

Elections

Scotland

Information Bulletin: March 2011

Update from Mary Pitcaithly, Convener of the Electoral Management Board and Regional Counting Officer for the Referendum in Scotland

With the timetable for the Scottish Parliament elections and the referendum underway, this will be the last Bulletin issued on behalf of the EMB before the election. It focuses on the May events although the Board has been kept informed of planning for the local government elections in 2012. I will cover those events in a Bulletin after May. I would like to take this chance to wish you good luck over the coming weeks. The key to ensuring that we get luck on our side is effective forward planning and I know that in Scotland we are as well prepared as anywhere to meet the challenges that these electoral events will produce.

If there are any issues that arise in the weeks leading up to the events of 5 May of which I think you need to be aware, I will correspond by e-mail with ROs and EROs so that and information is circulated as swiftly as possible.

Preparation for the Referendum and the Scottish Parliament Elections

In its January Bulletin the Board was able to provide early advice and information on the expectation of the Chief Counting Officer (CCO) about the way in which the Referendum and the combination with the Scottish Parliament elections was to be delivered. As Regional Counting Officer I identified the issues that I felt were vital in forward planning for these electoral events.

The Commission has issued various modules of guidance and directions, covering the following:

- Planning and organisation

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- Administering the polls
- Absent voting
- The verification and count
- After the declaration of results

and are available for download at:

<http://www.electoralcommission.org.uk/guidance/re-sources-for-electoral-administrators/referendums/combined-elections-and-referendums-in-scotland>

Whilst most of the directions from the Chief Counting Officer are about usual practices, representations have been made about some of these and clarification sought in relation to others. It is accepted that the CCO wishes to ensure consistency of delivery throughout the UK. This has been an aim of Scottish Returning Officers and the Board in recent years and the vast majority of directions only seek to reinforce good practice that we already have in place.

The Seminar on 24 February helped to clarify these directions and how we need to respond to them.

I have also continued to attend monthly meetings of Commission's 2011 Elections and Referendum Steering Group whose terms of reference are:

- To coordinate and monitor the planning and delivery of the Spring 2011 elections and referendums
- To act as the point of liaison and communication between the Electoral Commission/Chief Counting Officer, the UK and Welsh Assembly governments, and Regional Counting Officers/Returning Officer and electoral administrator representatives;
- To provide a forum for raising and considering issues of common concern and ensuring, where appropriate, consistency of approach across the UK.

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The outcomes of these meetings are shared with colleagues as soon as possible after each meeting.

Some of the major items which colleagues have been asking about are identified below. Chris Highcock, the Secretary to the Board, continues to try to keep colleagues informed as and when information becomes available but it is probably worth re-iterating some of this information within this bulletin.

You should also ensure that you take full account of the weekly email from the CCO, which contain much important information.

Count Timing

There has been considerable discussion on this issue and the current plans show a variety of intentions in relation to when the verification of all three electoral events will start and when the counts will take place. It is now clear that the vast majority of ROs will undertake the verification of all three boxes and the count of the Scottish Parliament elections overnight. It is fair to say that we have not yet won the hearts of our political and media stakeholders when it comes to discussing the benefits that can accrue from starting to count the following day.

While I know that we all work to ensure their accuracy, I am concerned that the transparency and potential challenge to the integrity of the count of the regional votes becomes an issue if past experience of very few political observers attending at this stage of the night continues to be a feature of these elections. It will be important in the post-election reviews to identify if the absence of counting agents and other observers is a common experience.

Royal Mail

In February the Board met with the senior management of Royal Mail in Scotland and with the managers overseeing elections. The Board stressed the importance of the Royal Mail's role in elections and the need for a timeous reaction to any problems was emphasised given the tight timescales that are faced. A list of key contacts within the Royal Mail has been circulated. Royal Mail confirmed that Good Friday is a normal working day for Royal Mail in Scotland and that there will be collections and deliveries.

If you have any problems that cannot be resolved using the identified escalation procedure please let us know and we will raise them directly with Ian McKay, Director of Scottish Affairs for Royal Mail.

Contracting with the Royal Mail to undertake a polling day sweep of sorting offices is one of the CCO's directions. It has been confirmed that this will be funded wholly from within the fees and charges for the referendum.

A sweep of Royal Mail systems will be undertaken across the UK at the close of poll to recover postal votes. While this is being funded centrally, Returning Officer still need to ensure that they have an appropriate licence in place with Royal Mail and agreements as to how and where any recovered postal material will be delivered.

Afghanistan – British Forces Voters

The Board is again supporting the process put in place in the run up to the UK general election to facilitate the registration and participation of service voters facing the most difficult of situations in Afghanistan which proved to be successful in terms of enabling registrations and for proxy and postal votes to be made available to those who wanted them. It had a knock-on effect in highlighting the process of postal voting to BFPO and staff there were able to improve the speed of processing of such mail which resulted in a better service to other service voters.

I understand that Ministers are keen to repeat this exercise again, with the support of the Electoral Commission. Rushmoor Borough Council will again act as the UK based co-ordinator for registrations and dispatch of postal votes to Afghanistan for May 2011. Further details will follow once the timetable for registration and delivery of postal votes has been finalised. Chris Highcock circulated a note earlier this week from Paul Docker in the Cabinet Office regarding these arrangements.

AVI Checking

The CCO has directed that 100% of AVIs should be checked. This follows the practice that Scottish ROs adopted at the European Elections in 2009 and again at last year's General Election as encouraged by the Board.

The Board reviewed its guidance on AVI checking last year. The measures that it promotes – robust testing, process mapping, training, clear rationales for adjudication decisions – remain valid. ROs are encouraged to review it and ensure that their staff who are overseeing postal vote verification are familiar with the issues that are identified. That guidance has been circulated with this bulletin.

