

## The Electoral Management Board For Scotland

# INFORMATION BULLETIN: MAY 2013

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### Update from Mary Pitcaithly Convener of the Electoral Management Board

This is the first bulletin to be issued by the EMB since the local government elections one year ago. Those polls were the first for which I had responsibility as Convener of the EMB, working to coordinate the work of the ROs and EROs, promoting consistency and best practice across Scotland. After a lot of hard work across the country by ROs, their staff and our partners in the Scottish Government and their contractor Logica the elections of 3 May and the count of 4 May went very well indeed. The ghosts of 2007 were laid to rest and a key measure of success for me was that there was no story about the elections process.

In this bulletin I wish to review what has happened since then and to turn to consider the future programme of electoral events that

is facing us and how we need to prepare for them. Prime among this is the Referendum for which I have a key role as Chief Counting Officer.

### The Local Government and Regeneration Committee

As required by the Electoral Administration (Scotland) Act 2011 I submitted [a report on the elections to the Scottish Ministers](#) and subsequently was invited to appear before the Local Government and Regeneration Committee to give evidence about the conduct of the elections.

That committee is still to report on the elections and their work and discussions with the EMB has focussed on a number of areas including

- Voter Turnout and how this can be increased
- Voter Registration and how this can be increased
- Proxy Voting including postal voting
- The Terminology used in and around elections
- Reasons why people do not vote
- “Robson Rotation” in respect of the ordering of the ballot paper
- Diversity amongst voters and elected representatives including any matters

associated with the eligibility to stand, donations and the nomination process

- The timing of future elections with a view to minimising clashes.

The EMB made representations on each of these issues and it will be interesting to see how the Committee ultimately reports, what recommendations it makes and how these may feed into future legislation.

### Future Electoral Events

In a presentation at the recent SOLAR conference in Dundee, Chris Highcock, Secretary to the EMB and DRO in Edinburgh, and David Freeland of the Electoral Commission gave a survey of the electoral landscape that was facing Returning Officers and their staff in the coming few years. The key message was of the huge volume of work facing the electoral community and in particular the concentrated period from May 2014 to May 2015:

- 22-25 May 2014
- 18 September 2014
- 7 May 2015

Those 12 months will see three major electoral events. It is imperative that planning and preparations begin now so that you are all adequately resourced and prepared as we approach these polls.

### European Parliamentary Elections

While we are still awaiting a final date for the European Parliamentary Elections, it now seems fairly certain that the polls will be on Thursday 22 May with a count on Sunday 25 May.

The Cabinet Office is finalising the legislation that will govern the polls and there are a number of proposed changes to the European Parliamentary Elections Conduct Rules of which I would like to make you aware. These in general flow from the Electoral Registration

and Administration Act 2013 & associated secondary legislation and include:

- Postal votes may be issued as soon as practicable after close of nominations to postal voters already on the register;
- Electors may cancel postal votes following receipt before the postal vote application deadline;
- Extension of emergency proxy provisions – to those absent on the grounds of business or service;
- 100% of PVIs to be checked;
- Returning Officers' Fees may be reduced or withheld by Secretary of State following recommendation by the Electoral Commission; and
- Joint-emblems – allow jointly nominated candidates to stand at a European by-election.

Possible further changes involve a proposal to notify electors that their PVI has been rejected after the European polls, pending further consideration of practicalities.

The EMB is maintaining close liaison with both the Cabinet Office and the Scottish Government trying to ensure that any changes to rules at the May polls are repeated, where appropriate, at the September referendum.

It is anticipated at the moment that I will ask the Chief Executive of the City of Edinburgh Council, Sue Bruce, to provide staff to take nominations and to organise the collation of the Regional result for Scotland. Early planning is that they would use the same technical approach that was used for the European Parliamentary Election results in 2009. This will be trialled and tested extensively prior to the polls.

## Referendum on Scottish Independence

The European Parliamentary Elections are not receiving the same attention from politicians, media and commentators as the 18 September Referendum, but they remain major polls for which you should be preparing now. In fact, while making for a busy year, there is a benefit that they will allow us to test our processes and procedures ahead of the Referendum, particularly in areas such as the collating of a national result.

