



Elections Scotland

ELECTORAL MANAGEMENT BOARD FOR SCOTLAND

Mary Pitcaithly

Convener of the Board

**FOR THE ATTENTION OF ALL
RETURNING OFFICERS &
ALL ELECTORAL REGISTRATION
OFFICERS**

Our Ref: CH011215/SP2016 DIR

Your Ref:

Date: 1 December 2015

Dear Returning Officer,

SCOTTISH PARLIAMENT ELECTION 5 MAY 2016: RECOMMENDATIONS FROM THE CONVENER OF THE EMB

Role of the Electoral Management Board for Scotland with respect to 5 May 2016 Scottish Parliament Election: Recommendations

As convener of the EMB I have no remit to give directions relating to the Scottish Parliament Election to be held on 5 May 2016. However, following discussion at the Board, it was decided that it would be helpful to Returning Officers, EROs and their respective teams to provide some recommendations on how key elements of the delivery of this event should be planned for and managed. The focus is as always is on ensuring that all elements of planning and delivery are undertaken with the interests of the voter at the heart of each decision. This will support confidence in the result, built on a consistent national approach, where appropriate, with suitable contingency integrated into the processes.

The provision of such recommendations repeats the EMB's approach ahead of the 2015 UK Parliamentary General Election for which I identified a small number of key actions and deadlines that Returning Officers and Electoral Registration Officers were recommended to achieve. Those recommendations themselves followed the directions that I made as part of the Chief Counting Officer's (CCO) Governance framework for the Scottish Independence Referendum in 2014.

Learning from recent events

The EMB has been established to promote best practice in the delivery of electoral events in Scotland, coordinating activity to achieve a consistent, efficient and secure approach, promoting confidence for the voter. To support those aims, the recommendations I make below apply lessons that we have learnt in recent years, especially from the Referendum where a highly engaged electorate posed a number of challenges. This year's UK Parliamentary General Election and the by-council elections that many of us have had to deal with since have also emphasised a number of issues that need to be addressed in our project, risk and contingency planning.

While the scale of the Scottish Parliament Election may not be as great as the Referendum in terms of political engagement or turnout it remains a major electoral event with added complexities of dual ballot papers, two ballot boxes at each polling station, large count events and the relationships between Regional Returning Officers and those in Constituencies.

Consultation

In considering an approach for this event, the proposals have been discussed within the EMB and shared with Election Teams around Scotland. Through the councils there has also been comment from EROs and print suppliers. These comments have been taken into account in developing these current recommendations. The intention is also to share these recommendations at a early point with political parties through the Scottish Parliament Political Parties Panel so that they can build their own campaigning in the light of these consistent national events.

The recommendations are intended to support national consistency but also to inform your own planning. They do not have the force of directions, but if you have major concerns or objections to them I would be grateful if you could write to explain your concerns. This would help me as Convener of the EMB as I develop frameworks and directions for the Local Government elections in 2017 for which I do have a power of direction.

Scottish Parliament Election 5 May 2016: Recommendations from the Convener of the EMB

	Topic	Recommendation
1	Ballot Paper Colour	<p>Each voter will be issued with two ballot papers – a Regional Paper and a Constituency Paper. The Scottish Parliament (Elections etc.) Order 2015 only requires that the colours are different. Consideration has been given to the usual issues that affect the choice of colour for ballot papers, i.e.</p> <ul style="list-style-type: none"> • a consistency of colours across Scotland to support national information and political campaigns; • a preference to avoid colours that are identified with political parties or particular policy campaigns; • an avoidance of colours or colour schemes that might prove challenging to those with visual impairments; and • a preference that colours should be clearly different from one another so that papers are easily distinguished in a rummage of boxes. <p>With these factors in view it is the recommendation of the EMB that Ballot Papers for the Scottish Parliamentary election in May 2016 should be the same colours as were used in 2007 and 2011 i.e., PEACH (Regional Papers) and LILAC (Constituency Papers).</p> <p>Print production methods may vary with some suppliers using coloured paper and others a colour wash process, but for reference it is expected that the colours would conform to Lilac – pantone 2692 and Peach – pantone 138.</p>

