

THE ELECTORAL MANAGEMENT BOARD FOR SCOTLAND (EMB)

Annual Report 2019/20 and 2020/21

with financial summaries for
2017/18; 2018/19; 2019/20 and 2020/21

“...to deliver a result that will be trusted as accurate”

October 2021

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Overview

This report reviews the work of the Electoral Management Board for Scotland (EMB) over the financial years 2019/20 and 2020/21. Financial reports for 2017/18 – 2020/21 are also included.

Following a review of the history, function, roles, objective and approach of the EMB, the report gives an summary of the Board's work in this unprecedented and turbulent period. The current strategic context is noted and the Board's intended work programme for the immediate period outlined.

Foreword

On 1 July 2018 I was privileged to be appointed the second Convener of the Electoral Management Board for Scotland (EMB), taking over from the founding Convener, Mary Pitcaithly OBE, who had established the Board at the heart of electoral administration, and civic life in general in Scotland. The Board is now recognised by both Governments and Parliaments, politicians across all sectors, Returning Officers (ROs), Electoral Registration Offices (EROs), Electoral Administrators and the media as a source of professional expertise with a particularly valued role in coordinating a consistent approach to the delivery of electoral events within Scotland.

It was with both enthusiasm and some trepidation that I assumed my duties as Convener. The years 2018, 2019 and 2020 were supposed to be “fallow” years with no electoral events during which the EMB would focus on building the capacity of the sector in the face of an ongoing turnover of staff and a consequent erosion of expertise. While the Board had initiated that work the volatility caused by the COVID Pandemic and the post-Brexit political uncertainty had the effect that the necessary focus has been very much on maintaining a level of preparedness for and then delivering major unscheduled events. The preparations which we made were essential in ensuring that we were ready to support the Regional Returning Officer (RRO) in the delivery of the European Parliamentary Elections in May 2019, polls which up until 5 weeks before we had been assured would not be needed, the unscheduled UK Parliamentary Election in December 2019 and the scheduled Scottish Parliament Election in May 2021.

This report reviews the Board’s work in 2019/20 and 2020/21 and seeks to look forward to a work programme in coming years which will continue to support the hard work of ROs and EROs across Scotland, keeping the voter, as ever, at the centre of the electoral process and committing to our primary objective of delivering results that are fully trusted.

My first few years as Convener have been both rewarding and exciting and with the prospect of more unscheduled events in this turbulent electoral atmosphere, I anticipate more challenges in the coming year. I could not discharge any of these responsibilities without the support and professionalism of Board members, Returning and Electoral Registration Officers, Electoral Commission and Government colleagues, and indeed the entire electoral community, and without the dedication and support of the Board’s excellent Secretary, Chris Highcock.

Malcolm Burr

Convener of the Electoral Management Board for Scotland

October 2021

About us

Our History

The EMB was set up under the Local Electoral Administration (Scotland) Act 2011. This Act gives the Board “the general function of co-ordinating the administration of local government elections in Scotland.”

The EMB is independent of both Scottish and UK Governments and political parties and is accountable to the Scottish Parliament. The Convener is appointed by Ministers and leads a Board consisting of Returning Officers, their Deputies and Electoral Registration Officers.

Advisors include the professional associations: the Association of Electoral Administrators (AEA), the Electoral Registration Committee of the Scottish Assessors Association (SAA), the Elections Working Group of the Society of Local Authority Lawyers & Administrators in Scotland (SOLAR), and Scottish and UK Governments, and the Electoral Commission.

The EMB’s prime focus is ensuring that the interests of the voter are kept at the centre of all election planning and administration. The work of the EMB assumes the close community of electoral professionals in Scotland and accordingly the Board seeks to operate by consensus rather than formal direction, wherever possible. However, the Convener does have a power to issue directions to Returning Officers and Electoral Registration Officers in relation to their duties around Scottish Parliament and Local Government elections as required, and this power has been exercised in recent elections with the consent and wish of the electoral community.

The EMB has assisted in the coordination of the work of ROs and EROs in the delivery of European Parliamentary Elections, UK Parliamentary General Elections, Scottish Parliament Elections, Scottish Local Government Elections and UK and Scottish Referendums. Where the Convener does not have a legal power of direction the Board has made recommendations to achieve consistency and support adequate contingency planning across the country. Since its creation, the EMB has had an increasingly important role in promoting a consistent delivery approach, acting as a single point of contact for stakeholders and providing a source of professional expertise and support to the electoral community.

