

Supplementary Guidance for Returning Officers on Delivering Elections including Local Authority By-Elections in a Covid-19 Context

The Electoral Management Board for Scotland

Version 1.0	5 August 2020	Initial draft based on output of Working Group
Version 2.0	24 August 2020	Material added from Public Health Scotland
Version 2.1	26 August 2020	Section added on voters attending with symptoms
Versions 2.2	31 August 2020	Typos corrected
Version 2.3	1 September 2020	Restructured and minor amendments around those with symptoms
Version 2.4	12 March 2021	<ol style="list-style-type: none"> 1. Added specific statement in the section on polling places that they should be subject to as much ventilation as possible 2. Added specific statement that cleaning products must be used in line with manufacturers' instructions, particularly in relation to contact time. 3. Title revised to expand to all elections, not just council by-elections. 4. Clarification added with respect to the level of cleaning required 5. Clarification added with respect to risk from paper.
Version 3.0	18 January 2022	<ol style="list-style-type: none"> 1. Comment added to introduction highlighting review in the context of January 2022. 2. Outline of guidance available from the Scottish Government and the Electoral Commission added. 3. 2m physical distancing is now reduced to 1m 4. Rewording of terms that related to 2021 to 2022 5. Ventilation explained further: doors and windows being open as opposed to mechanical ventilation 6. Face coverings at all times if people are sitting together (less than 2m) and no screen. Current mandatory requirement to wear unless medical exemption noted. 7. No need for "deep clean" before and after - reworded here to "thorough clean". 8. At the count intermittent announcements recommended to maintain physical distance and the wearing of face coverings being mandatory should be considered 9. There is still a requirement to have maximum Covid capacity displayed for buildings – this is clarified.

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1 Introduction from the Convener of the EMB.

Scotland remains subject to a wide-ranging set of restrictions on public life to suppress the coronavirus. The [Scottish Government's route map](#) for exiting the Lockdown anticipates many of these restrictions, such as the need for physical distancing and enhanced hygiene, continuing even in and beyond the later phases.

The Electoral Management Board (EMB) has been engaged with Scottish Ministers and The Electoral Commission, to consider the impact that efforts to suppress the virus may have on the approach of Returning Officers (ROs), Electoral Registration Officers (EROs), and other key stakeholders, to forthcoming elections.

There has been detailed discussion with Scottish Ministers around the risks to the Scottish Parliament elections in 2021 and how these can be mitigated. However, our initial priority is the series of Council by elections that have been postponed under The Coronavirus Act 2020. Section 70 of that Act allows ROs in Scotland to postpone by-elections for the filling of casual vacancies, following consultation with Scottish Ministers and the Convener of the EMB. ROs have also been asked to consult The Electoral Commission.

The EMB paper **An Approach to Local Authority By-Elections**, set out a protocol to inform ROs' decisions as to whether by-elections currently postponed should be further postponed, or proceed as scheduled. The EMB view is that to support local democracy, wherever possible, polls should not be further postponed if they can be held safely.

A key aspect of the approach is that decisions with respect to any further postponement should be **risk based**. A risk assessment template has been produced and circulated to assist ROs in making that decision.

It is for individual ROs to take account of up to date public health advice as they approach their election and plan accordingly. I am therefore recommending that you access and apply the latest advice from [Public Health Scotland](#), including the appropriate advice on workplace arrangements as you initiate your planning. Some of this is linked from this document.

The by-elections must be conducted in terms of the existing rules set out in The Scottish Local Government Elections Order 2011, as amended. The Electoral Commission's current guidance for ROs and supporting resources can be found on the Commission's [website](#).

A Working Group of election managers from the local authorities currently facing by-elections, together with representation from the EMB and The Electoral Commission, has drawn together this advice to *supplement* the Electoral Commission guidance for Returning Officers. It highlights a range of areas you may wish to consider when planning for your polls. The key document is the Risk Assessment template which is a checklist of issues to review to ensure that a safe event can be delivered. This template has been revised to assist in preparations for the Scottish Parliament Election on 6 May and is posted [on the EMB website](#).

The guidance continues to be revised based on the experience of the by-elections that have been held and with further input from Public Health Scotland / Health Protection Scotland.

While the focus of the Guidance is local authority by-elections the principles will apply to all electoral events conducted under these conditions including the Scottish Parliament Election on 6 May 2021.

UPDATE JANUARY 2022

In preparation for the delivery of the Scottish Local Government Elections on 5 May 2022, this supplementary guidance has been reviewed to ensure that it remains relevant, accurate and reflects the current position with respect to regulations and guidance in Scotland to control the spread of the virus and the safety of voters, candidates and staff.

The Covid situation is fluid and restrictions may have reduced significantly by May 2022; however, in planning for the event, ROs need to consider the guidance and regulations in place at this point. It may be that some measures will no longer be needed in May 2022 and could be removed, but that cannot be predicated as at mid-January.

The EMB has already had an initial meeting with advisers from Public Health Scotland (PHS) who have confirmed that the general baseline measures indicated in this material should be planned for and applied; these should be sufficient given the experience of May 2021 where such measures across Scotland supported safe electoral events in polling, postal vote processing and the count, with no outbreaks linked to any of these activities at those elections.

General Guidance and Regulations

RO teams need to refer to the latest available version of [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Regulations 2021](#). The key Scottish Government coronavirus guidance that should be referred to is that for [safer businesses and workplaces](#). The [protection measures](#) page contains a helpful overview of the measures that are *mandatory* by law and those which are only *advised* by the guidance. The [sector specific measures](#) page contains a summary under 'additional reasonable measures that could be taken to reduce transmission' of the types of measures that may be considered, with some practical examples.

