the role on any occasion.

[UK Elections Act 2022 – Observing Photographic Voter ID at English Elections](#)

The UK Elections Act 2022 introduced a range of new integrity measures for UK Elections. While not applying to devolved elections the EMB has delivered a range of actions over the last year to ensure that ROs and EROs were prepared to deal with these new measures at future UK Elections. The new measures are being introduced in a series of tranches.

Photographic Voter ID was introduced for the local Council Elections in England on 4 May 2023 ahead of its application to UK Parliamentary Elections from October 2023. This provided an opportunity for election teams in Scotland, where there were no elections in May 2023, to learn from the planning, preparation and implementation of this measure in the English Elections.

The EMB, with advice from the Electoral Commission's Regional Manager (North of England), identified 18 councils across the North of England which were willing to provide briefings on their preparations, give access to their polling staff training where possible, host observers from Scottish election teams on polling day and finally to discuss experiences in a debrief session, post-election.

21 of the 32 Scottish Returning Officer teams volunteered to take part in the programme. Their observations and comments were collated and analysed to provide lessons to be shared nationally through the joint EMB/Electoral Commission seminar in Dundee on 6 October 2023.

During 2023 a UK Parliament Recall Petition was held in the Rutherglen and Hamilton West Constituency with a subsequent Parliamentary by-election. Photographic Voter ID was required at both events. The EMB organised a Webinar in November 2023 with input from the Electoral Commission to allow the RO Team in South Lanarkshire to share their experience of the process and to identify broader lessons for other RO Teams in Scotland.

Divergence

Following the delivery of the Elections Act in 2022, a joint task group, the Divergence Task Group – (DTG), was set up to identify and suggest mitigations to the risks arising from the implementation of the Act in Wales and Scotland where divergent legislative environments will be created. The EMB played a full role in the group working with the Department for Levelling Up, Housing and Communities (DLUHC), The Electoral Commission, The Association of Electoral Administrators (the AEA) and the Scottish and Welsh Governments to identify the risks and potential mitigations.

Recently the DTG considered the divergent risks which could arise from the implementation of Voter ID (VID) and Postal Vote Handling & Secrecy (PVHS) provisions. With input from the EMB the Group developed a Risk Register covering divergence risks that could occur where reserved and devolved polls happen simultaneously (on the same day and, in some instances, using the same infrastructure i.e., polling stations and polling staff) and in the case of some risks, where reserved and devolved polls happen in proximity (for example, a few weeks apart) and in which confusion could arise as to which set of rules apply.

Other elements of divergence between Scotland and UK in elements of electoral legislation remain a concern, and the EMB is working with ROs and EROs to identify and address the associated risks.

The Elections Act enables the introduction of an online service (Online Absent Vote Application (OAVA)) through which electors can make applications for an absent vote. The service is hosted on GOV.UK and will be in addition to the current process; paper applications will therefore continue to be available. The system went live on 31 October 2023 and is in place for reserved polls only, as Scottish Government chose not to adopt any of the measures in the UK Elections Act 2022.

Voters now applying online for a postal vote will need to complete a paper form to ensure that they also gain a postal vote for devolved elections. These processes require additional voter awareness and familiarity with new paper forms. There is also now divergence in schedules for postal vote signature refreshes, which the EMB is working with the UK and Scottish Governments to address.

Conference for Returning Officers and Electoral Registration Officers

A national conference was held by the EMB in October 2023 with support from the Electoral Commission entitled ***Preparing for a UK Parliamentary General Election and beyond***. The Conference recognised that preparing for and delivering the next UK Parliamentary General Election will see significant changes and challenges for Returning Officers (ROs) and Electoral Registration Officers (EROs). Preparedness and planning are key to successful delivery against a backdrop of the Election Act 2022 changes implementing photographic voter identification, online absent voting applications, postal vote handling changes, increased accessibility provisions, funding and capacity/resilience issues alongside constituency boundary changes.