Our Role

The EMB’s “**general function of co-ordinating the administration of local government and Scottish Parliament elections**” involves two specific roles:

- (a) assisting local authorities and other persons in carrying out their functions in relation to local government elections; and
- (b) promoting best practice in local government elections by providing information, advice or training (or otherwise).

The over-riding goal is to ensure that the interests of the voter are kept at the centre of all election planning, delivery and administration.

Our Objective

With respect to specific electoral events this function translates into a single clear objective: “*...to deliver a result that will be trusted as accurate.*” The currency of elections is **trust**. Confidence in the result is fundamental to the democratic process and is predicated on confidence in all stages of the process of planning and delivering an electoral event.

Our Principles

The EMB shapes its work around four key principles:

- **Accessibility** - there should be no barriers to any voter taking part;
- **Consistency** - voters should have the same experience wherever they are in Scotland;
- **Efficiency** - electoral events will be administered efficiently; and
- **Integrity** - electoral events will produce results that are accepted as accurate.

Our Approach

The Convener, following consultation, has the power to issue directions to Returning Officers (ROs) and Electoral Registration Officers (EROs) in relation to their duties around local government and Scottish Parliament elections. Where there is no power of direction, for example with respect to UK Parliamentary General Elections, the Board makes recommendations to ROs and EROs to promote consistency and support resilience. The Board takes advantage of the close and mutually supportive community of electoral professionals in Scotland. The preferred approach is to operate through a progression of **consensus** where possible, **guidance** where helpful and then **direction** if necessary.

Context: the Electoral landscape in 2019/20 and 2020/21

Turbulence from Brexit

The “Brexit” Referendum and the subsequent implementation of its result contributed to an already febrile political atmosphere and the EMB rightly anticipated the likelihood of further unscheduled electoral events following that vote. As matters transpired, these consisted of two electoral events, an unscheduled and hastily arranged European Parliament Election in June 2019, followed by an equally unscheduled and hastily arranged UK Parliamentary General Election in December of that year. These events were successfully delivered across Scotland, maintaining our focus on the interests of the voter, and once again, the Board played its part in supporting the electoral community to deliver results which were universally accepted as accurate. Inevitably, the Board's strategy of developing the capacity and resilience of the electoral community was compromised by the need to deliver these elections, but the message of their successful delivery is that our capacity and resilience, while undoubtedly under strain, was sufficient to deliver two demanding and unexpected electoral events with the minimum statutory notice on each occasion.

Pandemic Politics

And then, in March 2020, there was COVID. Thankfully 2020 had no scheduled elections in Scotland, but the severity and longevity of the pandemic, and the unique pressures which it brought to the delivery of public services everywhere, meant that the work of the Board had to be focused on the issues surrounding the 2021 Scottish Parliament Election: firstly, whether it could be held at all, secondly, in what circumstances it could be held in a safe manner and, thirdly, to ensure that in doing so, the interests of the voter remained paramount. These considerations were thought through at the earliest possible stage by the Board, and along with the cooperation of Government colleagues, political parties, the Electoral Commission, and Returning Officers and the Council employees on whom they depend, the Board played a key role in the development of the emergency legislation, the Scottish General Election (Coronavirus) Act 2021, which ensured that Scotland had a legislative framework for conducting a safe Election in a variety of public health circumstances, and also contained provisions which would have allowed that Election to be postponed, or even conducted in a different manner, had public health circumstances been different. The standing of the EMB across the political spectrum and within the electoral community was, I believe, confirmed and indeed enhanced by our leadership of the process, and by recognising and communicating with all concerned the principles and standards inherent in the delivery of any electoral event, conscious that if at all possible, the democratic process must be maintained, and voters given the opportunity to exercise their right to choose regardless of the difficulties of the time.

The Scottish Government elected in May 2021 has clearly stated its political commitment to holding a second Referendum on Independence within the lifetime of this Parliament, and while preparation can be made for that event to a certain extent, there is no date in the

calendar for a Referendum and there is considerable political sensitivity on the circumstances in which it should be held and with what permissions and consents. In addition to refocusing on building up, supporting and strengthening Scotland's electoral community, the Board will prepare, as far as possible, for the practical issues which a second Referendum might reasonably be predicted to produce.

Local Government Elections in May 2022

Local Government Elections are scheduled across Scotland for May 2022. Preparation for these Elections has been a shared enterprise among Scottish Government, the EMB, the Electoral Commission and others, principally working through the e-Counting Project Board, which has undertaken its work with determination and diligence despite the challenges of the COVID pandemic. We are confident that the Local Government Elections, unscheduled events apart, will be delivered successfully next year.