Finally, there are various other guidance documents available (see the bottom of the [staying safe and protecting others](#) page for a range of links). In particular reference should be made to the Scottish Government coronavirus [ventilation guidance for workplace and commercial settings](#). There is a section under 'Useful tips', that discusses common issues, such as thermal comfort relevant to many polling place situations.

Electoral Commission

The Electoral Commission also produced guidance to support the May 2021 elections during the coronavirus pandemic. This should also be reviewed for the principles and approaches that are recommended across all workstreams of the election programme of work.

This is available at <https://www.electoralcommission.org.uk/i-am-a/electoral-administrator/returning-officer/guidance-support-may-2021-elections-during-coronavirus-pandemic> with specific material for Scotland.

2. Key Principles

1. Elections are fundamental to the health of our civic society. The EMB view is that further postponement of these events is to be avoided, if possible, in the interest of democracy. Our assumption therefore is that we do all that is possible to deliver safe and trustworthy elections in which the voter can have full confidence.
2. The by-election must be conducted such that the voter has full confidence in the result. In the current context that means that the usual principles of consistent, accessible and secure elections must be supplemented with measures to provide voter confidence around the public health elements of the election.
3. You must conduct the by-election in accordance with the existing rules contained in **The Scottish Local Government Elections Order 2011**, as amended. The usual Electoral Commission Guidance and resources still apply. The advice in this document can only *supplement* that guidance.
4. You must comply with any regulations or legal requirements that are currently in force in your area under Coronavirus legislation.
5. You must always give priority to the safety of your staff and stakeholders in the election processes and put in place appropriate arrangements to mitigate risks to health.
6. You must review and comply with all relevant advice from [Scottish Government](#), and [Public Health Scotland](#). Sector specific guidance has been published to support various industries in their “restart” as they consider how people can safely return to work. Some of this can be applied to the conditions that we will face in electoral administration. For example much of the [guidance on operating Public Libraries](#) could be applied to polling places.
7. You must communicate effectively with key stakeholders, including your ERO, voters, candidates and agents, media and local Police Scotland SPOC. Some elements of the polls inevitably will be different from usual practice and these need to be explained. For example, you should still give briefings to candidates and agents but may choose to do this through an online video platform.
8. You must develop appropriate expanded contingency plans to accommodate the risks of the loss of staff or accommodation at short notice.

Public Health Scotland – Workplace Arrangements

- *Is the task being done essential?*
- *Is it essential that the task is done now, or can it be deferred?*
- *Can the task be done in a different way so that 1m distance can be maintained?*
 - **Yes** – do this and document a justification that describes why the process has changed from usual practice, make sure your usual Health and Safety considerations are applied.
 - **No** – then adapt the task to ensure physical (social) distancing is adhered to as far as possible and document this.
 - **Minimise the time** spent at less than 1m
 - **Maintain 1m distance** for breaks and lunch
 - **Maximise the distance**, where the 1m distance cannot be kept, always ensure the greatest distance between people is maintained
- Apply **environmental changes** to minimise contact such as physical barriers, markings or changing placement of equipment or seating (e.g. a screen between staff and customers, or tape markings on the floor to show the 2-metre distance required).
- Consider **changes in working practices** (stagger times at which work is done or breaks are taken; restructure workflows to allow for physical (social) distancing to be implemented).
- Ensure that good hygiene practices and all **infection prevention and control measures** are implemented fully.

From https://hpspubsrepo.blob.core.windows.net/hps-website/nss/2973/documents/1_covid-19-guidance-for-non-healthcare-settings.pdf

Regular risk assessments

9. Risk assessments and the introduction of mitigation measures should be part of regular, ongoing dialogue between councils and trade union or workforce representatives. This dialogue should identify what measures are working, where refinements are possible and identify any remaining gaps. Reviews of measures and risks should be frequent. Mitigation measures should be implemented as soon as they are identified. HSE has an example Covid-19 risk assessment which provides a general framework for all business sectors: [What to include in your COVID-19 risk assessment](#). Additional guidance can be found in the [HPS guidance for general \(non healthcare\) settings](#).

10. This supplementary guidance is not intended to be a comprehensive set of procedures and instructions. Rather it is drafted to direct your attention to areas you should think about across the key processes where there is significant social interaction between voters, staff, candidates, agents and observers. These areas are:

- Taking Nominations;
- Polling;
- Postal Vote Processing; and
- Verification and Count (assuming an electronic count).

11. Local authorities will have developed significant experience over recent months in operating safely in the context of the Coronavirus. ROs should make full use of this experience, engaging with Health & Safety, Environmental Health, Facilities Management and other relevant professionals within the council.

12. Communication with stakeholders will be more important than ever in delivering these polls as many aspects will be different from usual. You should give early attention to how you will communicate with voters to reassure them that the by-election can be conducted safely, with candidates and agents around their participation, and with your local Police Scotland SPOC on the public order and safety aspects of the poll.

13. As there may be a significant growth in postal voting applications in the run up to your polls, you should discuss with your local ERO the key messaging around postal voting including the deadlines.

14. As ever the focus is producing a result in which the voter can have full confidence, but there are now additional elements to include as voter confidence around the safety of the poll needs to be promoted.