2	<p>Publication of Notice of Election</p>	<p>The Notice of Election can be published at anytime between Monday 14 March and Wednesday 23 March. A uniform publication date across Scotland will provide consistency around the start of the nominations period. This will assist planning for campaigners, candidates and agents.</p> <p>An early date will allow the nomination period to be as long as possible. This would again benefit candidates and agents and allow RO teams, especially those with responsibility for Regional nominations to resource and plan nominations more easily.</p> <p>It is recommended that all Returning Officers publish the Notice of Election on Monday 14 March 2016.</p>
3	<p>Date of dispatch of poll cards</p>	<p>Legislation requires Returning Officers to issue the poll cards as soon as is reasonably practicable after publishing the Notice of Election. With the Notice of Election published on Monday 14 March, Returning Officers should ensure that poll cards are handed over by the printer for dispatch between Tuesday 15 March and Wednesday 16 March.</p> <p>(This date would imply a registration deadline of 8 February for an newly registered elector to be included in this first issue of poll cards.)</p> <p>A narrow window is being recommended rather than a single date in order to promote consistency in voter experience across Scotland while allowing an element of flexibility for Returning Officers who work with different printers and registration systems.</p>
4	<p>First dispatch of postal ballot packs</p>	<p>Legislation states that postal ballot papers and postal voting statements should be issued as soon as is practicable. Nominations will close at 4pm on Friday 1 April. A consistent date of dispatch/receipt by voters will support national communication and voter awareness activities and allow political parties and others to plan their campaigns.</p> <p>It is recommended that Returning Officers ensure that the first issue of postal votes is handed over by the printer for dispatch between Wednesday 13 April and Friday 15 April. Arrangements should be made for the postal votes to be issued by first class post.</p> <p>(These dates would imply an absent vote application deadline of around 23 March for those electors who are <u>already</u> registered.)</p>
5	<p>Ballot Paper Numbering Protocol for Regional Ballot Papers</p>	<p>Ballot papers have to be numbered such that each ballot paper is unique at the relevant poll. (Ballot paper numbers are distinct from the UIM)</p> <p>Regional Returning Officers will wish to implement a ballot paper numbering protocol such that each paper is uniquely numbered, different from any other paper in that poll. No specific recommendation is being given on how this should be achieved across the country and different approaches might be appropriate in different circumstances. Options for RROs would include the use of prefixes to the ballot paper number or allocations of sets of numbers to particular constituencies. The fundamental concern is to ensure that no contest has several papers all numbered 001 or 503 etc.</p>

6	Official Mark	<p>Scottish Parliament (Elections etc.) Order 2015 requires both Constituency and Regional ballot papers to carry an Official Mark. While the Official Mark is to be determined by the Constituency Returning Officer, the RRO should work with CROs to ensure that the Mark is consistent across all Regional Papers.</p> <p>It is further recommended that, as an additional security measure, an official mark should be used for ballot papers used in polling stations that is different from those issued in postal vote packs.</p>
----------	----------------------	---

The proposals above are offered as **recommendations** to Returning Officers in a spirit of cooperation and mutual support and seek to take account of recent experience. In particular in making them I have continued to reflect on the experience of the Scottish Independence Referendum. The intention is not to add additional work, but to offer suggestions that will add useful consistency and contingency to prevent or limit some of the challenges and criticisms that arose following the Referendum.

Our delivery of recent electoral events has been widely recognised across the UK and further afield as best practice and it is heartening to see that the CCO for the forthcoming EU Referendum has explicitly modelled her approach on that of Scotland in 2014. This success was built to a large degree on consistent delivery of key elements of the process, something that these recommendation will help to maintain.

A third issue of postal votes?

The proposed first issue dates for poll cards and postal vote packs carry some implications for the voter. Due to the recommendations above, the deadlines to be included in these first issues are very early and well before the final deadlines for registration and for application for an absent vote. As such - and **depending on the volumes involved - Returning Officers may wish to agree an approach with their EROs to make use of the interim election notices of alteration to have an additional issue of postal votes.** This would avoid an elector requesting a postal vote on say 24 March and not receiving it until maybe 25 April, almost two weeks after the first issue.

The first interim election notice of alteration publication date is **1 April** with an application deadline of 22 March and a determination date of 31 March. The second interim notice of alteration is a floating date. For the UK Parliamentary General Election in May 2015 EROs agreed a common date of 16 April 2015. The likely date for the Scottish Parliament Election will be **15 April 2016**, with a corresponding registration deadline of 6 April. The final Election Notice of Alteration will be published on 27 April following the application deadline of 18 April. The final Postal Vote application deadline is 5pm on 19 April.