Changing Legislative Framework

In the period reviewed by this report the legislative framework within which elections are delivered in Scotland has also changed. The EMB has engaged closely with the Scottish Government on the development of legislation but ultimately it is for government to legislate and for ROs and EROs to deliver legal elections within this structure. Key legislative changes in this period have been:

<p>Scottish Elections (Franchise and Representation) Act 2020</p>	<p>Changing who can vote and stand in Scottish Parliament and local government elections, extending the category of those able to register to vote in local government elections in Scotland to citizens of all countries who are resident in Scotland and have leave to remain in the UK. It also allowed some prisoners (who have been sentenced to a term of imprisonment not exceeding 12 months) to vote in Scottish elections.</p>
<p>Scottish Elections (Reform) Act 2020</p>	<p>Extending the remit of the EMB to cover elections to the Scottish Parliament as well as local government elections</p>
<p>Scottish General Election (Coronavirus) Act 2021</p>	<p>Making arrangements for the general election for the Scottish Parliament scheduled for 6 May 2021 considered necessary to mitigate the public health effects of the coronavirus pandemic. The Act:</p> <ul style="list-style-type: none"> • brings forward the deadline for postal vote applications and provides for a Ministerial report on uptake of postal voting; • gives a power to the Scottish Ministers to make regulations to provide for an all-postal election to be held; • makes the pre-election period of dissolution last only one day, in case the Parliament needs to meet to pass emergency legislation to delay the election; • allows the Scottish Ministers to make regulations to hold polling over multiple days; • makes provision about the first meeting of the new Parliament, the election of a new Presiding Officer and the appointment of a new First Minister; • gives a reserve power to the current Presiding Officer to postpone the 2021 election by up to 6 months in certain circumstances; and allows for the same measures as above to apply if the election is postponed.

How it started vs how it went... plans and realities

The Plan – Capacity Building

With no scheduled electoral events in the years 2018-2020 the EMB had planned a work programme to focus on building the capacity of the sector in the face of an ongoing turnover of staff and consequent loss of expertise. Due to an early UKPGE, the next scheduled national electoral events were the 2021 Scottish Parliament Elections followed by the 2022 – Scottish Local Government Elections and at that point a UK Parliamentary General Election in the same year.

The judgement was that the electoral community needed to retain a state of readiness, capacity and resources to cope with future unscheduled elections. Also local by-elections were already in process which need to be delivered to the same high standards. This “pause” in the schedule of elections was seen to offer both opportunities and threats

Opportunities :	Threats – 4 year gap introduces risk
Analysis and consolidation of lessons from recent busy schedule to enhance future delivery	Loss of core staff experience – staff turnover and pressures in other areas could see erosion of expertise and experience in the delivery of elections
Develop and embed new structures, technologies and approaches without pressure of delivery of electoral events	Loss of capacity – broader infrastructure used to support elections may also be eroded or lost. Accommodation, ICT resource, stores etc may all be threatened if authorities are seeking efficiency savings and there are no immediate polls to deliver.
Specify and implement national contracts with key suppliers	Loss of voter familiarity with the electoral process – leading to potential ignorance about process and consequent loss of confidence and integrity challenges
Educate voters and address integrity concerns to enhance voter confidence	Loss of expertise within candidates and political parties
	Loss of capacity in the market from key suppliers

The EMB through 2018-21 planned to support ROs and EROs by growing and maintaining its infrastructure to provide advice and support in the delivery of co-ordinated electoral events that demonstrate **consistency across Scotland; efficiency in the use of scarce resources; visible integrity; and innovation.**

A Changed Plan - Preparedness

While this work programme was initiated, political realities intervened. It became apparent in early 2019 that the turbulence in the UK government as a consequence of Brexit meant that the primary focus of the EMB had to be to support ROs and EROs in achieving a state of readiness for unscheduled electoral events that may come at short notice. While neither a European Parliament Election nor a UK Parliamentary General Election was scheduled it became increasingly likely that both may have to be delivered at short notice and that ROs and EROs needed to be ready and able successfully and effectively to administer such elections.

On 24 January 2019 the EMB held its usual national joint seminar with the Electoral Commission titled “**Are you ready for the next election?**”. The event was about readiness ensuring the ROs and EROs could:

- Understand the range of **practical steps** that have to be taken to deliver a successful election;
- Know the sources of support and guidance available;
- Understand the importance of **a state of readiness** for unscheduled polls; and
- Understand what they should do in the next days and weeks to prepare for what you know is coming **AND** be ready for what might come!

