



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: CH0711016/SLG2017 DIR

Your Ref:

Date: 7 November 2016

Dear Returning Officer / Electoral Registration Officer,

SCOTTISH LOCAL GOVERNMENT ELECTIONS 4 MAY 2017 DIRECTIONS FROM THE CONVENER OF THE EMB

I am writing to you in my role as Convener of the Electoral Management Board for Scotland (EMB). In this role, the Local Electoral Administration (Scotland) Act 2011 gives me the power to make directions to Returning Officers (ROs) and Electoral Registration Officers (EROs) in relation to the exercise of your functions in delivering local government elections in Scotland.

Having considered with the EMB the major issues related to the delivery of the local government elections in May 2017, I have decided that it is appropriate to make a number of directions with respect to several elements of the election process. These directions are the product of the experience of the delivery of the sequence of major electoral events over recent years, with Parliamentary elections and significant referendums, drawing on a number of important lessons. They also reflect the distinctive elements of the May 2017 elections especially around the STV electoral process and the electronic count. I have also consulted with key stakeholders in the development of my Directions.

Purpose Of Directions

My Directions are aimed to coordinate the elections across Scotland to promote the interests of the voter. The overall goal is to deliver results that will be trusted as accurate, resulting from elections that are accessible, consistent, efficient and secure. This is predicated on a consistency in voter experience and a resilient approach to planning. These Directions should assist ROs, EROs and other persons in carrying out their functions. I also intend that they will promote best practice in the planning and management of local government elections in Scotland.

You will recall my approach to the management of the Scottish Independence Referendum in 2014 where I had overall responsibility as Chief Counting Officer. I made a number of Directions with respect to the delivery of that event. I believe that the governance framework I created was one of the factors that contributed to the success of that process; indeed my Directions were a model for those made by the Chief Counting Officer for this year's EU Referendum. My approach to the local government elections next year remains consistent with that general framework.

c/o Elections Office, City of Edinburgh Council, Room 9/48 City Chambers, 249 High Street, Edinburgh EH1 1YJ,
Tel 0131 469 3126

Consultation

While my own reflection on the major electoral events of the last few years has informed the development of these Directions and shaped the way in which I want to coordinate the democratic process in Scotland, it was important that other stakeholders had an opportunity to consider and comment on these Directions.

I presented a set of draft Directions to the EMB for discussion at their meeting on 26 August 2016. They agreed that these drafts should be issued to stakeholders for consultation. The consultation paper was issued on 2 September 2016 with a deadline for responses of 30 September 2016. Consultees included:

- Scottish Government;
- ROs and their teams;
- EROs;
- Political Parties via the Scottish Parliament Political Parties Panel (meeting on 27 September 2016);
- The Electoral Commission; and
- Print and IT system suppliers.

I received comments from across this set of stakeholders and modified my Directions as a result. At its meeting on 28 October the EMB considered this revised set of Directions. Following discussion at that meeting and consultation with the Electoral Commission I am now content formally to make the Directions which are presented in Appendix 1.

Areas where planning and action are encouraged

In addition to these formal Directions I also wish to emphasise the responsibilities of ROs in a number of areas where practice might have varied in the past or where the nature of these polls may present particular challenges. I want to highlight process elements that are different from usual where specific resourcing or new procedures may be needed. These areas are as follows:

- **Verification reports** – ROs are reminded that they must distribute verification reports to candidates and agents at the Count.
- **Full verification** – ROs are required by law to undertake a full “three-way” verification accounting, as far as possible, for every ballot paper including unused and spoilt papers. This should be open to observers, candidates and agents. ROs may wish to complete this task overnight allowing for the arithmetic on the ballot paper accounts to be checked in preparation (and the BPAs to be copied for use in the count process) so that the count can start without undue delay on the morning of Friday 5 May 2017.
- **Preparation of ballot papers for scanning** – ROs must plan for and adequately resource the preparation of ballot papers for scanning. This is a potential bottleneck in the process. In the presence of observers, ballot boxes must be emptied, the papers unfolded and then oriented uniformly. Following a number of trials the eCounting Project Team are developing a model to estimate the time taken to prepare a box depending on the volume of papers it contains. This model should inform your decision on the number of staff that you chose to allocate to the box opening/paper preparation function.

