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| ELECTORAL MANAGEMENT BOARD FOR SCOTLAND **ACTION NOTE: 2PM 23 OCTOBER 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 (RM), David Martin (DM RO), Steve Grimmond (SG RO), Kenneth Lawrie (KL, RO) * Advisers: Dr Penny Curtis (PC 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), Catherine Heggie (KH, Electoral Commission), Sarah Mackie (Electoral Commission),, Paul Docker (PD Cabinet Office). Iain Hockenheim (IH, Scottish Government), James Newman (JN Scottish Government) * In attendance: Chris Highcock (CH Secretary to the Board/DRO) | | | | | | | |
|  | | |  | **NOTE** | | **ACTION** | |
| **1.0/2.0** | | | **Note of Previous Meeting (17 September 2020)**  **Apologies / Matters Arising** | * Noted and accepted as an accurate record; action note amended to note that KL had attended the meeting. * Apologies noted from Jim Savege and Andrew Kerr | | **Noted** | |
| **3.0** | **Coronavirus – impact on planning /delivering upcoming electoral events** | | | Local Government By-elections in October/November (listed [here](https://www.emb.scot/elections/log-council-elections)), lessons learned.   * By-elections in Orkney, Comhairle nan Eilean Siar and Aberdeenshire all delivered successfully; 7 further to come before end of November. * Note that there will be a more in-depth review shared in December following the delivery of the last of these by-elections no 26 November. * Electoral Commission paper previously circulated giving over view of key themes from their observation of the by-elections. All noted that it was useful for planning purposes to have had to deliver these events; EMB supplementary guidance had been useful and well received. EC observations are being shared at a UK level to inform planning in other nations. * **ACTION** points raised noted to inform planning for future events, especially the Scottish Parliament Election in May 2021.   **Counting Agents in the context of capacity pressures**   * Paper drafted by EMB and Electoral Commission stressing first principles – importance of scrutiny but recognition of particular current pressures. Paper is supplemental to existing Electoral Commission guidance. Note that there will be particular pressures on Returning Officer guests in many counts. **ACTION** – Paper approved for circulation to ROs and DROS.   **Preparations for Scottish Parliament Elections 6 May 2021**   * Update on discussions with Scottish Ministers / Opposition. Process has been very positive and open with Ministers taking forward the initial issues raised by the EMB following its initial analysis in May. * Scottish General Election (Coronavirus) Bill and consequences (Timetable, Polling, Postal Voting, Count) *–* Bill to be finalised and passed to Presiding Officer 26 October for initial review before being going before Parliament in mid-November. Passage of the Bill should be expedited to be enacted by Christmas. Key elements include:   + Changed date for Postal Vote application deadline, bringing it forward by 2 weeks to ease pressure on processing of late applications. PD noted that this would mean Scotland would differ from general UK position (late registrations would not be able to apply for a PV which could lead to an increase in proxy applications)   + Provision for an all postal election as a fall back position if needed   + Changes around dissolution, to take account of the implications of postponement   + Potential for multiple days of poll   + **ACTION** EMB noted the importance of early certainty with respect to the days of poll. 2 day poll will present particular challenge in terms of booking polling places and there needs to be an early decision If activated * Financial Memorandum for Bill – had been shared with CH and PW for comment. Note that this addresses only the costs directly attributable to this Bill. The majority of the “coronavirus” costs for the election will be addressed within the standard Fees and Charges order. * Postal Vote volumes- - CH confirmed that printers had given assurance that there was capacity to cope with major increase in volumes up to 100% postal. IM noted that there was an argument for the Electoral Commission to be revisited given changing circumstances. AON confirmed this was an option if requested by the Scottish Government.   **Draft Directions from the Convener of the EMB**   * Draft directions circulated for comment and discussion. Aim to finalise in coming weeks in preparation for agreement at November meeting of EMB. This will allow them to be in place for 6 months ahead of poll in line with Gould. Based on recommendations from 2016. * 7,8 and 9 are the new directions designed to address Coronavirus pressures. Also potential to add direction around data collection similar to 2017. * It was noted that consideration needed of whether to promote the minicount model, which adds audit trail but would be a significant change in process for many. * Dates to be reviewed and particular attention given to postal vote issue dates and consistent 2nd and 3rd issue. * Polling scheme is addressed but no intention to direct around volumes of papers. * It was noted that 2 day polling would be a major challenge. KL noted that Falkirk had scheduled an in-service training day for the Friday which would release schools * **ACTION** – **CH** to revise directions and finalise ahead of next meeting of the EMB in consultation with Board. Directions to be formally submitted to Electoral Commission for consultation.   **Joint January Event with the Electoral Commission to brief ROs and EROs**   * Update paper circulated form Electoral Commission outlining options for the traditional pre-election briefing event given pressures around Coronavirus. * It is likely that there will be a blend of a national event focussed on ROs/EROs and a series of regionally based DRO/ERO sessions. * **ACTION** – final proposal to be taken to November meeting of EMB.   **Communications with ROs and EROs**   * It was noted that there are already a range of communication options being deployed to communicate with ROs and EROs. These include direct emails form the EMB, briefings at SOLACE and SAA and general updates from EMB website etc. * **ACTION** CH to produce regular short briefings/bulletins following EMB and for any current issues.   **Risk** **Register**   * **ACTION** CH to prepare Risk Register for national issues for Scottish Parliament Election. | | **ALL**  **CH**  **IH PC**  **CH**  **CH AON**  **CH**  **CH** | |