The Conference allowed feedback on the experience of observing polls in England and heard from speakers with direct experience of the new accessibility provisions and discussion of the protocols needed effectively to deliver elections in cross boundary constituencies.

There was also a dedicated workshop session on developing capacity and resilience given the ongoing concern about the state of the infrastructure and the consequent risk to the delivery of future elections.

Feedback on the conference was excellent. Materials from and videos of the conference are available on the [EMB website](#).

EMB Working Group – Accessibility

Accessibility is a key policy aim of both Scottish and UK Government policy. The EMB itself is also committed to ensuring that elections are fully accessible to all voters and that there are no barriers to qualified voters participating in elections, being able to cast their vote in the manner they wish, independently and in secret.

An EMB Accessibility Sub-Group was established in March 2023 to consider a range of accessibility issues with recommendations for action across ROs, EROs and Governments. The Group has met several times and three workstreams are being progressed:

- short-term accessibility measures that can be implemented by the next UK parliamentary general election (UKPGE);
- medium- term accessibility measures that could be in place by the Scottish Parliamentary Election in 2026, encompassing website information, tactile and audio elements; and
- Long-term potential accessibility measures for the Scottish Local Government Elections in 2027, including modernisation of voting and digital options.

Webinars

The EMB has also held several Webinars for ROs and EROs to address specific topics including Election Funding, Voter ID and the new rules on Postal Vote Handling and Secrecy.

Scottish Parliament Political Parties Panel (SP PPP)

The EMB continued take part in the regular SP PPP meetings organised by the Electoral Commission. Through these regular meetings the EMB engages with the political parties represented in the Scottish Parliament, to ensure effective and timely communication around all elements of election preparation and planning.

Engagement with Governments

During the period of the report the EMB has continued to engage with Scottish and UK Governments on the development of and implementation of new electoral legislation.

Scottish Government

The EMB has continued to advise Scottish Ministers and the Scottish Government during this period. The EMB has given expert advice to Scottish Government officials as they have planned and drafted the Electoral Reform Bill that they intend to bring forward in 2024.

UK Government

The EMB is represented on several of the consultative bodies advising UK Government on the implementation of the measures in the Elections Act 2022. This will bring a wide-ranging set of changes to the administration of UK elections including the introduction of photographic voter ID at polling stations. The EMB throughout this period provided sustained expert advice to Government as they prepared the associated secondary legislation. Operationally the introduction of

photographic voter ID will have significant impacts on staffing, staff training, polling venues, polling processes and communication activity.

The EMB has also been involved in advising, and communicating its concerns to, the UK Government regarding its review of the funding of elections. Detailed comment has been given on the draft Guidance for Returning Officers which will define how much Returning Officers can spend on various elements of the administration of UK elections.

Electoral Commission

The EMB is an active member of several UK-wide Working Groups facilitated by the Electoral Commission to coordinate policy and delivery of elections and supports the Commission's work on the development of Guidance for ROs and EROs, often commenting on draft material to ensure that it recognises the unique Scottish context and infrastructure.

A procurement strategy for the next eCounting Project

Work to develop a procurement strategy for the next eCounting project has already been initiated. This will be developed through 2024. The starting point for this work has been to consider lessons learned from the 2022 Project, both positive and negative. The main areas identified to be looked at were:

- maintaining the use of live streaming for training and demonstrations, which were well utilised and positively received;
- ensuring that the 2027 Project has equally high quality online learning packages;
- improving supplier staff experience and knowledge of elections;
- ensuring that the technical and performance issues experienced by some Councils during Count week are not repeated.

A Project Board will be established by June 2024 to oversee the Project. Proposals for governance of this work will be developed jointly with Scottish Government. A recommended approach for governance will be decided by the EMB in April 2024, with Returning Officers nominating officers to join the Procurement Strategy Working Group.

Looking Ahead

As the Board looks to 2024 there are three key issues, all interlinked to some degree. These have also formed much of the work programme of the board through 2023.

