

# **Scottish General Election (Coronavirus) Bill**

**Advice to the Minister for Parliamentary Business and Veterans  
from the Convener of the Electoral Management Board for Scotland**

**Assessment of the need to hold polling over multiple days at the  
Scottish Parliament Election scheduled for 6 May 2021**

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8 December 2020

## Summary

1. The Scottish Parliament is currently scrutinising the Scottish General Election (Coronavirus) Bill. The Bill proposes new arrangements for the Scottish Parliament Election scheduled for 6 May 2021 which may be needed to allow effective delivery of a safe and trusted election in the context of measures taken to address the public health effects of the Coronavirus pandemic.
2. The Bill allows Scottish Ministers to make regulations to hold polling over multiple days. This responds to concerns that the need for physical distancing combined with increased hygiene measures and a level of voter caution may lead to the voting process taking longer than under normal conditions, with consequent difficulties, such as potential queuing at polling stations.
3. This paper assesses this concern informed by the experience of recent Local Government By-Elections, mathematical modelling, the experience of the 2016 Scottish Parliament Election, an expected increase in postal voting and the approach taken by the Chief Counting Officer (CCO) at the Scottish Independence Referendum in 2014.
4. **On the basis of this analysis it is the view of the EMB that polling over a single day should be sufficient provided that Returning Officers review and limit the number of voters allocated to each polling station, communicate that voters should prepare to plan their visit and be prepared for a short wait, and put in place measures within polling stations such as the employment of additional staff to advise and reassure voters and to maintain the flow of voters through the polling station.**
5. A similar approach was implemented in 2014 for the Independence Referendum when the CCO directed that sufficient polling stations must be provided *“to ensure that voters will be able to cast their vote without having to wait in a queue for an unacceptable time. There should be a maximum of 800 electors, excluding postal voters, allocated to each polling station.”* This was successful. While the referendum saw the largest turnout ever experienced in most areas – 84.6% overall – there were no reports of significant queues.
6. Polling over multiple days is an option but it is judged that it introduces additional risk, cost and potential confusion for the voter.

## Background

7. The Scottish Parliament Election is scheduled for 6 May 2021. This is the most demanding scheduled electoral event delivered by Returning Officers (ROs) and Electoral Registration Officers (EROs) in Scotland. Voters complete two separate ballot papers, one to elect a Constituency MSP and another which through an additional member STV system allocates MSPs to represent Regions of Scotland. These multiple contests add complexity to the event with separate ballot boxes and electoral registers at each station.
8. It seems clear that despite the expected roll-out of vaccines, the Election will be held with some public health measures in place to control the spread of Coronavirus. Even in the lowest level of the Scottish Government’s Strategic Framework physical distancing and enhanced hygiene measures continue to apply.
9. These measures at whatever level will have an impact on polling at the election. Hand hygiene will require voters to sanitise their hands on entry to and exit from the polling place. Physical distancing will limit the capacity of polling places with a ceiling on how many voters can be in a room at one time. In combination these factors have a clear potential to make voting take longer than usual.

10. This has prompted concern that there could be queues of voters at polling places. Queues could suppress turnout, deterring voters from attending. All actions in the delivery of elections are intended to be in the interest of the voter. This concern therefore needs to be addressed.