Fees and Charges

The cost of the combined poll will be split between the Electoral Commission and the Scotland Office. The Fees and Charges Order for the Scottish Parliament will allow for both combined and stand alone elections. It is planned that the formal Orders will be made during March but details of the amounts which will be made available for the running of the Referendum and the Scottish Parliament election have been made available to Returning Officers.

Managing Voting in Polling Places

The Guidance and handbooks for staff and the training materials cover how voters should be dealt with in a polling station.

Where a voter is entitled to all three ballot papers (the majority of voters) **it is important that they are given all three papers at the same time** rather than in a way which would allow them to vote only in either Scottish Parliament election or the Referendum and then return to the PO's table to collect the other papers. That latter approach would be likely to mean that some voters would forget to collect their second paper(s) - or simply decided not to - and could have a detrimental impact on turnout in one of the events.

I would be grateful if you would inform me if you think you will have any difficulty in handing out ballots in this way.

Adjudication of Doubtful Ballot Papers

Once again the Commission will be providing guidance and placemats to support us in adjudicating doubtful ballot papers. This is an area of our work where lack of consistency is regularly commented on by our political stakeholders. ROs are again encouraged to adopt a consistent position within their count across the country where possible

Recounts

For last year's elections the Board prepared a paper reviewing the legal position, previously issued guidance and the published views of very experienced election practitioners concerning recounts.

Ultimately the decision on a recount is a matter for the judgement of the RO, and the paper did not propose a particular number at which a recount would be justified – circumstances will vary from area to area. Indeed, actions can be taken to build confidence in the process so that there is less likelihood of requests for a recount. Some suggestions about this were included in the paper.

For example, the transparency of the count and the support of candidates and agents are seen as vital in limiting the potential for recounts and visible, ongoing bundle checks will add to the confidence that candidates and agents will have in the processes.

The more familiar that the stakeholders are with the process the more confidence that they will have in the result such that close results may be accepted without challenge. There is obviously a limit, but the avoidance of recounts is a further benefit to open communication with the candidates and agents.

The Protocol for recounts in the Referendum is separate from this and is dealt with in the Guidance Module on the Count.

Forms

The Forms Group has been working hard over the recent period to develop standard forms for use in the administration of the Scottish Parliamentary elections in Scotland and has supported the Commission in preparing forms for the Referendum.

Templates for most of the forms that you will need are available on the "Community of Practice" or the Commission's websites.

I would like to thank the Forms Group for the efforts that they have made in producing these materials.

Referendum Results Process

I am finalising arrangements for sending the Referendum results to me and will write to you in detail about this separately. I am, however, delighted that I will be able to call on the staff from the City of Edinburgh Council who

managed the European results process in Scotland in 2009 to assist in collating the Referendum result. Being able to use their experience will ensure that we have as few problems in transmitting results as possible. These staff, led by Andrew Mackay, will have already been in touch to identify contacts in each local authority. They will be sending further information and instructions in the coming weeks. You should also consult the Module prepared by the CCO on the count protocol.

A full rehearsal of the system will be undertaken on the **8 April** and for that event you should have staff at the your count venue so that we can test the systems where they will be used. **Every Counting Officer must take part in this rehearsal.**

Scottish Parliamentary Regional Results Process

Much of the activity in recent months has focussed on the detail of the Referendum and those Scotland-wide issues that these electoral events have raised. I know that colleagues across Scotland also have significant local arrangements to put in place to collate the Scottish Parliamentary Regional results. If you think that there are aspects of this where the Board can assist please let me know.

Regional Returning Officers

All Regional Returning Officers should ensure that they have met with their constituency ROs at least once to plan issues around ballot papers and the collation of Regional Results. This process is vital and a meeting is important to clarify whatever methods you will be using to gather the results.

Public Awareness

A meeting of the Public Awareness Group was held in Stirling on 1 February 2011. Details of the national campaigns in support of the Scottish Parliament election and the Referendum were outlined at the event in Edinburgh on 24 February.

The Commission has produced a range of public awareness resources and is asking Counting Officers and their staff to use these resources to promote public awareness on the Commission's behalf and to assist them in fulfilling their own statutory duty to promote public awareness and encourage participation.

The resources include templates for A3 and A4 posters, press adverts, press releases and email signatures. An image gallery is also available. The resources can all be found at www.dopolitics.org.uk/may5.

Length of the Regional Paper

Chris Highcock has been in touch with you in the last few days to highlight some concerns about the potential length of the Regional Paper. **All ROs must be able to produce a ballot paper that meets the statutory criteria.** You need to ensure that plans and contingencies allow you to print a ballot paper **no matter how many rows it needs to have.**

The number of parties and individuals contesting the lists have increased at every previous Scottish Parliamentary election. You should use as many sources of information as possible to ascertain who might stand and monitor this through the nomination period, so that, if necessary, contingency plans can be activated.

Please contact your printers and ensure that they will be able to provide papers that can cope with the volume of candidates that we might face.

The Ballot Paper is the most fundamental piece of election material and it is vital that we are able to be as consistent as possible in our approach.

Stakeholders such as political parties would seize on any differences across the Country. The Board is a great supporter of appropriate consistency in electoral matters and this must extend to the general approach to the ballot paper.

Communication

Please continue to escalate any issues of concern with the Board or to raise any items for discussion. In the first instance you should contact Chris Highcock (0131 469 3126, chris.highcock@edinburgh.gov.uk) who is acting as Secretary to the Board.

Mary Pitcaithly

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