The Referendum Bill which is currently being considered by Parliament identifies the Convener of the EMB as Chief Counting Officer. This is a weighty responsibility and, in consultation with the EMB, I have already been planning how I wish to oversee this major event. The support of the community of Retuning / Counting Officers and their teams will be vital in the coming months.

### The Bill

The EMB has been called to give evidence to the Committee, initially about the Franchise issues and also about the more general issues around the Bill. SOLAR's Elections Working Group have also met to go through the Bill and have submitted a series of comments back to Government.

### CCO – Objective and Principles

My objective as I look to plan the Referendum is that the referendum should be well-run and produce results that are accepted. My aim is to declare "a result that everyone will trust." - there must be no question about the integrity or accuracy of the process. To achieve this, my guiding principles are that

- The referendum should be administered efficiently and produce results that are accepted; and

- There should be no barriers to voters taking part.

In practice I am taking lessons from last year's local elections, where the EMB had a statutory role, and from the UK Referendum in 2011 where I was Regional Counting Officer. Consistency is important – voters need to have the same experience whether in Durness or Dunbar and I would want to achieve consistency via consensus if possible with directions when necessary. I expect local variation to be an exception and would have to be well justified and never if there is any risk to clarity or integrity.

Robust Project Management will be used to give solid governance structures around the planning and delivery processes. I am considering how to best approach performance management and again will seek to learn from the experience of recent electoral events so that it helps rather than hinders your work. Ultimately however I need to ensure that the entire process is robust and resilient. The eyes of the world are on this event and it must be seen to be planned and delivered to the highest standards.

Some of the key workstreams that are involved in the planning and delivery include:

**Guidance** – a project team will be producing specific guidance for COs. This will be drafted through the rest of this year and ready to be issued in early 2014, following comment from the Electoral Commission. It will be linked to a series of common forms on which Aileen Knudsen's Forms Group are already working and the guidance will also inform a performance management framework.

**Governance** – A Project Manager will oversee the whole project, working within PRINCE 2 style structures with associated risk registers

and business continuity plans so that any issues are captured and resolved early.

**Count** – the count is a major project in its own right and a project team will work on planning the declaration event – as an international media event – and the technical process for the collection and collation of the result.

**Communications** – keeping COs, EROs, campaigners and others informed of the processes will be vital.

Each of these workstreams will be under the management of an EMB member as Senior Responsible Officer, “SRO”, with the Board, which I chair, maintaining an overview of the whole programme of work.

The Referendum will dominate our thoughts and planning over coming months and if there are any issues that you wish to raise with me or the EMB, please get in touch.

## Fees and Charges Order

One of the major concerns that we all have is the appropriate resourcing of electoral events. Too often councils end up subsidising polls. With respect to the referendum I am working with the EMB to ensure early engagement with the Scottish Government to ensure that the Fees and Charges order is adequate and appropriate with sufficient variation to recognise the local challenges of scale and geography in its assumptions. If there are any elements that you particularly wish me to address on your behalf with government then please let me know.

## Referendum Franchise Bill

The Referendum (Franchise) Bill has passed stage 1 and is approved in principle by the

Referendum Committee. The [media release](#) is and [full report](#) are available. The Referendum (Franchise) Bill is expected to become law by June 2013.

At paragraph 82 of the report the Committee noted from ERO evidence, that “... schools could provide pupils’ names and addresses, which would enable EROs to send out forms to the relevant households with the pupils’ names already included. One advantage of this was that if we send out a form that is prepopulated with the name, we are more likely to get it back than if we send out a blank form”.

To do this EROs will request this information either from education authorities or occasionally directly from schools. This is already normal practice for 16 year olds. This request will be made very soon and the Referendum (Franchise) Bill, when enacted, will allow this to be done in respect of 15 year olds. EROs need the name and address, nationality, and date of birth of any student who will be at least 16 years of age by 18 September 2014. This will allow pre-population of the forms which are to be issued in autumn 2013: either the normal canvass form for those already 16 or the Young Voter Registration Form for those still 15.

Even where names are pre-populated, registration is not automatic and EROs still need a return confirming the names and eligibility.

