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| ELECTORAL MANAGEMENT BOARD FOR SCOTLAND**ACTION NOTE: 2PM TUESDAY 30 JUNE 2020*****HELD BY MS TEAMS DUE TO CORONAVIRUS RESTRICTIONS*** |
| Present: * Board Members: Malcolm Burr (MB, Convener & RO), Pete Wildman (PW ERO), Kate Crawford (KC, ERO), Ian Milton (IM ERO), Roger Meenie (for David Martin), Jim Savege (JS RO), Steve Grimmond (SG RO) Andrew Kerr (RO),
* Advisers: Dr Penny Curtis (PC Scottish Government), Maria McCann, (MMcC Scottish Government), Mark Conaghan (MC DRO/SOLAR rep), David Miller (DM DRO/AEA Rep), Andy O’Neill (AON Electoral Commission), Martin McKeown, (MM Electoral Commission), Sarah Mackie (Electoral Commission), Liz Ure (LU Scottish Government), James Newman (JN, Scottish Government), Paul Docker (PD Cabinet Office) Roddy Angus (RA Scottish Government), Jack Lochans (Scottish Government)
* In attendance: Chris Highcock (CH Secretary to the Board/DRO)
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|  |  | **NOTE** | **ACTION** |
| **1.0/2.0** | **Note of Previous Meeting 28 May 2020 *(circulated)*** **Apologies / Matters Arising** | * Noted and accepted as an accurate record
* Apologies: David Martin (RO), Kenneth Lawrie (KL)
 | **Noted** |
| **3.0** | **Coronavirus – impact on planning and by-elections etc** | **Meeting with the Scottish Ministers - Coronavirus and the Scottish Parliament Election 2021: Risks and Options for Mitigation** * Meeting was Wednesday 17th June 2020 by Video Conference.
* EMB recommended that
	+ Ministers confirm the availability as required of the necessary funds to ROs and EROs to deliver agreed revised administrative arrangements;
	+ note that, should the Election require to be delivered under current rules in a physically distanced environment, the processes of the Election will appear significantly different;
	+ commence preparation of new Conduct Order, finalised by the end of October, to facilitate revised processes to mitigate risks; and
	+ consider urgent primary legislation to allow for activation of different methods of voting, including an all-postal ballot, early voting and revised election timetables to mitigate risks and to reduce pressures on registration deadlines.
* All of the recommendations set out in the EMB paper were accepted and the meeting was an opportunity to discuss how these can be taken forward and what further information was required on options.

**Follow Up work and further meetings*** EMB to provide data on postal voting capacity and stress points in the system, and initial costings of postal voting approaches (all postal votes and projecting increases in postal voting population etc). For further meeting with Ministers on **15th July 2020** **ACTION** PW and EROs
* Ministers requested a matrix of different options. This will allow them to see all the options on the table and the associated risks/benefits. The matrix would include: additional costs involved, need for legislation and judgment on level of risk. **ACTION** SG Elections Team to co-ordinate the production of the matrix, working with the EMB and the Electoral Commission. TO be prepared for meeting on 15th July.
* **ACTION** SG Elections team to prepare a submission to Ministers setting out legislative requirements associated options for postponement and an all postal vote and a timetable for the necessary legislation.
* **ACTION** – EMB to support forthcoming by-elections in order to use them as learning opportunities and models to inform planning for SP election especially around polling.
* **ACTION** – EMB to contact ROs to encourage review of polling and count facilities to ensure that they are suitable for use in a physically distanced events.

**Letters to ROs and EROs (circulated)** * MB as Convener has written to ROs requesting that they review venues for polling and the count, assessing them in terms of:
	+ Availability for extended hire: for example counts could take several days and hours of poll may be extended into a second day;
	+ Staff and Building Capacity: given the need for physical distancing within the polling place and at the count; and
	+ Work flow: allowing sufficient space and directional signage to ensure that there is a one way flow through spaces to prevent avoidable proximity of staff and electors.
* EROs informed of work ongoing to mitigate risk of spike in postal vote applications.

**Cabinet Office Working Groups*** Noted that Cabinet Office had facilitated a number of meetings similar to the Working Groups used by the EMB to analyse issues around planning for electoral events in the light of Coronavirus. CH, PW and SG colleagues had taken part.

**Planning for the October/November by-elections - update*** Protocol agreed that EMB will write to ROs to request that they initiate a risk assessment to determine whether the by-election should proceed on the scheduled date or whether a further postponement would be justified. The EMB will write at 55 working days ahead of the scheduled date of poll. The RO should start the risk assessment by 50 working days before the date of poll. This assessment should be completed by 40 working days before the poll. Should the RO determine that the poll should proceed as scheduled then the earliest date for the publication of Notice of Election is 35 days before the poll.
* Working Group established consisting of representatives from each for the RO teams to develop supplementary guidance for the ROs across Nominations, Polling, Postal Votes, and the Count. This guidance will be able to inform planning for Scottish Parliament Election on 6 May 2021.
 | **PW****SG Team****SG Team****CH/EMB****CH/EMB****Noted** |
| **4.0** | **Electoral Commission Update**  | **ERO Performance Standards (*to note*)*** Noted

**Consultation on draft Codes of Practice on spending for political parties and candidates at Scottish Parliament elections *(to note*)*** Noted

**Updated Guidance and Resources*** MMcK advised that EC Council guidance was being updated to reflect the commencement of the remaining provisions in the Scottish Elections (Franchise and Representation) Act 2020, from 3 August. This would include changes to the Nomination Forms on the Commission’s website to reflect changes to qualifying criteria for former Councillors who accepted a severance payment.
* The Commission is also starting to work on Guidance and resources for the 2021 polls.

