

**DRAFT**

**INTERIM ELECTORAL MANAGEMENT BOARD FOR SCOTLAND  
ACTION NOTE: 8 June 2011 2:00pm  
City of Edinburgh Council HQ**

**Present:**

- **Board members:** Gordon Blair (GB) (SOLAR rep), Billy Pollock (WP) (AEA rep), Mary Pitcaithly, Convener and RO, David Anderson RO (DA), Joan Hewton ERO (JH), Malcolm Burr RO (MB), Bob Jack RO (RJ) Sue Bruce RO (SB) Brian Byrne ERO (BB) (SAA)
- **Advisers:** Andy O'Neill (AON), David Freeland (DF) (Electoral Commission), Steve Sadler (SS), Fiona Campbell (FC) (Scottish Government), Roddy Angus (RA) (Scotland Office)
- **In attendance:** Chris Highcock (CH) (Secretary to the Board)

|          |  | <b>NOTE</b>   | <b>ACTION / RESPONSIBLE</b> |
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| <b>1</b> | <b>Apologies</b>   | <ul style="list-style-type: none"> <li>• Stuart Galloway (DRO)</li> <li>• Andy Sinclair (Scottish Government)</li> <li>• Jon Harris (JHa) (COSLA)</li> <li>• Alex Thomson (AT) (Scottish Government Consultant on eCounting)</li> </ul>   | <b>Noted</b>                |
| <b>2</b> | <b>Previous Action note</b>  | <ul style="list-style-type: none"> <li>• Agreed for circulation to the professional associations etc</li> <li>• Electoral Commission to circulate to the PPP <b>ACTION DF</b></li> </ul>  | <b>Noted<br/>DF</b>         |
| <b>3</b> | <b>Review of 5 May Electoral Events: Scottish Parliamentary Elections and Referendum on the Voting System for UK Parliamentary Elections</b> | <p><i>This was an opportunity for discussion of the experience of the preparation for and conduct of the 5 May electoral events. Particular attention was given to the lessons learned and how these would inform future planning.</i></p> <p><b>ACTION CH</b> to use this discussion to draft a letter to the Chief Counting Officer outlining the views of the EMB and the Scottish electoral community.</p> <p><b>SOLAR Views</b></p> <ul style="list-style-type: none"> <li>• Paper from GB was circulated giving an outline of the conclusions of the meeting of SOLAR Elections group, which met on 20 May. 18 DROs were present. Key issues were identified as               <ul style="list-style-type: none"> <li>○ Directions from CCO were “operational minutiae” rather than</li> </ul> </li> </ul> | <b>CH<br/><br/>Noted</b>    |

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|  |  | <p>strategic principles</p> <ul style="list-style-type: none"><li>○ Guidance was very good, accurate, thorough and welcome.</li><li>○ Aim should have been to empower ROs / COs but instead there was too much centralisation of control.</li><li>○ Monitoring was focussed on processes when it should have been output based.</li><li>○ Concerns remain over the timetable particularly with respect to absent voting and the “11 day rule”</li><li>○ Count Timing remains a live issue – SOLAR supports continued campaigning for next day counts.</li></ul> <p><b>Legislation</b></p> <ul style="list-style-type: none"><li>● Was finalised too late. The Gould principle of having legislation and rules stable and finalised 6 months in advance of the election needs to be reiterated. <b>ACTION</b> – CH to note in response to CCO</li><li>● There is a strong case for a standard / generic set of Election Rules and similarly a generic set of Referendum rules. <b>ACTION</b> – CH to note in response to CCO</li><li>● Similarly Guidance / forms need to be finalised well ahead of the poll, ideally with a consistent 6 month lead in. <b>ACTION</b> – CH to note in response to CCO</li><li>● Specific issues need to be addressed in legislation: <b>ACTION</b> – CH to note in response to CCO / Cabinet Office / etc<ul style="list-style-type: none"><li>○ 11 day rule</li><li>○ “Commonly known as” – with respect to Doctor / Councillor</li><li>○ Status of Easter Monday</li></ul></li><li>● <b>ACTION</b> – CH to draft a matrix comparing Gould proposals with what was actually implemented</li><li>● It was noted that ROs achieved the Gould aims but the Legislation did not</li></ul> <p><b>Fees and Charges Provision</b></p> <ul style="list-style-type: none"><li>● General agreement that the financial provision was sufficient</li></ul> | <p><b>CH</b></p> <p><b>CH</b></p> |



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|  |  | <p>CCO. Philosophically and morally the priority should have been with the election. In fact there was an overall lack of direction with the elections.</p> <ul style="list-style-type: none"> <li>• Ultimately it was a matter of concern over <b>tone and style</b> with respect to the directions. However it was noted that Scotland is unique in its geography, size, ethos and culture. <b>ACTION</b> – CH to note in response to CCO</li> <li>• Scottish Forms Group – as a contrast was an excellent support to all ROs. Responsive and appropriate in its operational support. <b>ACTION</b> – CH to note in response to CCO.</li> </ul> <p><b>Suppliers</b></p> <ul style="list-style-type: none"> <li>• <b>Printers</b> – generally there was a positive experience. There had been some concern over the variable colours of the papers depending on the printer, but BJ noted that this actually had little impact on the voter.               <ul style="list-style-type: none"> <li>○ Quality checks – if ROs had visited suppliers early in the production process concerns about colours might have been able to be addressed.</li> </ul> </li> <li>• Note that Opt2Vote had offered an explanation of why they were unable to dispatch postal packs on the 18 as directed. They had never committed to that date and the direction came too late for them to comply.</li> <li>• GB noted that there was potential for developing a common and uniform specification for printers <b>ACTION</b> – CH to note in response to CCO.</li> <li>• The key issue with colours was that they matched the public information booklet. All were satisfied that this was the case.</li> <li>• Note the concern regarding the capacity of some printers to produce a Regional Paper of sufficient length. This was a major concern and it was vital that the Board had oversight and intervened to ensure that all RROs were able to produce what was needed.</li> <li>• <b>Royal Mail</b> – generally there was a positive view of Royal Mail, with no major issues. Very few postal votes were received after the poll. Political Parties had reported issues with the “nesting” of campaign material. This was also an issue with the Referendum booklet.</li> </ul> | <p>CH</p> <p>CH</p> <p>CH</p> <p>CH</p> |