15. It is recommended that this guidance is considered in the context of Public Health Scotland's generic guidance for [non-healthcare settings](#). This provides general information on the background to Covid-19, symptoms, general principles of infection prevention and control, health protection measures and what to do if someone becomes unwell on site.

16. The following material is used by Scottish Government across a range of sectors and is relevant to the planning and delivery of these by-elections:

Physical distancing duties are set out in regulation 4(1) of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020. A person who is responsible for carrying on a business or providing a service must take all reasonable measures:

- *to ensure that the required distance is maintained between any persons either on or waiting to enter the premises (except between members of the same household or a carer and the person assisted by the carer),*
- *to ensure that they only admit people to its premises in sufficiently small numbers to make it possible to maintain that distance,*

The required distance is one metre in relation to public transport premises, hospitality or a shop and two metres in all other cases. This will be subject to mitigations that are tailored to the sector. For the purposes of the physical distancing duty, “shop” is defined in regulation 4(11) and does not include premises such as banks.

Organisations need to consider the following aspects to ensure workplaces are safe and the transmission of the virus is minimised:

- **assessing risk** - *involving the workforce in a risk-based approach to a safer workplace*
- **workforce planning** - *supporting those who should come to work, and those who should not*
- **operational guide and checklist** - *changing the workplace environment to protect your workforce*
- **deliveries, distribution and visitors** - *protecting your workforce and those who come on-site*
- **compliance**
- **training**

17. The guidance emphasises the importance of undertaking robust and regular risk assessments with full input from trade unions or workforce representatives, and to keep all risk mitigation measures under regular review so that workplaces continue to feel, and be, safe.

18. Other current guidance that should be consulted includes:

- [NHS Inform](#) which has a wide range of useful public facing information including information on symptoms and what to do.

- [Test and protect](#) website from Scottish government that contains information on how to get tested and what you need to do.
 - [Returning to work safely](#) which has details of current sectoral guidance and further sources of advice for organisations and workers.
 - [Healthy Working Lives](#) website which provides examples of risk assessment templates and other practical tools for organisations and workers.
 - Health and Safety Executive (HSE) [COVID-19](#) guidance as this will be referred to by HSE inspectors to assess compliance.
19. There has been much consideration of the risks of handling paper given that elections are very much a paper based operation and there has been some concern that paper could be a transmission route for the virus.
20. Following discussions with and advice from PHS, the summary position is that Returning Officers can have some reassurance that the handling of papers does not pose a significant risk if good hand hygiene is practiced and promoted as all times.
- PHS do not advise that papers require to be quarantined for 72 hours prior to contact;
 - The one theme that emerges in all the studies of the potential for transmission via surfaces, including paper, is the importance of good hand hygiene as an effective intervention. Therefore, **ensuring frequent and effective hand hygiene and avoiding contact of the face with unwashed hands are of utmost importance**; and
 - There is emerging scientific literature that transmission via surfaces is not as significant a transmission route as perhaps was initially thought, and for such transmission to happen several steps would have to fall into place with the actual risk of successful transmission occurring reducing at each step.
21. There has also been much discussion as to the nature of a “deep clean” and what level of cleaning is appropriate for election facilities before, during and after operations.

22. HSE advise that fogging should not be carried out where individuals are present, due to the potential for airborne concentrations of products to reach hazardous levels. They also state that “airborne disinfection does not remove the need for surface cleaning”. Therefore, we would again refer to the guidance above and recommend that regular detergent cleaning of commonly touched objects and surfaces is carried out using a product which is active against bacteria and viruses. Our guidance also advises that you should ensure, where possible, that movement of individuals between workstations is minimised and, where workspaces are shared, there is cleaning between use.
23. The required standard of cleaning therefore is that “regular detergent cleaning of commonly touched objects and surfaces is carried out using a product which is active against bacteria and viruses”. There is no frequency specified but ROs will need to ensure that it is a regular practice throughout the day and especially after any surfaces or objects are touched. Such thorough cleaning will be sufficient. All venues need to be as well-ventilated as possible, a principle that is repeated elsewhere in this material. Ventilation should be via open doors or windows rather than by mechanical means.

3. Nominations Procedure

24. ROs should consider how to conduct the nominations process according to the rules, ensuring that physical distancing is maintained between RO staff and candidates/agents and that essential hygiene measures are followed.

25. ROs should:

- Engage in early dialogue with candidates and agents to explain how the nominations process will be conducted under physical distancing protocols.
- Update the usual written guidance that accompanies nominations packs. The guidance should highlight changes to normal practice due to the impact of Covid 19. Publicise this advice on Council websites and highlight it through social media. Consider the needs of people who may need additional support.
- Provide specific advice to candidates and agents on your expectations on the wearing of face coverings during nominations and indeed other electoral proceedings.
- Face coverings are mandatory in indoor spaces unless there is a medical exemption – specifically including polling places.

Pre-nomination informal checking

26. You should manage candidates' expectations regarding any informal checking of nomination papers. Where informal checks are done, you should consider providing an electronic alternative to face to face checks. You could for example invite candidates to scan and email their forms to you for informal checking before they are officially lodged.

Submission of nomination papers

27. You should communicate with candidates and agents to stress that you strongly advise them to make appointments to lodge nomination papers (although the rules do not require this).

28. For a Council by-election submission of the Nomination Form itself must be in person. Work with candidates and agents to limit the number of people attending the submission of nominations to one only, if possible. Ensure physical distancing and essential hygiene measures are in place.