### **The Scottish General Election (Coronavirus) Bill**

11. The Scottish Parliament is currently considering the Scottish General Election (Coronavirus) Bill. The Bill proposes new arrangements for the Scottish Parliament Election scheduled for 6 May 2021
12. These measures include giving a power to Scottish Ministers to make regulations to provide for an all-postal election to be held, allow the Scottish Ministers to make regulations to hold polling over multiple days; and give a power to the Presiding Officer to postpone the 2021 election by up to 6 months in certain circumstances.
13. Section 8 of the Bill gives Scottish Ministers the power to specify one or more additional days over which the poll for the 2021 election is to take place. This is to allow for the possibility, discussed above, that in-person voting will take longer than normal due to the potential imposition of physical distancing measures to protect against the transmission of coronavirus.
14. Before making regulations under this section, Scottish Ministers would have to consult the Presiding Officer of the Scottish Parliament, the Electoral Commission, the Convener of the Electoral Management Board for Scotland and the Chief Medical Officer of the Scottish Administration
15. In evidence to the Standards Procedures and Public Appointments Committee of the Scottish Parliament who are scrutinising the Bill, the EMB and Electoral Commission emphasised that clarity as early as possible on the number of days of poll was essential to allow the effective planning and delivery of the Election, in the interests of good administration and to allow timeous booking of polling venues, the recruitment of polling staff and the logistics of security of ballot boxes and electoral documentation.
16. This paper provides a view from the EMB on the need for multiple days of poll. The position is informed by the experience of recent Local Government By-Elections, mathematical modelling, the experience of the 2016 Scottish Parliament Election and the approach taken by the Chief Counting Officer (CCO) at the Scottish Independence Referendum in 2014.

### **The Experience of recent Local Government By-Elections**

17. In October and November 2020 there were eight Local Government By-Elections across Scotland. These were held in island, rural, suburban and urban wards. In each, polling was undertaken with physical distancing and enhanced hygiene. The Electoral Commission have reviewed the conduct of all these polls.
18. Returning Officers worked to Supplementary Guidance developed by the EMB with the input of Public Health Scotland and local public health and environmental health officials. Poll staff were either seated behind Perspex screens or wore visors. Voters were required to wear face coverings and sanitise their hands on entry and exit, every effort was made to ensure that there was a one way flow of traffic, additional ventilation, regular cleaning of surfaces and each voter was issued with their own pencil. Staff managed the flow of voters to ensure that capacity of the room was never exceeded.
19. Polling was conducted in accordance with the relevant regulations and there were no concerns raised by voters, polling staff, candidates, agents or observers. Voting took a little longer, but the additional time was minimised by using additional signage and staff to assist

voters. There were no queues through the day although it was reported that on occasion one voter had to wait for another to leave before they were allowed access.

20. The By-Elections demonstrate that polling in a day is possible under Coronavirus conditions. It must be noted that turnout at local government by-elections is always lower than that at Scottish Parliament elections, and accordingly there is a need to analyse further with additional data. Turnout at these recent polls is shown below

	Turnout (%)	Postals as a percentage of turnout (%)
Orkney Islands Council	50.7	
Comhairle nan Eilean Siar	37.7	
Aberdeenshire Council	33.7	38
Aberdeen City Council	27	50.5
City of Edinburgh Council	31.6	34.7
Clackmannanshire Council	35.1	31.7
Perth & Kinross Council (ward 10)	44	38.1
Perth & Kinross Council (ward 11)	25.5	40.6

21. The By-Elections also demonstrated a change in the usual pattern of polling. It was observed that the expected morning peak of voters was less pronounced. With more people working from home there were fewer commuters attending early in the morning.

### Mathematical Modelling

22. As noted above ROs are concerned to limit the potential for excessive queues at polling places as these may suppress turnout and *in extremis* lead to questions as to the legitimacy of the poll and the acceptance of the result.
23. To further analyse the potential for an unacceptable amount of queuing the EMB has undertaken mathematical modelling to assess the potential for queues through the day based on several assumed conditions. All modelling has limitations, but the analysis does offer a sense of the likely position.
24. The assumptions made are that:
- Door to door the voter spends **4 minutes** in the polling place. This is an estimate based on observation at the recent By-Elections and an analysis of the different elements of process that are involved – hand sanitising, confirming identity, walking to the booth etc. There is potential for more accurate “work study” style measurement here.
  - The capacity of each station is **3 people**. This was the limit applied in the recent By-Election in Edinburgh although this could vary based on the capacity of the venue.
  - The flow of traffic through the day is either constant or with moderate evening peaks.
25. The model is given in the Appendix. Based on this analysis the number of voters that each polling station can accommodate in a day with **no queues is 500**. If around 525 voters were to attend the polling station through the day, with a peak of voters through the evening then the model predicts a short queue remaining at 10pm which would take 12 minutes to clear. If there were 550 voters through the day then the queue would take 24 minutes to clear.
26. The potential for queues could be limited by increasing the capacity of places or moving voters through the process more quickly. Both would be possible in some situations. For example voters from the same household may not need to distance within the polling place.