If Returning Officers were to implement three postal ballot issues, the potential for complaints when electors narrowly miss the early postal vote deadline of 23 March and have to wait until the end of April until they receive their postal ballot would be reduced. The situation is more extreme for electors who change address. The worst case scenario is if they fail to register at their new address prior to 8 February. If the Returning Officer does not utilise the ERO's 1 April update or make use of the second interim notice of alteration, then should the new registration application and PV application be made on, say, 9 Feb, the elector would not get their postal ballot until the second and final postal ballot issue at the end of April.

Additional Areas to be Considered in Your Planning

While not offered as specific recommendations, there are a number of other areas to which Returning Officers would be encouraged to give particular attention and consideration.

1	Public Awareness Activity	<p>Returning Officers should take steps to promote an awareness of count and other procedures among voters and stakeholders including candidates and agents.</p> <p>This may include media releases, briefings for counting agents, activities with schools and other information to emphasise the audit trails through the process which ensure that every ballot paper is accounted for. The Electoral Commission are producing some material that might be helpful in this regard.</p> <p><i>The Referendum involved unprecedented scrutiny of the count process and significant subsequent challenges regarding the practice and integrity of the process.</i></p>
2	Folding of Ballot Papers and displaying the UIM	<p>Under the standard electoral legislation, and again at these elections, Polling Station staff are required to instruct voters to fold the ballot paper after they have made their mark and then to show the UIM to the Presiding Officer before placing the ballot paper in the ballot box.</p> <p>ROs should ensure that training for polling station staff emphasises these requirements for how ballots are to be presented prior to deposit in the ballot box.</p> <p>ROs will be aware of the claims by numerous voters at the Referendum that they received ballot papers that were blank on the back. There was no evidence of this having happened, as noted in the Electoral Commission's report on the Referendum, but a strict application of the requirements of legislation with respect to the presentation of the UIM would have prevented or undermined such claims.</p>
3	Requirement for Secrecy at Postal Vote Openings	<p>ROs should ensure that all those who attend postal vote openings to observe the process are aware of and give their clear agreement to abide by the Requirement for Secrecy.</p> <p>Postal vote opening and verification process should be set up such that the ballot papers are handled facedown so that no mark on the front of the paper is able to be seen by observers.</p> <p>ROs will be aware of the significant media coverage given to allegations that postal voting agents had sampled votes at postal vote opening sessions around the country in the days before polling day.</p>

4	<p>Method of verifying and counting of the votes</p>	<p>Legislation requires ROs to carry out a verification of the ballot paper account with (i) the number of papers actually recorded, (ii) the unused and spoilt papers and (iii) the tendered votes list.</p> <p>ROs must prepare a statement of this verification which may be copied by counting agents present. It is recommended that, as was directed at the Referendum, this statement should be made available to counting agents as a matter of course, to support transparency and promote confidence in the integrity of the count.</p> <p>Confidence in the result is predicated on confidence in the processes that deliver the result. While there are different approaches to verification and count which can meet the requirements of legislation, I would in general recommend that ROs apply a “mini-count” approach to the verification and count, breaking constituencies into smaller units to support an accurate, timeous result with clear audit trails</p>
5	<p>Volume of Ballot Papers Printed</p>	<p>Returning Officers will recall the Scottish Independence Referendum when, to support contingency planning in the light of an expected high turnout, I directed that 120% of ballot papers should be produced to provide sufficient contingency in the event of a loss of a polling place for example.</p> <p>I am making no specific recommendations in this area with respect to the Scottish Parliament Election but would expect Returning Officers to take account of expected turnout in their planning and contingency measures.</p>
6	<p>Polling Scheme</p>	<p>Similarly I am making to recommendations with respect to the allocation of voters to polling stations. Returning Officers will wish to implement a polling scheme that will allow them to cope with their expected turnout without the consequences of congestion at the polling station. Returning Officers will have regard to their expected turnout, level of absent voting and the constant that there are 900 minutes from 7am to 10pm and a real limit on how many voters can be served in that time.</p> <p>In particular for this event Returning Officers will wish to consider the consequences of issuing two ballot papers, managing a more complex CNL and overseeing two ballot boxes. This may require additional staffing or other revised processes at the polling station taking account of signage and the layout of the rooms.</p>