29. Consider the layout of the venue where nomination packs are to be returned, reviewing how nominations can be safely processed while maintaining physical distancing.
30. While nomination papers must be submitted in person, other papers can be submitted by hand or by post but not by electronic mean. Refer to [the Electoral Commission guidance](#) for additional detail.
31. While in practice most people submitting nomination papers will want to wait until the RO's team (usually a DRO) has accepted the nomination, you should consider arrangements for candidates and agents who may not wish to wait for that confirmation and merely want to hand in their paperwork.
32. You must request that candidates and agents attending the submission of nominations provide their contact details (and those of persons acting for them), including emails and telephone numbers, for the purposes of future contact tracing if required.
33. Consider what arrangements you need to put in place with respect to cleaning and sanitising your venue after each visit. Your own Health and Safety / Environmental Health teams should advise on the appropriate local practices.
34. Manufacturer's instructions for the use of all cleaning products must be followed. This is especially important with respect to the contact time for the cleaning products to ensure that an effective sanitation is achieved.
35. The venue used for the submission of nomination papers needs to be as well-ventilated as possible, with doors and windows open as appropriate.

Post Nomination

36. Consider how you will handle any subsequent withdrawal of candidacy.
37. Plan how to handle any request you receive to inspect the nomination papers and how you will facilitate such inspection safely. Again an appointment system should be used. **Nomination papers should not be made available for inspection by electronic means.**
38. Issue the confirmation of a valid nomination letter by electronic means if possible.

4. Polling

39. You must plan carefully for the polls and consider how you can adapt to run polling that adhere to current guidance to minimise the risk of the spread of the virus. This includes physical distancing and essential hygiene measures. Communication with stakeholders will be vital. A clear **communications plan** needs to be in place.
40. You will need to consider what additional training to give to staff for conducting the poll under the existing rules while restrictions are in force. You may wish to deliver this electronically.
41. A generic set of principles to be applied to staff training has been suggested by Public Health Scotland:
- As a minimum it would be expected that training around processes and working environment expectations to be provided for all staff before restarting work.
 - Every workplace should look and feel substantially different for workers. Physical distancing and enhanced hygiene will change how workplaces operate.
 - Training methods should clearly communicate organisation-specific actions put in place to promote and support physical distancing, as well as the expectations of staff in ensuring compliance of these measures.
 - Organisations should consider how training can be safely delivered, especially if elements are normally outsourced to third parties. Visual aids may be required as part of the training and for ongoing guidance and communications.
 - Induction process covering any new or enhanced hygiene and physical distancing measures may be necessary. This induction process can help demonstrate organisations commitment in taking the Covid-19 risks seriously, building confidence amongst the workforce that they are returning to a safe workplace while also reinforcing the responsibilities staff
 - Consider what arrangements you will put in place to protect staff e.g. face masks, sanitizers, screens etc.

42. You should consider what advice you offer to voters, candidates and agents, on the wearing of face coverings and face masks while attending polling stations. Face coverings are a mandatory requirement unless there is a medical exemption
43. You should provide hand sanitizers for people entering and leaving polling places and consider what cleaning arrangements you need to put in place during the hours of polling. There may be a need for a thorough clean before and after polling. These decisions may be informed by the nature of the venue and processes already adopted there.

Venues

44. You will need to consider how you can adapt your polling place venues to physical distancing. You may determine that the designated venues are unsuitable and better alternatives need to be identified. If you change polling places these changes would need to be agreed by Council under your own governance arrangements.
45. There is a requirement to have maximum Covid capacity displayed for buildings. All venues should be assessed with relevant capacities displayed and the occupancy monitored during polling.
46. Polling places always need to be as well-ventilated as possible. This needs to be addressed in any risk assessments of the individual facilities that are undertaken. Ventilation should be by keeping doors and windows open than by mechanical ventilation.
47. In risk assessing venues, follow Scottish Government guidance on Safer Workplaces <https://www.gov.scot/publications/coronavirus-covid-19-general-guidance-for-safer-workplaces/> and Public Health Scotland's guidance for Non-Healthcare Settings
48. Many venues will already have implemented steps to deal with safe operation in the context of Covid19. These will have to be assessed to ensure that they are satisfactory in the context of the current circumstances but will often form the basis of the measures that can be applied to support polling.
49. Any buildings used for polling should be subject to statutory testing, especially for any which have lay dormant for periods during the pandemic.

Conducting the poll

50. Consider how you will communicate to voters, candidates and agents, what they can expect when attending polling place. This would include requiring a face covering unless there is an exemption.
51. Putting in place physical distancing arrangements may necessitate people queuing before they can vote. Consider using Covid-19 information posters and 1m floor markings.
52. It is likely that you will require to have additional staff on hand to manage the flow of people in the polling place and provide appropriate advice.
53. Liaise with local Police SPOC to manage the potential for any public disorder. Provide the Police with a list of polling venues, and other venues, well in advance of the poll to allow enough time for their planning.

Attendance at polling stations

54. Work with candidates and agents to minimise the number of people in polling stations – but observe the rules as to who is entitled to enter.
55. Accredited observers and EC representatives may attend the poll unannounced and should not be required to queue. The same applies to candidates and their agents. Consider how you will manage this. All will still need to adhere to social distancing.
56. Tellers are not entitled to be present within the polling place. Work with candidates and agents to ensure any tellers observe physical distancing if they are active around the polling place. You may wish to discourage tellers. This should be addressed at the briefing for candidates and agents.