### **Experience at the Scottish Parliament Election in 2016**

27. The last Scottish Parliament Election was held in on 5 May 2016 with an overall turnout of 55.8%. Turnout varied from 68.3% to 42.9%.
28. An analysis of the number of voters attending each polling station across the country has been undertaken. While the analysis is not yet complete the average number of voters per station was generally well below 550 with many ROs reporting boxes with 300 papers or fewer.
29. If there was a similar turnout in 2021 to that of 2016 then combining the modelling with the experience of turnout per station it is anticipated that polling would be able to be completed over a single day without unacceptable queues at polling stations.
30. This analysis is not yet complete, and the figures will be updated.

### **Growth of Postal Voting**

31. Another provision in the current Bill brings forward the deadline for postal vote applications. The purpose of this provision is to allow for more time to process what is expected will be a much higher number of applications for postal votes than usual because of the coronavirus pandemic.
32. Research has been undertaken by the Electoral Commission to assess attitudes towards voting in the 2021 Scottish Parliament election, in the context of COVID-19. There was initial polling in August 2020 which was revisited in November 2020.
33. The preferred method of casting a vote if an election were to take place now was at a polling place with appropriate hygiene measures in place (53%). 38% said they would prefer to vote by post and 1% by proxy.
34. 38% of the electorate choosing to vote by post would be a major increase on the current postal vote numbers. Based on the current registered electorate, this would equate to approximately 2.8 million postal ballots. This is about 2 million more than were issued at the Scottish Parliament election in 2016. In 2016 a total of 726,555 postal ballots were issued. This amounted to 17.7% of an electorate of 4,098,462.
35. It remains to be seen whether these stated intentions to vote by post will translate into actual applications. Such applications may be prompted by campaigns by political parties and by awareness raising activities by ROs, EROs and Scottish Government. It may be the case that with a changing context in the Spring with a vaccine and increased acceptance of usual "FACTS" measures that most voters will be happy to vote in person. Indeed it was the experience at recent by-elections that in person turnout was not noticeable less than at previous comparable polls.
36. However it is reasonable to assume that there will be a growth in postal voting at the 6 May poll due to concerns about the virus. While this will introduce a need for EROs and ROs to ensure sufficient capacity to accommodate this volume of postal voters, a consequence would be a reduction in people voting in person which would again limit the risk of queues at polling places.

### **The Scottish Independence Referendum 2014**

37. The large turnout always anticipated at the Scottish Independence Referendum was confirmed with a turnout of 84.6%. While there were busy polling places and some queues of voters early in the day there were no queues at close of poll and no reports of excessive queues during the day.

38. In anticipation of such a large turnout The Chief Counting Officer (CCO) for the Referendum directed that Counting Officers (COs) plan their polling arrangements to ensure sufficient capacity. The very first direction issued by the CCO was:

*COs must provide sufficient polling stations to ensure that voters will be able to cast their vote without having to wait in a queue for an unacceptable time. There should be a maximum of 800 electors, excluding postal voters, allocated to each polling station.*

*COs may wish to consider employing peripatetic staff who could respond to specific pressures which arise at polling, or to consider providing additional staff to address busy periods such as early evening.*

*Where a CO chooses to allocate more than 800 electors to a polling station then that CO must provide me with a satisfactory explanation of how their proposed arrangements will address expected turnout.*

39. Several COs did make requests for minor exceptions to this direction in specific circumstances. For example where there was evidence that turnout would be low so that additional voters could be allocated or where the splitting of a register on a street meant that numbers were slightly over 800.
40. There was general compliance with this Direction. In some cases additional polling stations had to be set up in the designated polling places; in others new places were required in order to accommodate the required number of stations. The Direction was made in good time to allow COs to organise venues and staffing.
41. Despite an unprecedented turnout there were no queues and a broad acceptance that the event had been delivered to the highest of standards.