The day included tabletop exercises to test and plan for various scenarios that might be faced in the coming months allowing the ROs and EROs to consider their state of readiness.

Realities – Unscheduled Events and a Pandemic Election

The value of this planning was soon apparent as The focus of the EMB work in 2019/20 was dominated by supporting the electoral Community to delivery two unscheduled events the European Parliamentary Election on 25 May 2019 and the UK Parliamentary General Election on 12 December 2019. Both had to be delivered with only around 5 weeks' notice. The EMB oversaw both events to ensure that there was guidance and recommendations in place to provide a sound, consistent and robust framework for each.

The European Parliamentary Election May 2019

The European Parliamentary Elections (Returning Officers) Order 2013 designated the Returning Officer at a Parliamentary Election for the Falkirk County constituency as Regional Returning Officer (RRO) for the Electoral Region of Scotland. The RRO had powers of direction over ROs and EROs.

Following an early meeting between the EMB and RRO designate it was agreed that the EMB would provide support to the RRO allowing the RRO to access the infrastructure, experience and resources of the Board. The RRO was invited to attend all meetings of the EMB. Due to the limited timescale the EMB suspended its regular meetings and instituted a series of weekly telephone conferences (on 16 and 24 April then 1, 8, 15 and 20 May). The EMB focussed on particular lines of support around

- **Nominations / Candidate Liaison**

Management of the nomination process, preparation of nomination materials, receipt of nomination papers, review of papers, determination of validity, ongoing liaison with registered parties and candidates. Liaison with printer for the production of the ballot paper, receipt of deposit, return or forfeit of deposit.

- **Count Collation**

The planning, testing and delivery of procedures securely to receive verify and collate the local totals from the 32 LROs and to produce the results for the Electoral Region, allocating the 6 seats to the MEPs and declaring the result through an event with media and politicians present.

- **Coordination and Support to LROs**

Production of statutory notices and circulation to LROs, issue of regular bulletins to LROs including supplementary guidance, development and issue of directions from the RRO, provision of ongoing advice and support to LROs and their teams.

A result in which the elector could have full confidence

The European Parliamentary Election in the Electoral Region of Scotland was delivered successfully with the seats being allocated to schedule. Candidates, registered parties, media and government all commented that the event had been well run in Scotland with clear communication of the key issues and a robust well-planned delivery of the key

operational elements. All stakeholders worked well together including LROs, EROs, suppliers, Police Scotland and the political parties.

The timing of the event gave a series of significant challenges. In the months leading up to it there had been severe uncertainty as to whether the election would be needed which limited the preparation that was possible. In the event the election had to be delivered within 6 weeks which put a considerable pressure on resources.

The EMB had been alert to the potential for unscheduled electoral events with this being a key focus of a national seminar in January. ROs and EROs then had been encouraged to plan for the potential delivery of such short notice events and it is hoped that this preparation will have helped to achieve the successful outcome in this case.

The UK Parliamentary General Election December 2019

Following the European Parliamentary Elections in May 2019 there was increasing speculation around the potential for an early UK Parliamentary General Election (UKPGE), with several dates proposed by government including 15 October. As a result of this speculation the EMB and all Returning Officers and EROs adopted a heightened state of readiness although many elements of election planning are impossible without a firm date.

Finally, the UK Parliament debated holding an early UKGE on 29 September and legislation was passed on 31 October setting Thursday 12 December as polling day, allowing just over five weeks to deliver this major electoral event deep in the Christmas holiday season. The full timetable is provided at Appendix 1.

Recommendations from the Convener

The EMB has no formal role or responsibility in the delivery of UK Parliamentary elections. However, since its establishment in 2011 the Board through its leadership and support of the electoral community in Scotland has increasingly taken a key in the coordination of all major electoral events to ensure consistency and promote robust contingency planning.

In line with its practice for all recent parliamentary elections for which it has no formal oversight the Convener of the EMB issues a set of “recommendations” to ROs and EROs, Appendix 2. The aim was “to ensure that all elements of planning and delivery are undertaken with the interests of the voter at the heart of each decision. This supports confidence in the result, built on a consistent national approach, where appropriate, with suitable contingency integrated into the processes wherever possible.”

Maintaining consistency in the timing of the fundamental voter-facing materials: the Notice of Election, the dispatch of Poll Cards and the dispatch of Postal Votes allows voters to plan around the election events and supports political parties and candidates in aligning their campaigning with crucial events such as the receipt of postal votes.