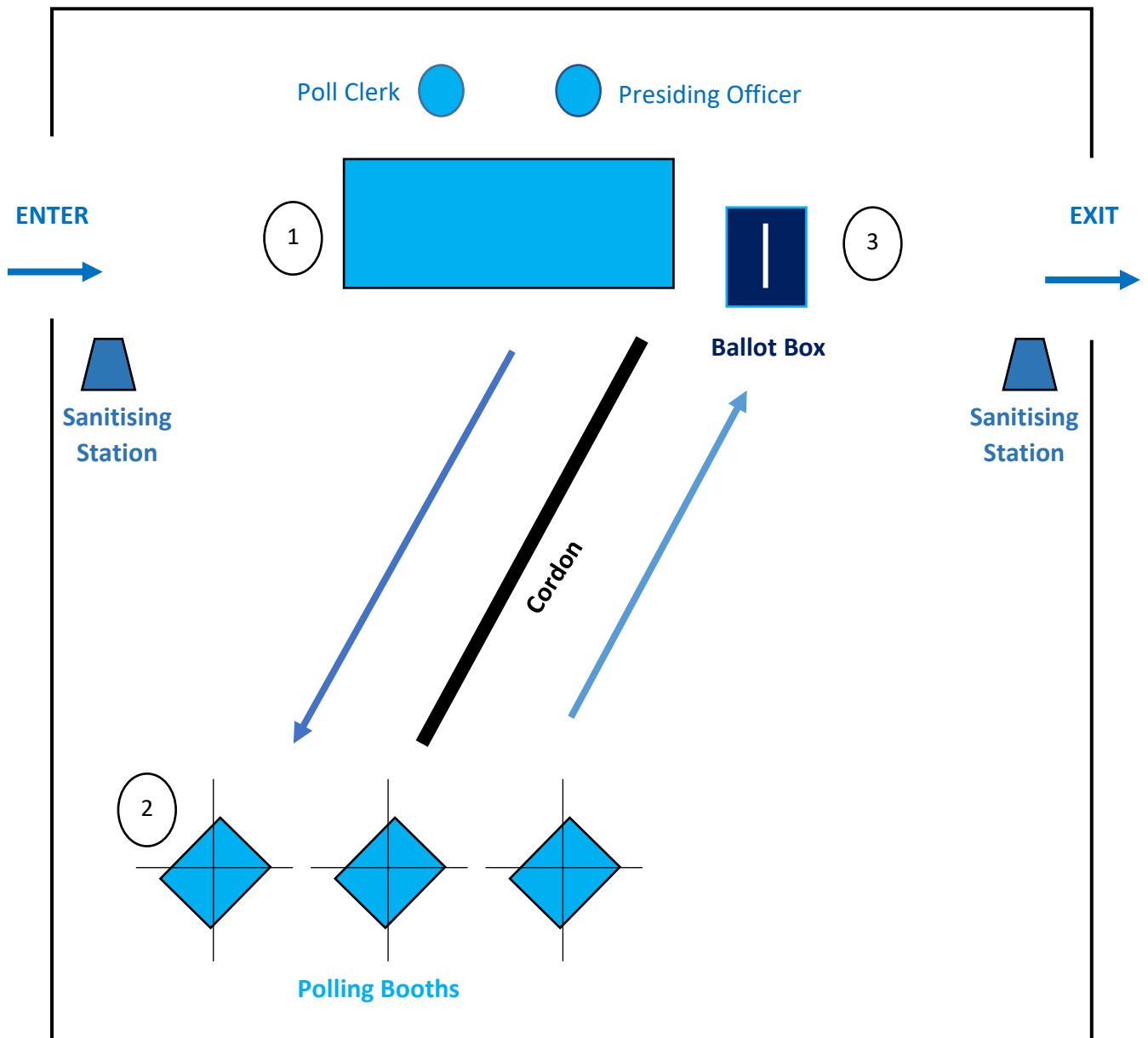
Internal layout

57. Consider how you will set up the internal layout of your polling place to maximise physical distancing and minimise physical interactions in and out of the venue. An example layout is given below which supports a one-way flow of traffic. This will need to be modified to suit your different venues.
58. Consider how voters will move around within the polling stations. Consider a one-way system if possible and utilise 1m distancing floor markers to encourage physical distancing if needed.

Polling stations

59. Consider how polling stations can be set up to maintain physical distancing between PO and Clerk, and the voters so far as possible. Consider using two desks rather than one. Ensure that enhanced hygiene and cleaning measures are in place generally.
60. Consider a plastic barrier between the staff and voter, supplemented using gloves by the poll staff, which may allow the voting procedure to be carried out in the usual manner. Voters do not need to bring poll cards in order to vote and poll staff should not take them from voters.

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Assisting voters with additional needs

61. Consider the needs of voters who require additional assistance to vote. It will be safer and more straightforward to help voters with the use of a plastic barrier at the desk. Assistance that might otherwise be carried out in the privacy of one of the booth compartments could be carried out at the desk, with discretion. Again refer to the usual Electoral Commission guidance and polling handbook.
62. Tactile voting devices must still be provided for use where requested. Consider whether more than one may be needed for each station and what cleaning / wiping of devices that have been used may be required, so that the TVD is cleansed before and after any use.

Polling Booths

63. Consider the layout of polling booths from a physical distancing standpoint.
64. Review the arrangements you will put in place for cleaning polling booths periodically. The use of face coverings may minimise the risks of transmission via the booth surface. Consider how many booths you need to provide.
65. Make available a supply of pencils for use by voters when casting their votes, so that each has a fresh pencil. **There should not be a pencil in the booth.** Encourage voters to bring their own pencil or pen if they wish.