### **The need for multiple days of poll**

**42. Based on the factors identified above the EMB does not believe that there is currently a strong case for multiple days of poll.**

- a. The By-Elections have indicated that safe polling under COVID conditions is practical and can be successfully managed;
  - b. A basic mathematical model indicates that with expected conditions there would be no or minimal queues with up to 550 ballots per box;
  - c. At the Scottish Parliament Election in 2016 most polling stations (ballot boxes) had fewer than 500 votes per box;
  - d. A growth of postal votes is expected which will limit in-person voting, possibly significantly; and
  - e. In 2014 a Direction to limit the number of voters allocated to each station was successful with no queues despite an unprecedented turnout.
43. On this basis a Direction from the Convener of the EMB to ROs similar to that made in 2014 to COs should be made, i.e. that *There should be a maximum of 800 electors, excluding postal voters, allocated to each polling station.*
44. With increased postal voters and a lower anticipated turnout than 2014 these measures should be enough to allow polling without excessive queues even with the added complexities of physical distancing and enhanced hygiene. Some effort to promote awareness of postal voting as an option might assist in this area.

## **Risk Analysis**

45. Polling Places and Stations for May 2021 should be reviewed by Returning Officers to ensure that there is large enough capacity to accommodate polling under Coronavirus conditions. Some current Places may not be suitable and Returning Officers will need to identify suitable alternatives.
46. With limited voters per Station there may be a need for additional stations in some Places. That may again mean currently designated Places may have to be changed to accommodate these additional Stations.
47. The modelling needs to be recognised as a model with limitations. There may be local issues in some areas affecting some of the assumptions. For example the capacity of some polling places may ultimately be less than the 3 on which the modelling is based. There will also be a range of time to vote taken by different electors – those who are confident and experienced may well take less than 4 minutes; those who are less able or who need assistance may take longer.

## **Issues around Polling over Multiple Days**

48. Polling over multiple days is another option to minimise the potential for queues at Polling Stations potentially reducing the pressure on any one day. However there are several challenges that would have to be met:
  - a. Availability of venues for 2 days may be problematic (with some venues already earmarked as vaccination centres);
  - b. Use of schools for polling places would meet resistance if polling is extended over two days;
  - c. Additional staffing may be difficult to retain for two days and two consecutive 15 hour shift may limit the efficiency and accuracy;
  - d. There would need to be arrangements for the secure storage of polling materials – including ballot boxes and registers – overnight;
  - e. There may be a need for additional equipment, boxes and booths; and
  - f. There would need to be sufficient time to clean between polling days.
49. Multiple days of poll would also have an impact on the commencement of the Count. Were polling to be held on Thursday and Friday then the earliest the count would start would be Saturday. Election Teams would already then have been working for two days long days before then having to resource and oversee a Count which would itself be extended due to physical distancing measures.
50. There would also need to be extensive communications to voters and candidates to ensure that they were aware of the option of voting over two days. Voting over two days could be a source of confusion without adequate communication. Allocating voters to specific days would be carry the potential for misunderstanding and could deter voters who might believe that their right to vote had been lost on account of failure to attend on the “correct” day.
51. Throughout the planning for these elections and the recent by-elections there has been an effort to introduce as little innovation to the processes as possible to minimise the potential risks. The voting experience needs to be as close as possible to that which is usual and familiar to the voter.