The delivery of a UK Parliamentary General Election

Scotland's Returning Officers and Electoral Registration Offices will need to administer a UKPGE in 2024. While this is not within the remit of the EMB directly the community as a whole remains responsible for these polls and, as noted, looks to the EMB for guidance and support. Many of the tasks associated with delivering these polls such as the accessibility requirements will provide lessons for future Scottish Elections.

Capacity Building

Whatever else the sector has to face in coming years, the EMB is committed, recognising that the current infrastructure is not sufficient, to leading work with a focus on practical actions to ensure that there is sufficient capacity to deliver future elections. This will require creative thinking and approaches in addition to funding and the options under consideration may be radical and would need changes to legislation. The EMB is likely to ask both Governments to accept the need for such change as well as the need to discuss processes and resources. So much of the electoral "furniture" is little changed from the Ballot Act of 1872 yet the context, infrastructure and technological and digital options have changed hugely since then. Elections arguably need to be transformed from Victorian-era operations to 21st century processes.

The principles of accessible elections with a secret ballot are timeless and fundamental, but the expectation that the current model of delivery can continue indefinitely needs to be reassessed. Discussions at the 6 October 2023 Conference coupled with the findings of the EMB capacity survey in the summer of 2023 identified a range of areas where work is needed to enhance capacity. These include

- whole organisational approach – ensuring that, where practical, the whole resources of the Council are available to the Returning Officer and applied to the planning and delivery of elections;
- supplier capacity and resilience – particularly around print and electronic management systems where the market is very limited;
- succession and experience- recognising that there is a need to develop, grow and share expertise in the sector given the turnover of senior experienced elections managers; and
- staffing – considering ways in which additional polling and count staff can be identified given recent experience where recruitment and retention has been challenging.

The next round of Devolved Elections

Beyond the UKPGE the EMB is focussed on elections which are within its remit: the 2026 Scottish Parliament Elections and the 2027 Scottish Local Government Elections. There are specific challenges for both with new constituencies in 2026 and a new eCount system to procure for 2027. Both will likely be undertaken following a new Electoral Reform Act from the Scottish Government and with a need to cope with increased divergence from the UK Election Rules. Plans are already in development to address these challenges.

Financial Statement

Financial reports are available directly to the Scottish Government for monitoring purposes.

	2017/18	2018/19	2019/2020	2020/2021	2021/22	2022/23
	Actual	Actual	Actual	Actual	Actual	Actual
Expenditure	£'000	£'000	£'000	£'000	£'000	£'000
Staff Secondees	81	60	65	65	66	69
Other Staff Costs						
Property Costs	6	6	6	6	6	8
Communications Support						
Website	3	1				
Other Expenditure	1	6	4	5	10	2
e-Counting Project	14		10	18	33	-
Total Expenditure	105	73	85	94	115	79
Income						
Scottish Government	111	79	101	121	130	130
Total Income	111	79	101	121	130	130
Net Expenditure	-6	-6	-16	-27	-15	-51

It can be noted that there was a significant underspend in the year 2022/23. This reflected that the activities of the Board in that year were necessarily limited due to the consequences of Covid. There was no in-person Conference in 2022/23 and other activities of the EMB were moved online.

Board Membership

Further details are provided on the [EMB website](#) in the “About Us” section under “Members”.

Convener	Malcolm Burr	Returning Officer for Na h-Eileanan Siar <i>appointed 1 July 2018, reappointed July 2022</i>
Returning Officer Members	Steve Grimmond	Returning Officer for Fife <i>appointed 1 October 2018, reappointed August 2022, retired May 2023</i>
Current Members as at December 2023	Andrew Kerr	Returning Officer for the City of Edinburgh <i>appointed October 2015, re-appointed October 2019, re-appointed October 2023</i>
	Kenneth Lawrie*	Returning Officer for Falkirk <i>appointed November 2019, reappointed November 2023</i>
	Jim Savege*	Returning Officer for Aberdeenshire <i>appointed October 2016, re-appointed October 2020</i>
	Joyce White	Returning Officer for West Dunbartonshire <i>appointed January 2021, retired June 2022</i>
	Annemarie O'Donnell* Pippa Milne*	Returning Officer for the Glasgow City Council <i>appointed June 2022</i> Returning Officer for Argyll and Bute <i>appointed September 2023</i>
Electoral Registration Officer Members	Pete Wildman*	Electoral Registration Officer for Central <i>appointed June 2015, reappointed June 2019, reappointed June 2023</i>
Current Member	Jim Doig	Electoral Registration Officer Dumfries and Galloway, <i>appointed July 2021</i>
	Mark Adam*	Electoral Registration Officer Grampian, <i>appointed June 2022</i>