Putting the Vote in the Ballot Box and Exit

66. Provide advice to voters to wait until there is no queue at the ballot box before putting their ballot paper into it.
67. Consider how people leaving the station might avoid crossing those entering. If possible, ensure that the entrance and exit are separate.

Physical distancing – General Principles

Physical distancing must be maintained wherever possible. Factors organisations will want to consider, beyond those already listed, include:

- *facility layout and signage with clear marking of physical distancing boundaries around the workplace and workstations and signage which reinforces expectations of workers at relevant points.*
- *limiting access to parts of the workplace required by an individual to do their job as this will limit chances for interaction with others*
- *staggering break times and adjusting canteen arrangements to reduce larger numbers of staff interacting on a face to face basis*
- *splitting the workforce into teams to avoid cross-team contamination and provide a level of operational resilience in case someone in one team develops Covid-19 symptoms*
- *considering opportunities to introduce technology and systems to aid safe working practices and in particular physical distancing*

Moving around buildings and workplaces

Physical distancing should be maintained where possible whilst moving:

- *Discouraging non-essential trips within buildings and sites.*
- *Reducing job rotation, equipment rotation and location rotation.*
- *Implementing one-way systems on walkways.*
- *Reducing maximum occupancy for lifts, providing hand sanitiser for the operation of lifts and encouraging use of stairs.*
- *Making sure that people who are disabled are able to access lifts whilst maintaining physical distancing measures.*
- *Regulating use of high traffic areas including corridors, lifts, turnstiles and walkways to maintain physical distancing.*

Workplaces and workstations

Workstations should be assigned to an individual where possible. If they need to be shared, they should be shared by the smallest possible number of people.

If it is not possible to physically distance workstations, and those workstations are business critical, then extra attention needs to be paid to equipment, cleaning and hygiene to reduce risk:

- *Reviewing layouts to allow workers to work further apart.*
- *Using floor tape or paint to mark areas to aid physical distancing.*
- *Using screens to create a physical barrier between people.*
- *Using a consistent pairing system if people have to work in close proximity.*

Common areas

It is important to maintain physical distancing in common areas by:

- *Staggering break times to reduce pressure on break/eating areas.*
- *Using safe outside areas for breaks.*
- *Encouraging workers to bring their own food.*
- *Consider providing packaged meals to avoid need for and use of staff canteens.*
- *Using workplace areas that have been freed up by home working.*
- *Reconfiguring seating and tables to maintain spacing*
- *Using protective screening for staff in public facing areas.*
- *Regulating use of locker rooms, changing areas and other facility areas to reduce concurrent usage.*

- *Encouraging storage of personal items and clothing in personal storage spaces, for example lockers, during working hours.*
- *Considering use of physical distance marking for areas such as toilets, showers, lockers and changing rooms and in any other areas where queues typically form.*

Voters who may attend showing symptoms of Covid-19

68. In communication messages ahead of the poll Returning Officers should make it clear that voters should not attend the polling place if they have symptoms of Covid-19 or have been in contact with someone with Covid-19.
69. This message should be repeated on signage at the entrance to the polling place. The options are to arrange an Emergency Proxy vote (before 5pm), or arrangements can be made for the voter to vote in person keeping other voters and staff at a safe distance until the process is finished. This should be the consequence of physical distancing in the polling place in any case. All points of contact would then be cleaned.
70. The RO cannot legally exclude someone from entering to vote, even if they are displaying symptoms. However to preserve the safety of the polling place it would be expected that the polling staff would be aware of any voters who were obviously exhibiting symptoms. Additional cleansing of the booth may be required after the individual had voted.
71. Should polling staff become aware of someone exhibiting symptoms, then the EMB supplementary guidance staff should clean the booth and any other contact points, following the manufacturer's instructions for the cleaning product used. In particular, there needs to be care that contact times for the products are adhered to. If these steps are carried out and venues are already as well-ventilated as possible, with doors and windows open, there is no need to close venues.
- 72. It needs to be clearly understood however that the Presiding Officer has no power in these circumstances to prevent someone from voting. It is not for poll staff to determine the nature of someone's cough, or why they are sweating for example. If the voter wishes to vote, then they must be allowed to do so.**

Emergency Proxies

73. Coming into force on 23rd September 2020, the categories of people that can apply for an emergency proxy 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.
74. These Regulations do not place an attestation requirement on individuals who cannot vote in person because they are following Scottish Government or medical advice to self-isolate or shield. This reflects the difficulty that someone self-isolating or shielding may have in getting an attestation from a suitable independent person.
75. Returning Officers should liaise with their ERO at an early point to discuss how such applications would be dealt with.

5. Postal Voting

76. There is the potential for an increase in the number of postal voters as people try to avoid physical interaction at the polling place. This may create challenges for the ERO and RO teams including increased voter contact, increased workload for opening sessions and an increase in demand for replacement postal votes.

77. EROs and ROs should plan for these additional pressures.

Liaison with EROs and their staff

78. Engage early with the ERO to discuss how any increase in postal voting applications can be managed.

79. Work with the ERO to consider what additional support they might need to cope with any additional volumes of postal voting.

80. Agree with EROs on key messaging around postal voting for the by election, emphasising the deadlines for applications be received and encouraging early application.

Stationery

81. Engage with suppliers on the production of postal packs (Idox have confirmed that envelopes which are self-seal cannot be provided at these by-elections).