- **Proofing of Print Materials** – there will be a single print supplier for this election across Scotland. The proofing and quality assurance processes used by this printer may be different from those with which ROs and their teams are familiar. ROs should ensure that they understand and are content with these processes in advance to avoid pressures particularly at close of nominations in the production of ballot papers. The eCount Project Team has a Print Working Group that is reviewing this element of the delivery to ensure that there is full appreciation of the issues.
- **Ballot Boxes** - ROs are reminded that this election will utilise the standard ballot boxes that are already in your possession. This is different from the equivalent polls in 2007 and 2012 where ROs were issued with ballot boxes designed specifically for that year's poll.

Areas where I am making no direction

Having considered the experience of recent polls and given the nature of the local government elections, I do not currently intend to make any direction with respect to:

- **The volume of ballot papers printed**- at the Scottish Independence Referendum (SIR) to support contingency planning for an expected high turnout I directed that sufficient ballot papers should be produced to cover 120% of the electorate, providing appropriate contingency supplies, e.g. to allow for the loss of a polling place. I do not intend to make a specific recommendation in this area with respect to the Scottish Local Government Elections. ROs are aware of the likely pattern of turnout in their own wards and will be expected to take account of this in their planning. An order of papers sufficient for a 100% turnout - which is allowed for in the eCount contract - should allow for an adequate contingency for these polls and also prevent having to order additional papers later.
- **Polling Scheme / allocation of voters to polling stations** - I am making no recommendation with respect to the allocation of voters to polling stations. ROs should apply a polling scheme that will allow them to cope with the anticipated local turnout without undue congestion or queues at polling stations. I expect the ROs will take account of the historical pattern of turnout across wards, the level of absent voting, the potential for voters to take longer than usual to complete an STV ballot paper and the likelihood that polling staff time might need to spend additional time with voters to need to explain the voting process (polling staff will be reminding voters to “remember to use numbers”).

Directions and Timetables

I have provided a full statement of my Directions in Appendix 1 with a short commentary where clarification might be useful. Appendix 2 shows the dates that are included in the direction within the broader statutory election timetable.

Briefing Events

I have a regular opportunity at each SOLACE meeting to speak to Chief Executives in a forum that allows us to consider election issues corporately. I want to stress that in addition to that meeting I am available to any Returning Officer at any time to discuss concerns around the delivery of particular electoral events and especially as 4 May 2017 approaches. The community of electoral professionals in Scotland is small but is both helpful and experienced. I am encouraged that there are always those who are willing to offer advice, expertise and support to colleagues.

The EMB is holding a joint seminar with the Electoral Commission on **12 January 2017** in the City Chambers Glasgow which will address a range of issues related to your planning and delivery of the Local Government Elections next year. I look forward to seeing you at that event.

If you have any questions about these Directions, 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,

A handwritten signature in black ink that reads "Mary Pitcaithly". The signature is written in a cursive style with a large, looping 'M' and a long, sweeping tail.

Mary Pitcaithly

Convener of the Electoral Management Board for Scotland

SCOTTISH LOCAL GOVERNMENT ELECTIONS 4 MAY 2017: DIRECTIONS FROM THE CONVENER OF THE EMB

WORKSTREAM	DIRECTION	COMMENTARY
1	<p>Ballot Paper <i>Colour of Ballot Papers</i></p> <p>Ballot papers must be white; tendered ballot papers must be pink.</p>	<p>Ballot paper production is an element in the eCounting contract and will be undertaken by a single supplier for the whole of Scotland. This will give assurance of the consistency of the ballot paper - the fundamental voter facing document.</p>
2	<p>Ballot Paper <i>Official Mark</i></p> <p>The Official Mark used for polling stations ballot papers must be different from those issued in postal vote packs. ROs must ensure that their ballot papers include the official marks as agreed by the EMB with the printers. ROs will be informed of the agreed Official Marks prior to ballot paper production to allow them to confirm that papers meet the specifications</p>	<p>The Official Mark will be a secure design (difficult to copy or imitate) that will not feature images, letters or numbers. A different mark on postal ballots will ensure that they are distinct at the count and would be identified should any be found in ballot boxes from polling stations.</p>
3	<p>Notices <i>Publication of Notice of Election</i></p> <p>ROs must publish the Notice of Election on 13 March 2017.</p>	<p>This is the earliest date possible and will allow the maximum length of nomination period. This is important given the volume of nominations that ROs will have to handle. As a result “Purdah” will also commence on this date.</p>
4	<p>Poll Cards <i>Date of dispatch of poll cards</i></p> <p>ROs must ensure that poll cards are dispatched from printers between 14/15 March 2017 to achieve delivery to electors within five working days of the publication of the Notice of Election</p>	<p>There is in effect a “deadline” of 7 February for a validly registered elector to be included in this first issue. The poll card data will be based on the register as published on 1 March 2017 which will include valid applications up to and including 7 February 2017.</p>