The proposed recommendations were discussed within the EMB, with the Electoral Commission and with Electoral Registration Officers. The Secretary to the EMB also engaged with the main print suppliers to confirm that recommended dates would not pose difficulties in production schedules. Recommendations were issued on 1 November.

EMB Meetings

As soon as the date of the event was fixed the Convener of the EMB scheduled a series of weekly meeting for the Board to be undertaken by telephone conference, to allow an overview of any issues arising across Scotland or that may have been escalated to the Board. The telephone calls included EMB members, advisers, including UK Government officials, and the lead SPOC for Police Scotland (allowing engagement on security issues).

Review of the delivery of the Election

The UK Parliamentary General elections in the 59 constituencies in Scotland were delivered successfully on 12 December. Candidates, political parties, media, observers and government all commented that the event had been well run in Scotland with clear communication of the key issues and a robust well-planned delivery of the key operational elements.

However this was an event that was delivered under great pressure and at great cost to local authorities and their staff. There were elements of the election that put successful delivery at great risk. The timing of the event gave a succession of significant challenges. In the event the election had to be delivered within less than 6 weeks which put a considerable pressure on resources.

ROs and EROs had been encouraged by the EMB to plan for the potential delivery of short notice events given the volatile nature of politics in 2019. This preparation will have helped to achieve the successful outcome in this case.

2020/21 Preparation for the Scottish Parliament Election in the Context of a Pandemic

With 2019/20 dominated by the delivery of unscheduled events, 2020/21 was about focussed on the administration of a major electoral event in the context of a pandemic. The Scottish Parliament Election of 6 May 2021 was to be conducted while facing the Coronavirus pandemic, under a range of national Regulations, Guidance and restriction put in place nationally to suppress the spread of the virus. These had a significant impact on the planning, preparation and delivery of the Election and shaped much of the conduct of the event and the rules under which it was delivered. The controls affected all aspects of the event but particularly:

- Taking nominations and liaising with candidates – where physical distancing had to be maintained meaning most interaction was electronic;
- Postal Voting – an anticipated increase in postal voters was realised as many voters preferred to avoid visiting polling places;
- Polling Places – where additional controls needed to be implemented to maintain the safety of staff and voters including additional ventilation, physical distancing, Perspex screens where appropriate, one way systems and single use of pencils;
- Polling Staffing – staff training needed to be done remotely to maintain distancing and the circumstances meant a significant turnover of staff as many regular Presiding Officers and Clerks decided, sometimes at the last minute, that they did not wish to work at the polls; and
- Verification and Counting – physical distancing meant that fewer staff could be accommodated in the usual venues, so the counts took longer with significant capacity limits with the effect that fewer counting agents than usual could be invited to scrutinise the process.

EMB Activity

From the initiation of the Covid restrictions in March 2020 onwards the EMB prioritised support for the electoral community to plan and deliver scheduled electoral events safely and effectively.

Local Government by-elections

Section 70 of The Coronavirus Act 2020 allowed ROs in Scotland to postpone by-elections for the filling of casual vacancies, following consultation with Scottish Ministers and the Convener of the EMB. On 28 May 2020 the EMB published "[An Approach to Local Authority By-Elections](#)" which set out a protocol to support ROs in considering whether by-elections should be postponed further. As part of this the EMB through a series of working groups developed [supplementary guidance](#) for ROs to support the delivery of safe by-elections considering issues such as Registration, Nominations, Postal Voting, Polling, Count, Post

Event Activity and Public Awareness/Campaigning. The EMB also offered a [risk assessment template](#) to allow ROs to review their plans and to ensure that the safety of all stakeholders would be maintained. Public Health Scotland (PHS) provided helpful input to this material and under this a series of by-elections were held through October and November 2020. These by-elections gave some valuable lessons for the whole electoral community across the UK in delivering election under these conditions and these lessons were highlighted [in work by the Electoral Commission](#).

EMB Working Groups

In parallel with supporting those ROs postponing and then conducting by-elections under these conditions the EMB also initiated research through a number of working groups to consider the issues associated with the delivery of the Scottish Parliament Election (SPE) as scheduled on 6 May 2021, on the assumption that the pandemic would continue and have a broad impact. This work allowed the EMB to submit a series of papers to Scottish Ministers to input to Scottish Government's planning for the SPE.