About us

Our History

The EMB was established by the Local Electoral Administration (Scotland) Act 2011. This Act gives the Board “the general function of co-ordinating the administration of local government elections in Scotland.” The Scottish Elections (Reform) Act 2020 extended the remit of the Board to cover elections to the Scottish Parliament.

The EMB is independent of both Scottish and UK Governments and political parties and is accountable to the Scottish Parliament. The Convener is appointed by Ministers and leads a Board consisting of Returning Officers, their Deputies and Electoral Registration Officers.

Advisors include the professional associations: the Association of Electoral Administrators (AEA), the Electoral Registration Committee of the Scottish Assessors Association (SAA), the Elections Working Group of the Society of Local Authority Lawyers & Administrators in Scotland (SOLAR), and Scottish and UK Governments, and the Electoral Commission.

The EMB’s prime focus is ensuring that the interests of the voter are kept at the centre of all election planning and administration. The work of the EMB assumes the close community of electoral professionals in Scotland and accordingly the Board seeks to operate by consensus rather than formal direction, wherever possible. However, the Convener does have a power to issue directions to Returning Officers and Electoral Registration Officers in relation to their duties around Scottish Parliament and Local Government elections as required, and this power has been exercised in recent elections with the consent and wish of the electoral community.

The EMB has assisted in the coordination of the work of ROs and EROs in the delivery of European Parliamentary Elections, UK Parliamentary General Elections, Scottish Parliament Elections, Scottish Local Government Elections and UK and Scottish Referendums. Where the Convener does not have a legal power of direction the Board has made recommendations to achieve consistency and support adequate contingency planning across the country. Since its creation, the EMB has had an increasingly important role in promoting a consistent delivery approach, acting as a single point of contact for stakeholders and providing a source of professional expertise and support to the electoral community.

Our Role

The EMB’s “**general function of co-ordinating the administration of local government and Scottish Parliament elections**” involves two specific roles:

- (a) assisting local authorities and other persons in carrying out their functions in relation to local government elections; and
- (b) promoting best practice in local government elections by providing information, advice or training (or otherwise).

The over-riding goal is to ensure that the interests of the voter are kept at the centre of all election planning, delivery and administration.

Our Objective

With respect to specific electoral events this function translates into a single clear objective: “**...to deliver a result that will be trusted as accurate.**” The currency of elections is **trust**. Confidence in the result is fundamental to the democratic process and is predicated on confidence in all stages of the process of planning and delivering an electoral event.

Our Principles

The EMB shapes its work around four key principles:

- **Accessibility** - there should be no barriers to any voter taking part;
- **Consistency** - voters should have the same experience wherever they are in Scotland;
- **Efficiency** - electoral events will be administered efficiently; and
- **Integrity** - electoral events will produce results that are accepted as accurate.

Our Approach

The Board has the privilege of supporting a close and mutually supportive community of electoral professionals in Scotland. The preferred approach is always to operate through a progression of **consensus** where possible, **guidance** where helpful and **direction** if necessary.

Contact Details

The EMB can be contacted through its Secretary:

Chris Highcock Secretary to the EMB c/o City of Edinburgh Council Elections Office, City Chambers 249 High Street Edinburgh EH1 1YJ

07568 102 648 / [0131 469 3126](tel:01314693126) chris.highcock@edinburgh.gov.uk

Full details of the EMB's work are provided on the website www.emb.scot