## **Conclusion**

52. It is the view of the EMB that polling over multiple days should not be necessary if other mitigating measures are in place. These would include assessments of polling places to ensure sufficient capacity, additional signage and staffing to move voters quickly through the polling place and, in all likelihood, a Direction from the Convener of the EMB similar to that made ahead of the Independence Referendum to limit the number of voters allocated to each polling station. Some public communications activity to raise awareness of the option to vote by post might also assist.
53. The EMB will continue its monitoring of the situation to confirm its modelling. As noted above, early clarity is needed for ROs and EROs as to whether there will be multiple days of poll. Should there be multiple days then action will be needed immediately to extend bookings for polling places, recruit staff for longer and revise communications including statutory materials such as poll cards.
54. I would be happy to discuss this paper and its content further with Ministers if that would be helpful.

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8 December 2020



## Appendix – Modelling of polling

<b>INPUT DATA</b> (See also 'EXPECTED THROUGHPUT PROFILES' table below)	Time spent in polling station (NB for 4 mins 30 sec enter 4.5, etc)	4
	Expected daily demand	525
	Public in at one time	3
	Hourly capacity (calculation- don't manually amend)	45.0

### FORECASTS

EVEN ARRIVAL RATE					EVENING PEAK					SHARP PEAKS				
Hour beginning	Profile (% per hour)	Expected demand	Forecast queue (people)	Forecast queue (Mins)	Hour beginning	Profile (% per hour)	Expected demand	Forecast queue (people)	Forecast queue (Mins)	Hour beginning	Profile (% per hour)	Expected demand	Forecast queue (people)	Forecast queue (Mins)
7	6.7%	35	0	0	7	5.0%	26	0	0	7	5.0%	26	0	0
8	6.7%	35	0	0	8	7.0%	37	0	0	8	9.0%	47	2	3
9	6.7%	35	0	0	9	8.0%	42	0	0	9	9.0%	47	5	6
10	6.7%	35	0	0	10	7.0%	37	0	0	10	5.0%	26	0	0
11	6.7%	35	0	0	11	5.0%	26	0	0	11	4.0%	21	0	0
12	6.7%	35	0	0	12	5.0%	26	0	0	12	5.0%	26	0	0
13	6.7%	35	0	0	13	5.0%	26	0	0	13	5.0%	26	0	0
14	6.7%	35	0	0	14	5.0%	26	0	0	14	4.0%	21	0	0
15	6.7%	35	0	0	15	5.0%	26	0	0	15	4.0%	21	0	0
16	6.7%	35	0	0	16	5.0%	26	0	0	16	6.0%	32	0	0
17	6.7%	35	0	0	17	7.0%	37	0	0	17	8.0%	42	0	0
18	6.7%	35	0	0	18	9.0%	47	2	3	18	12.0%	63	18	24
19	6.7%	35	0	0	19	11.0%	58	15	20	19	12.0%	63	36	48
20	6.7%	35	0	0	20	9.0%	47	17	23	20	8.0%	42	33	44
21	6.7%	35	0	0	21	7.0%	37	9	12	21	4.0%	21	9	12
Time for queue to clear (minutes)			0	0	Time for queue to clear (minutes)				12	Time for queue to clear (minutes)				12

## Appendix Chief Counting Officer Directions for the Scottish Independence Referendum

The following direction was made by the Chief Counting Officer on 2 May 2014.

### *Chief Counting Officer Directions for the Scottish Independence Referendum*

<b>1</b>	<b>Polling Scheme</b>	<p>COs must provide sufficient polling stations to ensure that voters will be able to cast their vote without having to wait in a queue for an unacceptable time. There should be a maximum of 800 electors, excluding postal voters, allocated to each polling station.</p> <p>COs may wish to consider employing peripatetic staff who could respond to specific pressures which arise at polling, or to consider providing additional staff to address busy periods such as early evening.</p> <p>Where a CO chooses to allocate more than 800 electors to a polling station then that CO must provide me with a satisfactory explanation of how their proposed arrangements will address expected turnout.</p>