On 15 June 2020 the EMB submitted its **Briefing for Scottish Ministers: Options for the delivery of the Scottish Parliament Election on 6 May 2021, assuming controls to suppress Coronavirus are in place**, the product of a series of EMB working groups, and subsequently met the Cabinet Secretary for the Constitution, Europe and External Affairs and the Minister for Parliamentary Business and Veterans to introduce the issues in the Briefing at political level. There followed a series of meetings with Ministers and with opposition MSPs to discuss the practicalities of holding the elections, with EMB providing specific practical advice and guidance. This included input to the drafting of the Scottish General Election (Coronavirus) Bill.

Seminar for Returning Officers and Electoral Registration Officers

On 5 February 2021 the EMB held a joint seminar with the Electoral Commission, over Teams, "Conducting an election under COVID-19" As this election was likely to take place under COVID-19 restrictions, ROs and EROs would have to put in place additional measures to ensure that the polls could be conducted in accordance with prevailing health advice and election rules. The broad theme of the seminar was "readiness", looking through the key measures to put in place, the support available and the importance of planning. Sessions involved input from key stakeholders including the EMB, the Electoral Commission, electoral registration officers, Scottish Government, and Police Scotland, and a lively Q and A session to conclude. There was excellent attendance and feedback on the event.

Supplementary Guidance

Building on the guidance created to support the by-elections the EMB issued [additional guidance](#) to support ROs in planning the SPE. A revised [risk assessment template](#) was also provided to support planning. These documents were provided to PHS for their review and revised in the light of their comments. This material was kept under review with further revisions made as necessary.

The EMB also issued a paper on [Scrutiny at the Verification and Count](#) considering how transparency was to be maintained and promoted where counting agents were limited. This was helpful to Returning Officers in contexts where they were facing challenge with respect to limits on attendance at the count,

Directions from the Convener of the EMB

The Local Electoral Administration (Scotland) Act 2011 as amended by the Scottish Elections (Reform) Act 2020 gives the Convener of the EMB authority to make directions to Returning Officers (ROs) and Electoral Registration Officers (EROs) in relation to the exercise of their functions in delivering Scottish parliamentary Elections. Directions were made to ROs and EROs on [21 December 2020](#) with an additional set on [3 February](#).

These Directions addressed the usual areas of consistency in voter facing elements of the election, such as the dates of dispatch of postal votes and the publication of notices of election, but also included some specific to the Coronavirus situation, around capacity building for EROs/ROs, Risk Assessment approaches a requirement to limit the number of voters allocated to polling places to prevent congestion in the context of social distancing.

Support from Public Health Scotland and Directors of Public Health

As noted there was significant interaction between the EMB and PHS in the preparation for these elections. The Convener met directly with the Chief Executive of PHS to discuss the major issues and the areas in which PHS could offer support. As a result PHS staff were made available to give a range of support through the EMB. Specific advice was provided on issues such as the risk of transmission of the virus by paper, the nature of deep cleaning in polling places and the way in which staff should react should someone display symptoms.

It was also emphasised that Returning Officers should engage closely and regularly with their Director of Public Health. The EMB encouraged this and their support was helpful when ROs were considering whether to implement Lateral Flow Device testing at count events.

Support from PHS was excellent with accessible, timely and practical advice provided to whatever query was raised.

Liaison with Police Scotland

As has been the practice at electoral events in recent years the EMB engaged from an early point with the Police Scotland in the planning for the election. Jointly with the Electoral Commission, the EMB gave [a briefing](#) to Police Scotland Divisional SPOCs on 12 February 2021 giving an overview of the event and the roles of the various stakeholders. Both EMB and Electoral Commission were then involved in the regular Silver Command meetings of Police Scotland right up until the delivery of the election.

Support from Police Scotland was again excellent with clear communication open dialogue and very responsive support.

Royal Mail

With the significant growth in postal votes the EMB initiated early contact with Royal Mail to ensure that there was adequate planning to cope with the receipt of volumes of postal vote applications and then with the dispatch and receipt of postal vote packs. The EMB and SAA met weekly with the Royal Mail's UK election lead to plan and schedule capacity.

Advice to Ministers and MSPs and input to legislation

As noted above the EMB provided a series of papers to Ministers as they considered what legislative changes might be needed to allow the successful conduct of the Scottish Parliament Elections on 6 May under these conditions. This resulted in the [Scottish General Election \(Coronavirus\) Act 2021](#). This was intended to put in place changes necessary to mitigate the public health effects of the coronavirus pandemic while delivering the election. Many of the measures taken including those around the deadline for postal vote applications, the potential for an all postal poll and the possibility of holding polling over multiple days reflected the advice of the EMB submitted to Scottish Ministers.