	WORKSTREAM	DIRECTION	COMMENTARY
5	<p>Absent Votes <i>First dispatch of Postal Ballot Packs</i></p>	<p>ROs must ensure that postal ballot packs for inclusion in the first delivery to all validly registered electors are passed from printers to the postal services between 13 and 14 April 2017.</p> <p>All postal ballot packs are to be dispatched by first class post.</p>	<p>A consistent date of dispatch will support national communication and voter awareness activities and allow political parties and others to plan their campaigns.</p> <p>Postal vote applications from all validly registered electors received by 29 March 2017 will be included in this first issue.</p> <p>Packs for validly registered postal voters included in the Second Interim Election Notice of Alteration (SIENA) should be dispatched in a separate issue as soon as practicable. With publication of the SIENA on 7 April, a dispatch on 13-14 April is achievable</p> <p>The postal ballot packs dispatched must include postal votes being sent to electors who are temporarily overseas e.g. on a holiday. There is no special provision for overseas voters, although their numbers will be limited under this franchise. There will be service voters and some holiday makers/students with overseas ballot paper addresses.</p>

	WORKSTREAM	DIRECTION	COMMENTARY
6	<p>Absent Votes <i>Final dispatch of Postal Vote Packs</i></p>	<p>ROs must ensure that there is at least one additional issue of postal ballot packs.</p> <p>The final dispatch to all validly registered postal voters should be handed over from printers to the postal services on 25 April using the Final Election Notice of Alteration (FENA).</p>	<p>Note the 5pm 18 April deadline for requests for a new postal vote or to change or cancel an existing postal vote or proxy appointment, for those electors who are already registered.</p> <p>This does not preclude ROs from issuing postal vote packs at other times if necessary e.g. because an elector is going to be on holiday or away on business by the time of the next issue of postal votes, and the RO decides, as they can, to issue an individual postal vote pack.</p> <p>The postal ballot packs dispatched must include postal votes being sent to electors who are temporarily overseas e.g. on a holiday. Again, there is no special provision for overseas voters, although their numbers will be limited under this franchise. There will be service voters and some holiday makers/students with overseas ballot paper addresses.</p> <p><i>The EMB will work with the Print Supplier and EROs to develop an agreed schedule of determination, data upload and production to allow ROs to meet these deadlines. This schedule will be clearly communicated to EROs and ROs separately from these Directions. It will include further information about the dispatch of postal vote packs to validly registered postal voters included in the Second Interim Election Notice of Alteration (SIENA) which will be published on 7 April.</i></p>

	WORKSTREAM	DIRECTION	COMMENTARY
7	Verification and Count <i>Count Timing</i>	<p>ROs must ensure that the first ballot boxes are opened after 8am and not later than 9:30am on Friday 5 May 2017 to allow the verification and count to begin for their wards.</p> <p>For the avoidance of doubt there will be no overnight counting of votes and the verification in all councils must be underway by 9:30am on 5 May 2017</p>	<p>This is in line with the 2012 direction; for local government elections in Scotland a “next day count” is now well-accepted, offering important resilience to the eCounting systems.</p> <p>The direction formalises the position that there will be no overnight count, but ensures that there will be no undue delay, with all counts underway by 9:30am.</p> <p>The direction does not require that all ballot boxes will have been received at the count centre by 9:30am on 5 May. It only requires that boxes begin to be opened by 9:30am. These could be boxes of postal ballot papers.</p> <p>The direction does not preclude an overnight reconciliation of unused paper/spoilt and checking of ballot paper accounts.</p>