| **4.0** | | | **Scottish Government Update** | * Update previously circulated from Scottish Government covering:   + Scottish Parliament Election 2021 – Contingency Planning – as noted above draft legislation has been prepared, which includes a range of possible measures to be deployed in response to virus conditions.   + Scottish Parliament Election 2021 - Conduct Order, laid before the Scottish Parliament this week, on 21 October 2020. Subject to satisfactory completion of the Parliamentary process, we expect the Order to be made around 19 December 2020.   + Scottish Elections (Franchise and Representation) Act 2020 Royal Assent obtained on 1 April and the provisions allowing prisoners serving sentences of 12 months or less to vote in devolved elections came into force on 2 April 2020. The Bill’s remaining provisions came into force on 3 August 2020,   + Scottish Elections (Reform) Act 2020 Royal Assent on 8 July. Most sections commenced on 1 October 2020 , with the remaining provisions to be commenced in 2021 following discussion with relevant stakeholders,   + Impact of Covid-19 on the 2020 Canvass - 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   + eCounting 2022 The contract for delivering electronic vote counting for the 2022 local government elections has just been awarded to Fujitsu with their sub-contractor Idox providing the required software. This partnership will bring a fresh perspective and new features, such as enhanced cyber security, to delivering the contract but the fundamentals remain the same from 2017, and councils will be familiar with the Idox software. A full contingency plan has been produced to deliver the contract as closely to originally planned as possible. The project team are working with Fujitsu to prepare for stage 1, which will begin with system trials for all councils throughout November and December. Extensive technical testing will then be conducted, the exact nature of which is yet to be decided with different options available including physical distancing, remote or virtual testing.   + Emergency proxies - The Representation of the People (Absent Voting at Local Government Elections) (Scotland) Regulations 2007 came into force on 23 September - the categories of people that can apply for an emergency proxy at local government elections are extended to include individuals who cannot vote in person because they are following Scottish Government or medical advice by shielding or self-isolating, and only become aware of the need to shield or self-isolate less than 6 days before polling day. A similar change will be included in the Scottish Parliament (Elections etc.) Amendment (no. 2) Order 2020   + Candidates’ Addresses - The Scottish Local Government Elections Amendment Order 2020 came into force on 9th September 2020. This allows candidates in Scottish local government elections to choose not to have their home address on the ballot paper, replacing it with “home address in the XX Council area” | |  | |
| **5.0** | | | **Electoral Commission Update** | * Issues already covered at meeting included initial review of the by-elections that have been held and plans for the January Briefing Event * Paper also circulated covering the plans for the usual “integrity” briefing event with the Police including the national SPOC and the SPOCs from each division. * **ACTION** - Supt Gerard Corrigan be invited to attend a future meeting of the EMB to outline police role and approach to plans for SP 2021 | | **CH MMCK** | |
| **6.0** | | | **Electoral Registration Update from the Electoral Registration Committee of the SAA** | * Canvas is progressing well with EROs on schedule for publication on 1 December 2020. * Door to Dorr work is being undertaken if appropriate on a risk management basis. * Plans in place for engagement with Education etc ahead of May event. KH from Electoral Commission highlighted the range of education resources being produced by the Electoral Commission to go live on 9 November. | |  | |
| **7.0** | | | **Local Government Boundary Commission for Scotland update** | * No substantial update since the last meeting other than to note that Boundaries Scotland will be commencing public consultations on proposals for electoral arrangements in Argyll and Bute, Highland and North Ayrshire in early November, running until late January. | |  | |
| **8.0** | | | **Preparation for Scottish Local Government Elections 5 May 2022** | * As noted above in the SG update. * **ACTION** JN noted that there will be a full update at the next meeting including the plans for the Client Trials in November and December. | | **JN JL** | |
| **9.0** | | | **Referendum Guidance – oral update** | * Guidance is in draft and should be complete for year end. * Arrangements will then be made to host either on EMB website or elsewhere. | |  | |
| **10.0** | | | **EMB Financial Statement as at 30 September 2020** | * Noted | |  | |
| **11.0** | | | **Regional Returning Officers’ Group / ECAB and associated meetings** | * No recent meetings | |  | |
| **12.0** | | | **AEA Branch Update** | * None provided | |  | |
| **13.0** | | | **EMB Membership** | * Due to retirement of David Martin there is a vacancy for an RO member of the Board. Following previous expressions of interest from ROs Joyce White, RO for West Dunbartonshire Council as been appointed to be a member of the EMB form January 2021. * In order to provide contingency cover in the event of the Convener being temporarily incapacitated following consultation with the Scottish Government it has been determined that all RO members appointed to the Board should be able to act as temporary vice Convener with the full powers of the convener deputised to them for the period of the incapacity. **ACTION** CH to draft paper for next meeting noting that members may be expected to deputise in exceptional circumstances. | | **CH** | |
| **14.0** | | | **Any other business** | * EMB website currently in midst of redesign and should be live by the end of the month * No other business raised for discussion. | |  | |

**Dates of Future Meetings**

• 2pm 20 November 2020

• 2pm 16 December 2020