With respect to polling over multiple days the EMB undertook detailed work, including modelling and on 8 December issued to Ministers an "[Assessment of the need to hold polling over multiple days at the Scottish Parliament Election scheduled for 6 May 2021](#)". This concluded 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.

On 28 January 2021 [additional advice](#) was given to the Minister, following a further assessment of the need to hold polling over multiple days. This confirmed the view that multiple days of polling were not necessary but noted a further contingency that ROs would be directed to limit the allocation of voters to polling places to minimise the potential for congestion and to support physical distancing.

Review of the Election

The Scottish Parliament Election 2021 was an extremely challenging electoral event which required a significantly increased amount of additional planning and preparation to achieve its successful outcome. There has been broad feedback from candidates, agents, media, and voters that they election was well delivered in difficult circumstances. While this report does not address the statistics from the Election, it saw the largest ever electorate and the largest number of postal voters that Scotland has ever seen involved in a democratic event. With above average turnout it was encouraging that democracy was able to be supported even amid a pandemic.

The successful conduct of the election was only possible due to immense effort of RO and ERO staff and the support of many different stakeholders across the councils, Police Scotland, Public Health and others. Actions have been identified for the future to ensure that lessons from this event can inform the conduct of future elections in Scotland.

Looking ahead and Future Work

Above all in coming years the EMB must support ROs and EROs in their readiness for both scheduled and unscheduled events. Critical to successful management of both is the maintenance of capacity within the electoral community, through training and support, succession planning and openness to new means of retaining and enhancing Scotland's good reputation for competent electoral management.

An immediate goal – Local Government Elections 5 May 2022

The Scottish Local Government Elections on 5 May 2022 are a complex set of polls with huge volumes of candidates, a different voting system from other elections and the electronic counting of votes.

- **eCounting Project** – The EMB will lead the relationship between the eCounting Project Team and Returning Officers to ensure that the Project achieves a secure, effective and successful count.
- **Directions and Performance Management** – The EMB will establish a framework to ensure consistent robust delivery of the Local Government Elections on 5 May 2022.
- **Forms, Advice, Support** – the EMB will put in place appropriate infrastructure to assist Returning Officers and Electoral Registration Officers with forms, specific advice and representation to Governments.

Strategic Context – An engaged electorate but scarce resources

While turnout continues to vary across different polls, a sustained increase in the engagement of the electorate can be seen, evidenced in part by increased scrutiny of the electoral process. Scrutiny means that the integrity of our processes increasingly require to be positively demonstrated to address challenge and combat public scepticism. Increased numbers of younger voters also contributes to greater interest in innovative approaches to voting, counting, registration etc. However, in a broader context the resources being devoted to electoral administration are limited given the pressures on funding across the public sector. There is a need for innovation and efficiency while protecting the integrity of the process. The EMB sees it as its role to lead thinking across the sector in this context.

Safe Elections

2020 also saw the safety of elections take on a different meaning. Traditionally the safety of elections was about the absence of fraud, the integrity of the result: voters were to trust the process and the result. With the advent of the pandemic elections became potential super spreader events and safety became an issue of protecting the health of voters, staff, candidates and other stakeholders. Inevitably the lessons of 2020 and 2021 will be applied to all future elections.

Future Workstreams

The EMB through 2021 and beyond will support ROs and EROs by growing and maintaining its infrastructure to provide advice and support in the delivery of co-ordinated electoral events that demonstrate

- **Consistency across Scotland;**
- **Efficiency in the use of scarce resources;**
- **Visible integrity;** and
- **Innovation**

Workstreams	
<i>A robust electoral community, ready to deliver sound, safe and effective elections producing results in which the voters will have full confidence</i>	
Safety – sound elections must be safe in terms of process but also for the health of all involved	<ul style="list-style-type: none"> • Review all current public health advice and ensure that there is clear guidance for ROs and EROs on the safe operation of polling, the count and other processes. • Review and promote appropriate public health messaging around elections.
Readiness - readiness to deliver unscheduled events to a high standard in a volatile and fast-moving political environment. Covid highlighted the need to be agile in responding to changing circumstances while delivering democracy.	<ul style="list-style-type: none"> • Provision of intelligence on the potential for electoral events • Support, advice documentation and materials to allow the delivery of short notice events. • Liaison with suppliers, Government and Police to ensure consistency
CONSISTENCY – The same levels of information, service, schedules and materials for every voter and candidate	<ul style="list-style-type: none"> • Through the EMB Forms subgroup, develop an enhanced set of forms, templates and documentation to support all ROs and their teams <ul style="list-style-type: none"> • Timetables / Training Materials for Polling, Postal Voting and Counts / Common project plans / layouts / templates for key tasks • work with ROs to identify strategies to reduce higher rejection rates in wards with a history of this problem, taking forward a recommendation from the Electoral Commission • review the provision of training for polling station staff and the written instructions in polling stations and postal voting stationery, to ensure that information is consistent and as