Return of Postal packs

82. Encourage the early return of postal packs by voters to avoid late surges and risks to Royal Mail service. Liaise with Royal Mail contacts to understand any local risks to service.

83. While the risk of virus transmission is significantly reduced where paper documents are left untouched for [a period after receipt](#) it is recommended that this risk is managed by ensuring that staff use gloves when handling receipted postal packs. These should be changed frequently and disposed of safely. Indeed, current advice is that surface transmission via paper is not a particular risk.

Replacement postal packs

84. Consider how you will handle requests for replacement packs for lost or spoilt postal packs.
85. Consider how you will manage calls from electors during the poll if staff are working from home.

Postal Vote Opening Sessions

86. Consider how staff training will be undertaken for the postal opening sessions while maintaining physical distancing. Some of this may be possible electronically.
87. Ensure that the venue used for opening sessions is suitably large to allow for physical distancing. Consider the number of staff required, how the room will be laid out and what action is needed to ensure that physical distancing can be observed.
88. Postal vote opening sessions will require more space than usual and it will be necessary to ensure the venue is big enough. An alternative venue to that usually used may be required.
89. Liaise and work with those entitled to attend opening sessions to minimise numbers attending where possible. Numbers should be limited to whatever is deemed safe for the room, but ROs must observe the rules with respect to who is entitled to attend. Provide advice to attendees on use of face coverings where possible, in advance of their attendance, in line with the current Scottish Government regulations. Face coverings at all times are required if people are sitting together (less than 2m apart) and there is no screen to separate them.
90. Have sign in procedures to record who attended. This will allow you to obtain contact details for future tracing purposes in the event of an infection. See guidance on for customer and visitor records. <https://www.gov.scot/publications/test-protect-multi-sector-guidance-collection-customer-visitor-contact-details-july-2020/pages/1/>
91. Consider how you will keep a physical distance between staff, and between staff and attendees. This may involve use of plastic screen, cordons and so on. Floor markings may be needed, and signage may be appropriate.
92. Provide hand sanitisers for staff and for all attending.

93. Have staff on hand to patrol the room to ensure all requirements are being met.

Verification

94. Verification screens need to be spaced sufficiently to ensure distancing requirements are maintained. There will be an 'observation point' for each adjudication station which is clearly marked and segregated and maintains 1m distancing. You may wish to provide additional screens to minimise the number gathering around any single screen.

95. Likely attendance at opening sessions and demand for observing the verification of postal votes should be taken into consideration when considering how many observation points to create and how to manage this part of the process.

96. If there are fewer observation points than the number of candidates and agents, a rota system could be in place and time observing will require to be limited.

97. Consideration should be given to adjudication being carried out individually to minimise risk of transmission rather than in pairs. This would still be with supervision, intervention where necessary and the ability to ask for colleague support.

Extractions

98. The workflow and distancing arrangements described above need to be maintained.

99. Consideration needs to be given to a bigger area than usual for the storage and filing of documents as they are scanned, stored, retrieved and extracted.

100. As adjudicators finish batches and extraction reports are printed, there needs to be a separate area into which to deliver these.

6. Verification and Count

101. ROs should follow Scottish Government <https://www.gov.scot/publications/coronavirus-covid-19-general-guidance-for-safer-workplaces/> and Public Health Scotland's guidance for Non-healthcare settings <https://www.hps.scot.nhs.uk/web-resources-container/covid-19-guidance-for-non-healthcare-settings/> advice when setting up the venue for the verification and counting of votes.

102. Consider if the identified venue is suitable and whether alternative venues need to be identified. Assess these as early as possible.

Count Timing

103. Consider when you intend to hold your count. This may be immediately after the close of poll or next day. The EMB would strongly recommend holding the count on the following day for several reasons:

- Staff and other attendees will be more alert;
- there will be less time pressure to finish quickly, allowing for greater opportunity to build safe practice and transparency in at all stages; and
- it is easier to deploy reserve staff if required during the normal working day.

104. You may decide that it is easier not to provide any catering/refreshments.

105. If counting at the close of poll, consider how to mitigate the risks of people being less compliant with distancing and hygiene requirements due to tiredness.

Count Venue and Layout

106. The count venue needs to be able to accommodate people safely given distancing requirements and any protective equipment deemed necessary.

107. Engage with contractors early on the equipment requirement and provision to support distancing and transparency (e.g. large or multiple screens). Workstations should be 1m apart to allow distancing between staff. Allowing for enough observation points for each workstation may mean workstations are much further apart.

108. Identify the likely maximum number of people which will require to be accommodated. Give consideration on how to minimise this number.

109. Make every effort to minimise the number of people attending your count – but observe the rules. Work with candidates and agents to communicate these issues as early as possible. Consider whether you will allow RO guests. Consider if you allow RO guests whether their attendance restricts, impacts or hinders arrangements and opportunities for Candidates, Agents and Observers' attending the count.

110. Ensure you have enough staff in place to assist with maintaining physical distancing.
111. Consider arrangements for safe entry and exit, the use of toilets, use of any other common areas as well as the count hall. See <https://www.gov.scot/publications/coronavirus-covid-19-public-and-customer-toilets-guidance/>
112. Determine what additional protective equipment is required (screens/barriers/sanitation stations etc). Identify a supplier and place orders as soon as possible. Much of this equipment may now already be held by your council.
113. Consider what additional signage you need to promote distancing and hand and respiratory hygiene.
114. Consider the inclusion of floor markings and the placing of protective equipment on the floor plan which can be provided to those attending in advance.
115. Review the layout when the number of candidates is finalised and the number of people who need to be in attendance can be confirmed.