## A Refresh of Postal Vote Applications

Another expected change to law will require EROs to refresh postal voting applications from anyone who has been a postal voter since before January 2010. If enacted refresh forms will be issued in August 2013; reminders will be issued as necessary. Postal votes will be cancelled for anyone who does not respond within six weeks. The non-responders will

retain their entry in the register, but would need to apply again to become a postal voter in any future elections

## ERA Commencement

Roddy Angus of the Scotland Office, who advises the EMB has asked that the following is added to this bulletin:

*As you are aware, there are a number of sections of the Electoral Registration and Administration Act 2013 that are yet to be commenced. This is to let you know that a further commencement order was made on 21st March and to explain which sections are being commenced and why they are being commenced now. The text of the order should be available on [legislation.gov.uk](http://legislation.gov.uk) shortly.*

*Please note that these parts of the Act have been commenced together now to minimise the number of commencement orders and bring the powers needed for secondary legislation into effect. This does not mean that administrators will be compelled to undertake new work linked to certain sections, such as issuing postal vote rejection notices, as that cannot happen until supporting regulations are made. But it does confirm that **the next polling place review by local authorities will take place between 1st October 2013 and 31st January 2015 (and every 5 years after that).***

*The bulk of the sections will be commenced on 2 April, in line with the convention that commencement should occur at least two months after the enabling Act received Royal Assent (which the ERA Act did on 31 January). The only exception to this is Section 11, which needs to be in force prior to the statutory instruments laid on 25 February being made. Section 11 will be commenced on 25 March.*

**Section 10 allows for piloting of registration provisions, which are set out elsewhere in the**

*Act (and are separate from the regulations laid in February relating to the confirmation dry-run). This section needs to be commenced prior to secondary legislation being laid relating to this piloting. Whilst regulations for these pilots are not going to be laid imminently, we took the view that it was sensible to commence the power now as part of the wider commencement order so it is available as needed.*

*Most of the other sections are discrete parts of Part 2 of the Act (electoral administration provisions) that either need to be in place to support activity over the coming months or which provide for powers and repeals:*

**Section 17 (Review of polling districts and places in Great Britain).** Under section 17, local authorities must carry out a review of polling places in the period 1 October 2013 to 31 January 2015. This section therefore needs to be commenced well in advance of 1 October 2013, and now seems the most sensible opportunity to do so.

**Section 22 (Notification of rejected postal vote).** This section provides for an enabling power which allows regulations to be made in support of the postal vote identifier rejection notifications policy. We opted to commence this power now so it is available when supporting amendments to the 2001 Representation of the People Regulations are made outlining the detail of the policy.

**Section 23 (Repeal of powers to establish co-ordinated on-line record of electors (CORE)).** The provisions repealed by this section are no longer needed following the Government's announcement on 21 July 2011 that it would not be pursuing CORE. We have therefore opted to commence this section now.

*We will keep you updated on the timing of the commencement of further sections of the Act, which will in large part be dependent on the exact timings of the progress of supporting secondary legislation through Parliament.*

### **Individual Electoral Registration (IER)**

The Cabinet Office has been working closely with EROs and Chief Executives over recent months to plan for the move to IER.

Following the announcement by the Scottish Government of the timetable for the referendum on 2014, UK Ministers have announced that they will be implementing the transition to Individual Electoral Registration in Scotland, **after the referendum**. This has been welcomed and supported by the EMB.

It is likely that this will take place ‘on or around’ 1 October 2014 and the first year of transition will conclude in February 2015, ahead of the UK General Election. The Cabinet Office are working with Scottish EROs, the EMB, Scottish Government and the Electoral Commission to agree the precise timetable for transition, including any linkages with the register produced for the referendum. Colin Dingwall of the Cabinet Office has been at an EMB meeting and will attend again in future as these points of detail are clarified, to keep the Board informed.

### **EMB Website**

The EMB will finally have a website set up by the end of May. This will be used as an important channel of communication in the future and will hold reports, bulletins, action notes, guidance, forms and directions.