	<p>accessible as possible for voters taking forward a recommendation from the Electoral Commission</p>
<p>EFFICIENCY - Professionally delivered elections with limited resources through improved process, pooled resource and efficient procurement</p>	<ul style="list-style-type: none"> • Investigate, potential for national framework contracts with key suppliers for Printing / EMS systems / AVI checking • Investigate shared infrastructure for Training materials / Training Provision / Finance support for the claims process / EMS systems / Registration systems • Work to consolidate resource, knowledge, skills and infrastructure in local authorities to add resilience to this Critical National Infrastructure
<p>VISIBLE INTEGRITY – Promoting and supporting confidence in the result</p>	<ul style="list-style-type: none"> • Maintaining and enhancing partnerships with Police and Political Parties • Education of voters, especially new, younger voters and those from disadvantaged backgrounds or sectors of the community • Engage with Governments to trial new approaches and technologies • Lead review of the transparency of the e-count processes within the count centre, taking forward a recommendation of the Electoral Commission • Respond to Government consultations, focusing on the interests of the voter and the practical issues for delivery of elections the results of which can be trusted as accurate
<p>INNOVATION - Working with Government and suppliers to develop new technical solutions that take advantage of new technologies and expectations</p>	<ul style="list-style-type: none"> • Seminars and workshops with suppliers and Government to identify, develop, test and trial new technologies • Input to Governments and the Electoral Commission as they develop proposals around changes to electoral legislation to ensure that they are practical and reflect the best interest of the voter.

Future Role of the EMB

Since its establishment in 2011 the EMB's profile, work and reputation have developed significantly. When established the Board had the general function of co-ordinating the administration of Local Government Elections in Scotland. The Scottish Elections Reform Act 2020 extended that remit to elections to the Scottish Parliament.

The planning, preparation and delivery of the Scottish Parliament Elections in May 2021 emphasised the reasons for, and advantages of, this change, with Returning Officers, Electoral Registration Officers, Government and MSPs all seeking and relying more heavily than previously on the advice, support and direction of the Board and its Convener.

While the role of the EMB has grown and developed, with the support of the electoral community it serves, its legal structure, resourcing and formal remit remain as they were a decade ago. The EMB with the Scottish Government is considering options for revising these in response to the development of the Board and in preparation for expected future demands.

Financial Statement

Financial reports are made at each of the EMB's Board meetings with material provided directly to the Scottish Government for monitoring purposes.

	2017/18	2018/19	2019/2020	2020/2021
	Actual	Actual	Actual	Actual
Expenditure	£'000	£'000	£'000	£'000
Staff Secondees	81	60	65	65
Other Staff Costs				
Property Costs	6	6	6	6
Communications Support				
Website	3	1		
Other Expenditure	1	6	4	5
e-Counting Project	14		10	18
Total Expenditure	105	73	85	94
Income				
Scottish Government	111	79	101	121
Total Income	111	79	101	121
Net Expenditure	-6	-6	-16	-27

List of Board Members

Further details are provided on the EMB website in the “About Us” section under “Members”.

Convener	Malcolm Burr	Returning Officer for Na h-Eileanan Siar <i>appointed 1 July 2018</i>
Returning Officer Members	Steve Grimmond	Returning Officer for Fife <i>appointed 1 October 2018</i>
	Andrew Kerr	Returning Officer for the City of Edinburgh <i>appointed October 2015, re-appointed October 2019</i>
	Kenneth Lawrie	Returning Officer for Falkirk <i>appointed November 2019</i>
	Jim Savege	Returning Officer for Aberdeenshire <i>appointed October 2016, re-appoint October 2020</i>
	Joyce White	Returning Officer for West Dunbartonshire <i>appointed January 2021</i>
Electoral Registration Officer Members	Kate Crawford	Electoral Registration Officer for Renfrewshire <i>appointed June 2017</i>
	Ian Milton	Electoral Registration Officer Grampian <i>appointed October 2013 re-appointed October 2017, retired June 2021</i>
	Pete Wildman	Electoral Registration Officer for Central <i>appointed June 2015, reappointed June 2019</i>

Contact Details

The EMB can be contacted through its Secretary:

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Full details of the EMB's work is provided on the website www.emb.scot