E-Count Training

116. Count training will be not only be an exercise in training staff how to perform the function of the e-count but also how to do so whilst maintaining appropriate distancing. A longer than usual amount of time will be needed to carry out the training. Engage with the contractor on timing and methods of training. Consider what can be done remotely/ electronically.
117. Consider the requirement for reserve staff and the impact of training reserves for key roles.

Security and Integrity

118. Agree an approach with police and any security staff with respect to a proactive enforcement of distancing and hygiene measures.
119. Agree a process with police to deal with any complaints about behaviour at the count in respect of insufficient distancing or poor respiratory hygiene.

Candidates and Agents (and others who may attend the count)

120. Maintaining the confidence of candidates and agents is an important consideration, given that there may be a perception of reduced access to, or visibility of, the count process. Scrutiny of the process remains vital.
121. Plan to engage with candidates and agents on count processes at an early stage and address any concerns that arise. Require candidates and agents to advise if anyone attending the count is from a higher risk group. Take particular care to ensure that they are comfortable with the processes in place to minimise risk.
122. Provide a briefing note for candidates and agents on the count processes. Ensure that candidates and agents are aware of what information is made available to them during, and after the count.
123. Consider how candidates and agents will be able quickly and easily to ask questions of staff at the count. Come to a position on whether you will allow substitutions for attendees at the count and a procedure to deal with this.
124. Ensure an accurate record is kept of who attends the count, with details for contact tracing.

Ballot Box Check In

125. If counting the following day, consider the arrangements for checking in the ballot boxes and associated documents after the close of poll and for safe overnight storage.
126. Decide whether to carry out the first part of the verification (unused and spoilt) at that point or during the following day.
127. Ensure that the venue allows for suitable distancing and can accommodate those entitled to attend and observe.

Count Information and Announcements

128. To promote transparency, ensure that there is an announcement before the start of each stage of the count. Announcements could also emphasise information provided in the briefing document with respect to physical distancing and hygiene.

129. Initial announcements should include distancing and hand and respiratory hygiene messages. This is the first count where there is in effect a “life and limb” objective, which takes priority over our usual objective of maximising accessibility and transparency. Emphasise that process is still as transparent as it can safely be.
130. ROs should consider scheduling regular intermittent announcements to remind all those in the count venue to maintain physical distance and that the wearing of face coverings is mandatory unless there is an exemption.

Ballot Box Opening

131. This is the first opportunity for candidates and agents to see the ballot papers and they are used to being able to view this process.
132. Ensure that this process can be carried out safely by asking candidates and agents to maintain appropriate distancing from the staff doing this task or consider clear Perspex screens to allow observation from a closer distance.
133. Consider if you have space to allow sorting the ballot papers from each box over a larger number of tables to ensure there is an equal opportunity to observe the process for each candidate or agent.
134. If this is not possible consider a rota system to ensure there is equal opportunity to observe overall.
135. Use announcements to remind candidates and agents that a preference breakdown for each ballot box will be available shortly **after** the count, and overall first preference information will be available on the information screen during the count (up to a point). Transparency in electronic counts is always a priority.

Registration and verification

136. This process will allow candidates and agents to find out how many people have voted at each polling station, giving an idea of turnout. It also identifies if there is any discrepancy between the number of papers expected for each ballot box, and the number of papers scanned.
137. Consider if there is space to allow an observation point for each candidate for this workstation.

138. Remind candidates and agents of the full set of information they will receive after the count.
139. Have pre-identified staff move the trays between the storage rack/table and workstations to minimise movement of people within the room and the count area. Ensure that essential hygiene measures are in place to minimise risk of transmission.

Scanning

140. This stage is where candidates and agents will be able to satisfy themselves that every ballot paper is being scanned.
141. Consider if there is space to allow an observation point for each candidate for this workstation.
142. Advise candidates and agents that due to distancing they may have limited sight of this process. Even if screens were erected to allow them closer to the scanner, only one or two would be able to view at close quarters at a time.
143. Remind candidates and agents that the verification process checks that all ballot papers have been scanned.
144. Remind candidates and agents of the information they will receive after the count

First Stage Adjudication

145. Good access to observe this stage will ensure that candidates and agents retain confidence in the process and reduce the risk of a challenge to the result.
146. Have the pre-identified staff move the trays between the storage rack/table and workstations to minimise movement of people. Ensure essential hygiene measures are in place to reduce the risk of transmission.
147. If possible, allow for equal access for observation throughout this process by marking observation points at the required distancing.
148. Use long cables and more screens to allow outward facing screens to be further from staff and closer to observers. There may be scope for additional observation screens.

149. Consider having a team of two, one carrying out the first stage adjudications and the second standing at the required distance to quickly identify if one has a query/comment

RO Adjudication

150. It is essential that each candidate or a representative of each candidate has equal access to observe this stage. Consider the need for floor markings to ensure distancing is maintained. Consider how candidates will be gathered. Ensure that they can see and hear the process and know how to get the attention of the RO.

The Declaration/Result

151. Ensure candidates and agents are informed about how this process will work. Review the arrangements for discussing the provisional result with candidates. Candidates should not gather beside the RO for the announcement. Consider whether candidates will be given the opportunity to make a speech. If so ensure that this can be done safely.
152. Ensure that any printed materials given to candidates containing results etc are handled safely following physical distancing and essential hygiene measures.
153. Engage with colleagues in Member Services / Committee Services with respect to the safe induction of the new Member.