**New Police Scotland SPOC*** AON and MMCK met with Police Scotland’s Superintendent Gerry Corrigan who has taken on the role of lead point of contact for Elections.  In discussing planning for 2021, Superintendent expressed his desire to engage positively with the election community in the coming months.  Information about forthcoming by elections has been passed on to the Superintendent.

**Public Awareness and Engagement*** Sarah Mackie will attend the next meeting of the EMB to provide an update on planned public awareness raising and other engagement work in the run up to the 2021 polls.
 | **SM** |
| **5.0**  | **Scottish Government Update** | Written update previously circulated covering* Scottish Parliament Election 2021 – Contingency Planning
* Scottish Parliament Election 2021 - Conduct Order - conduct order for next May’s Scottish Parliament election, intended to be laid in October. May be additional changes due to COvid19
* Scottish Elections (Franchise and Representation) Act 2020
* Scottish Elections (Reform) Bill – Stage 3 of the Bill was held on 3 June and the Bill was passed unanimously. The Bill is now waiting for Royal Assent which is expected in a few weeks’ time.
* Impact of Covid-19 on the 2020 Canvass - The Representation of the People (Electoral Registers Publication Date) (Coronavirus) (Scotland) Regulations in order to postpone the date by which revised versions of the local government register in Scotland must be published by EROs for the year 2020 from 1 December 2020 to 1 February 2021.
 | **noted** |
| **6.0** | **Electoral Registration Update from the Electoral Registration Committee of the SAA** | **Canvass Reform*** Start of canvass delayed until August this year due to the change in franchise coming into effect on 3 August. National data matching is taking place in July. Feedback so far from England is that match levels are similar to the test carried out earlier in the year.

**Publication of Register*** Legislation being made to allow publication to be deferred until 1 February

**Prisoners*** Forms and envelopes have been distributed to prisons, a new form is awaited to include mandatory supply of prisoner number

**Foreign Nationals*** Good engagement with stakeholders (including Scottish Refugee Council and COSLA) and EC. A5 flyer to be included with canvass communications and support from Local Authorities in promoting the change in franchise will be welcome.

**Schools** * Encountering issues with engaging with education authorities for obvious reasons – welcome discussion on this at the next EMB. **ACTION** MB to raise with ADES

**By-elections*** issues over Emergency Proxies identified – self isolation and attestation of medical applications

**May Elections*** EROs beginning planning work including increased postal vote capacity.
 | **MB / EMB** |
| **7.0** | **Local Government Boundary Commission for Scotland update** | * No issues raised.
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| **8.0** | **Claims for EPE and UKPGE – update on discussion with Cabinet Office** | * Note that the Elections Claims Unit had identified a number of issues with the EPE claims from ROs in Scotland. CH had undertaken discussions with Paul Docker around his areas of concern.
 | **CH** |
| **9.0** | **General Preparation for Scottish Parliament Election 6 May 2021** | **Letter to Idox Elections (*circulated*)*** Convener had written to Chief Executive of Idox Elections to raise concerns regarding performance on print for the UK Parliamentary General Election and seeking commitment to early preparation for 2021 elections.
 | **Noted** |
| **10.0** | **Preparation for Scottish Local Government Elections 5 May 2022** | * Current focus is on eCount procurement. See next item on agenda.
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| **11.0** | **eCount Procurement and implementation (report to follow)** | **eCounting 2022*** The project has now completed the open tender process which has gathered significant interest with four bids being received to become the partner service provider to deliver the electronic count system, printed material and all associated deliverables such as testing, training, logistics and security.
* The project team has completed the initial assessment of the bids. The review process will continue through to July 2020, and then progress to the point of contract creation and finally contract commencement which is currently planned to be September 2020 (this has slightly shifted from previously reported August 2020). The extension in timeline is due to two reasons: bidders required extra time to complete bids due to the current circumstances; and extra time has been allocated to the review process since receiving four bids.
* In light of the ongoing Covid-19 pandemic, a number of contingency planning measures have been implemented which seek to safeguard the project’s viability. These measures have considered a number of themes including resource, timescales, tender review methods, and alternative methods that can be utilised to mobilise the contract and begin the first stage of system testing, should it be required.
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| **12.0**  | **EMB Financial Statement as at 31 May 2020 (circulated)** | * Noted
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| **13.0** | **EMB Annual Report – update** | * In draft
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| **14.0** | **Local Council by-elections – upcoming polls (log of by-elections since May 2017)** | * Noted
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| **15.0** | **Regional Returning Officers’ Group / ECAB and associated meetings** | * None
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| **16.0** | **AEA Branch Update** | * None
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| **17.0** | **Any Other Business** | * None raised
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**Dates of Future Meetings**

Planned for August, October and December.