7	Timing of the verification and counting of the votes	<p>While the EMB remains supportive of the principle of verifying and counting ballot papers on the day following the poll, for the Scottish Parliament Election it is anticipated that Returning Officers will plan to commence the verification of ballot papers at the close of poll, with the counting of ballot papers immediately following verification.</p> <p>There may of course be factors which could delay the verification and count. For example in rural constituencies or those that include island communities there may be logistical delays due to geography, weather or transport problems. In such cases the focus should always be on delivering a safe, accurate and complete count. This may necessitate a delay until the following day. In planning their Regional declarations, RROs will wish to take account of such factors and to be aware of the additional time that is involved in counting two papers.</p> <p>Given the recent delivery of overnight counts for the UK Parliamentary General Election and last year's Scottish Independence Referendum the processes and logistics to deliver an overnight count for these Scottish elections should be in place. There is the added complexity of the two papers, but this does not constitute the risk that e-Counting poses where the accepted position is now for a daytime count. There will however be cost implications for some constituencies where ferries or helicopter flights are required.</p>
---	---	--

Briefing Events

I have a regular opportunity at each SOLACE meeting to speak to Chief Executives so that we can corporately consider election issues. I am available to any Returning Officer at that meeting or at any other time to discuss any concerns around the delivery of particular electoral events. The community of electoral professionals in Scotland is small but is both very supportive and experienced. There are always those who are willing to offer advice, expertise and support.

The EMB is holding a joint seminar with the Electoral Commission on **13 January 2016** in the City Chambers in Edinburgh which will address a range of issues related to the Scottish Parliament Election. The Electoral Commission, in their role as Chief Counting Officer for the forthcoming Referendum on the UK's membership of the EU will provide a briefing information on their proposed approach to managing that event.

I look forward to meeting you on 13 January. If you have any questions about these recommendations, please do not hesitate to contact me directly or to raise them with the Secretary of the EMB, Chris Highcock (chris.highcock@edinburgh.gov.uk 0131 469 3126).

Yours sincerely,



Mary Pitcaithly

Convener of the Electoral Management Board for Scotland
cc Electoral Registration Officers

Region	Constituencies	Regional Returning Officer
Central Scotland	Airdrie and Shotts Coatbridge and Chryston Cumbernauld and Kilsyth East Kilbride Falkirk East Falkirk West Hamilton, Larkhall and Stonehouse Motherwell and Wishaw Uddingston and Bellshill	North Lanarkshire
Glasgow	Glasgow Anniesland Glasgow Cathcart Glasgow Kelvin Glasgow Maryhill and Springburn Glasgow Pollok Glasgow Provan Glasgow Shettleston Glasgow Southside Rutherglen	Glasgow
Highlands and Islands	Argyll and Bute Caithness, Sutherland and Ross Na h-Eileanan an Iar Inverness and Nairn Moray Orkney Islands Shetland Islands Skye, Lochaber and Badenoch	Highland
Lothian	Almond Valley Edinburgh Central Edinburgh Eastern Edinburgh Northern and Leith Edinburgh Pentlands Edinburgh Southern Edinburgh Western Linlithgow Midlothian North and Musselburgh	Edinburgh
Mid Scotland and Fife	Clackmannanshire and Dunblane Cowdenbeath Dunfermline Kirkcaldy Mid Fife and Glenrothes North East Fife Perthshire North Perthshire South and Kinrossshire Stirling	Fife

Region	Constituencies	Regional Returning Officer
North East Scotland	Aberdeen Central Aberdeen Donside Aberdeen South and North Kincardine Aberdeenshire East Aberdeenshire West Angus North and Mearns Angus South Banffshire and Buchan Coast Dundee City East Dundee City West	Aberdeen
South Scotland	Ayr Carrick, Cumnock and Doon Valley Clydesdale Dumfriesshire East Lothian Ettrick, Roxburgh and Berwickshire Galloway and West Dumfries Kilmarnock and Irvine Valley Midlothian South, Tweeddale and Lauderdale	Dumfries and Galloway
West Scotland	Clydebank and Milngavie Cunninghame North Cunninghame South Dumbarton Eastwood Greenock and Inverclyde Paisley Renfrewshire North and West Renfrewshire South Strathkelvin and Bearsden	Renfrewshire