I would appreciate any feedback on the design and content as soon as it is up and running. The website will be found at [www.electionsscotland.info](http://www.electionsscotland.info) and [www.electionsscotland.org.uk](http://www.electionsscotland.org.uk)

### **eCounting for the 2017 Local Government Elections**

While the European Parliamentary Elections and the Referendum are at the front of our minds in terms of planning, we need to maintain a longer term perspective and an awareness of the other polls that are approaching. It will feel like there is little time between the end of the Referendum work in September 2014 and the UK Parliamentary elections in May 2015.

Looking further ahead there are Scottish Parliamentary elections in 2016 and then local elections again in 2017. With respect to the 2017 polls, I am already in discussion with the Scottish Government regarding the eCounting approach. We will shortly have a final review meeting looking at the lessons from 2012 and picking up any legacy issues. The Scottish Government are then planning to tender for the deliver of the ecounting service for the 2017 elections. Formal project governance structures will be in place again with myself and other members of the EMB involved with the Project Board. We will take lessons from 2012, but with such a major contract we need to use the highest standards and best practice in procurement. If there are any issues that you wish to raise with respect to this procurement, please contact me.

### **Keep in touch**

I am aware of several by-elections that have been held recently or are planned in coming months. All have been undertaken successfully and it is always encouraging to see the high professional standards to which the community works in Scotland. I am also aware that there is a lot of informal support and cooperation that goes on as election teams support each other and this sort of “fellowship” makes the electoral community a rewarding and special area of public service. In support of this I am aware that SOLAR are

planning a series of training events for DROs to maintain these consistent high standards.

If there are any topics that you want the EMB to address, or areas on which you would value any advice or assistance then please get in touch.

## **Mary Pitcaithly**

*Convener, Electoral Management Board for Scotland (EMB)*

Contact via [Chris.highcock@edinburgh.gov.uk](mailto:Chris.highcock@edinburgh.gov.uk)

## **The Electoral Management Board for Scotland Board Members**

The Electoral Management Board for Scotland includes the following members, appointed by the Convener according to the procedure detailed in the Local Electoral Administration (Scotland) Act 2011.

### **Mary Pitcaithly – The Convener**

Chief Executive of Falkirk Council, Returning Officer, Regional Returning Officer (designate for European Parliamentary Elections), Regional Counting Officer (for the 2011 UK Referendum), Chief Counting Officer (designate for the 2014 Scottish Referendum)

### **Sue Bruce**

Chief Executive of the City of Edinburgh Council, Returning Officer, Counting Officer (Referendums) and Regional Returning Officer (Scottish Parliamentary elections)

### **Brian Byrne**

ERO for the Central Scotland area and currently chair of the Scottish Assessor's Association's Electoral Registration Committee.

### **Joan Hewton**

ERO for the Lothian councils - the City of Edinburgh, East Lothian, Midlothian and East Lothian Council areas. Vice Chairperson of the Scottish Assessors' Association's Electoral

Registration Committee, Vice President of the SAA.

### **Bob Jack**

Bob Jack Chief Executive of Stirling Council; Returning Officer for elections to the Council and the Stirling Parliamentary Constituency for the Scottish, Westminster and European Parliaments and for the elections to the Loch Lomond and Trossachs National Park.

### **Malcolm Burr**

Chief Executive and Returning Officer of Comhairle nan Eilean

### **Stuart Galloway**

Depute Returning Officer for Dundee Council and responsible for the production of the Electoral Register and all other ERO duties for Dundee.

### **Douglas Gillespie**

Douglas Gillespie is the Assessor and Electoral Registration Officer for the areas of the Highland Council and Comhairle nan Eilean Siar.

### **Advisors to the Board**

In addition to the formal members of the Board, a number of election professionals attend the meetings to provide additional expert input to the deliberations of the EMB. These include representatives from :

- SOLAR (**Gordon Blair** DRO from West Lothian);
- The AEA (**David Miller**, Elections Co-ordinator from Glasgow City Council);
- The Electoral Commission;
- The Scottish Government; and
- The Scotland Office

### **Secretary to the Board**

**Chris Highcock** – Corporate Projects Manager (Democratic Projects) and DRO, City of Edinburgh Council