	WORKSTREAM	DIRECTION	COMMENTARY
8	<p>Coordination and Best Practice <i>Performance Management Framework</i></p>	<p>All ROs must complete, to a timescale to be determined, the elements of a Performance Management Framework (PMF) that the Convener of the EMB will issue separately from these Directions.</p>	<p>The PMF will require all ROs to submit two returns, one around mid-February and the other around mid-April. In addition, a small sample of ROs may be subject to more detailed scrutiny.</p> <p>The PMF provides assurance to the Convener that ROs are complying with these Directions and that all planning and delivery tasks are being undertaken to the appropriate timescales and standards.</p> <p>ROs should be aware that the Electoral Commission will also be monitoring the performance of ROs at these elections. The EMB will coordinate with the Electoral Commission to ensure that ROs are not asked to provide the same information twice.</p>
9	<p>Provision of Information <i>Results collation</i></p>	<p>ROs must submit to the Convener of the EMB, to a timescale to be determined, information relating to the elections in each of the wards for which they are responsible. This will allow the EMB to compile a full analysis of results for the contests across all 32 councils, 354 wards and the 1,227 individual councillors to be elected.</p> <p>ROs will be informed about the information they need to provide to the EMB and in what format by 23 December 2016, with the first data collection after close of nominations.</p>	<p>It is in the interest of the voter for a full set of results to be held and published centrally. This will allow voters and other stakeholders quickly to find information about the Scotland-wide results soon after the conclusion of the counts. In 2012, no one held this central set of results, which raised questions from voters, elected members and the media as to why this was the case.</p> <p>With the EMB holding this data a consistency in approach and presentation will be possible.</p> <p>Provision will need to be made by the EMB for the collation and publication of this data.</p>

	WORKSTREAM	DIRECTION	COMMENTARY
10	Results Declaration Scripts	RO scripts for the declaration of results will be produced by the eCounting system and must be used by all ROs to ensure consistency in the announcement and publication of results.	A “Declaration Report” is produced for each contest by the system. This should be used as a script for the declarations.
11	Royal Mail Sweep	ROs must make arrangements with Royal Mail for a polling day sweep of the sorting office for their voting area.	Sweeps are now accepted as best practice in all polls. It is clearly in the interest of the voters that every effort is made to recover all of the votes that have been cast. While the volumes may be lower in these polls, the principle remains valid.

APPENDIX 2:

LOCAL GOVERNMENT ELECTIONS 4 MAY 2017 TIMETABLE

	Polling Day (7.00am - 10.00pm)	04/05/2017
-35	Publication of the Notice of Election	13/03/2017
-34	Nomination period commences	14/03/2017
	First Dispatch of Poll Cards	14-15/03/2017
-23	Deadline for lodging Nomination Papers - Not later than 4.00pm on	29/03/2017
-23	Deadline for lodging Appointment of Election Agents - Not later than 4.00pm on	29/03/2017
-23	Latest time for withdrawal of Nomination Paper - Not later than 4.00pm on	29/03/2017
-23	Publish statement as to persons and parties nominated/ notice of poll/notice of situation of polling stations or Notice in case of an uncontested election (After 4.00pm)	29/03/2017
	First Issue of Postal Votes	13-14/04/2017
-12	Last day for applications to be included on the register of electors to be used at these elections	17/04/2017
-11	Deadline for requests for a new postal vote or to change or cancel an existing postal vote or proxy appointment - Not later than 5.00pm on	18/04/2017
	Second Issue of Poll Cards (<i>indicative</i>)	21-24/04/2017
	Final Issue of Postal Votes	25/04/2017
-6	Deadline for new applications to vote by proxy (not postal proxy or emergency proxies) on	25/04/2017
	Issue of Proxy Letters and possible third issue of Poll Cards (<i>indicative</i>)	26/04/2017
-5	Last day for the appointment of Polling and Counting Agents	26/04/2017
0	Polling Day (7.00am - 10.00pm)	04/05/2017
0	Deadline for the issue of replacement for spoilt or lost postal ballot papers - Not later than 5.00pm on	04/05/2017
0	Deadline for new applications to vote by proxy on the grounds of a medical emergency - Not later than 5.00pm on	04/05/2017
0	Last day to make alterations to the register to correct a clerical error or to implement a court (registration appeal) decision - Not later than 9.00pm on	04/05/2017
0	Verification and Counting of votes	05/05/2017
First Scheduled Council Meeting must be held within 21 days of the date of the election		
35	Latest date for delivery of return of declarations as to election	09/06/2017

Note also the cut-off for registration applications is set by the Representation of the People (Scotland) Regulations 2001 and therefore, under regulation 8(3), Easter Monday is not a Dies Non for registration purposes.