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|  |  | <p><b>Postal Voting</b></p> <ul style="list-style-type: none"> <li>• There were generally reduced rates of rejection which may indicate that RO’s operation of the AVI checking process is improving. Also voters may be making fewer mistakes.</li> <li>• The “11 day” rule as applied imposes an unnecessary control. Any postal votes issued in error can now be retrieved at the AVI checking process. <b>ACTION</b> CH to note in response to CCO and to request change in the law</li> <li>• Note that most ROs now use a separate team for Postal votes – this is a major independent workstream.</li> <li>• Rejected PVS – It is understood that Professor Denver will be undertaking an analysis.</li> <li>• The law around action on rejected PVS needs to be clarified, for example consideration given to allowing the RO / ERO to follow up on rejected PVS to request a refreshed signature. Also discretion around obvious mismatches – e.g. husband and wife signing each other’s PVS. <b>ACTION</b> - CH to note in response to CCO</li> </ul> <p><b>Polling Day Issues</b></p> <ul style="list-style-type: none"> <li>• Polling Day went well – there were no major issues reported.</li> <li>• There was no significant voter confusion arising from the Referendum</li> <li>• Staffing ratios as directed by the CCO had a positive impact. <b>ACTION</b> CH to note in response to CCO</li> <li>• Note that a small number of polling stations were late in opening – the volume of materials to be sorted out / posters displayed etc is meaning that there is a lot of preparation for staff. <b>ACTION</b> – staff to be reminded to focus on the strategic documents – Ballot Papers, Register and CNL</li> </ul> | <p>CH</p> <p>CH</p> <p>CH</p> <p>ALL ROs</p> |

|  |  | <b>NOTE</b>   | <b>ACTION / RESPONSIBLE</b>                        |
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|  |  | <p><b>Verification and Counts</b></p> <ul style="list-style-type: none"> <li>Note the views of the PPP – below – that there is a preference for consistency of count timing across the country.</li> <li>Count Timing – should remain an issue for discussion. <b>ACTION</b> – CH to update the EMB Paper on Count Timing to take account of the experience of 5 May.</li> <li>Note that the general view of the EMB is for a next day count. In this instance however due to the Referendum some chose an overnight count to prevent conflict with the start time for the Referendum Count.</li> <li>Pressure on staff due to an overnight count must be considered as a major risk to health and accuracy of count <b>ACTION</b> CH to note in response to CCO</li> </ul> <p><b>Referendum Results Collation System</b></p> <ul style="list-style-type: none"> <li>Note that the system worked well but that it was too complex. Also the processes and scripts to be used with the COs to verify totals changed frequently such that there was some confusion as to what the final version was which was to be used. <b>ACTION</b> CH to note in response to CCO</li> <li>There is value in a simpler system such as that used for the European elections in 2009</li> </ul> <p><b>Role of the RCO / EMB</b></p> <ul style="list-style-type: none"> <li>As noted above the approach of the RCO was generally viewed as too intrusive and operational. However the Board understood the need to provide consistency at a UK level over a range of ROs of varying capacity</li> <li>Note the letters of appreciation from Scottish, UK Governments, and the Electoral Commission regarding the role and activity of the Board</li> </ul> | <p><b>CH</b></p> <p><b>CH</b></p> <p><b>CH</b></p> |

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|          |   | <p><b>Role of the Electoral Commission</b></p> <ul style="list-style-type: none"> <li>All noted their appreciation of the support and involvement of the Electoral Commission's Scotland Office. The Board recorded their thanks for the work of Andy O'Neill, David Freeland and Sarah Mackie.</li> <li>The guidance had been very valuable</li> <li>Handbook – all would have preferred a hard copy handbook. Also the Handbook should have included references to the relevant legislation.</li> </ul> <p><b>ACTION</b> CH to note in response to CCO</p>  | <b>CH</b>                   |
| <b>4</b> | <b>Preparation for Scottish Local Government Elections 2012</b> | <p><b>Legislation</b> (<i>Update from Scottish Government</i>)</p> <ul style="list-style-type: none"> <li>Draft Order will be circulated to the EMB for comment on 10 June. Comments are requested by the end of July, to allow amendments through August. The Order will be in the Scottish Parliament in September and in force in October. This should allow the 6 months as suggested by Gould</li> <li><b>ACTION</b> – All to review draft and provide comments to CH by 15 July to allow composite response from the Board.</li> </ul> <p><b>E Counting Project</b> (<i>Update from Scottish Government</i>)</p> <ul style="list-style-type: none"> <li>Project board is continuing with developing and testing. User Group, User Acceptance test 15th July. Bulk Test in Perth mid August. Then individual user agreements will be issued. Bulk test will be of around 160,000 papers.</li> <li>Note that all kit and basic set up will be funded by the Scottish Government.</li> </ul> | <b>ALL<br/>CH</b>           |
| <b>5</b> | <b>Future Remit and Status of the Board</b>                     | <ul style="list-style-type: none"> <li>Slide presentation circulated by Scottish Government and noted.</li> <li>Note the schedule for the appointment of the Convener and the subsequent need to appoint the board, identify strategic work programme etc.</li> </ul>   |                             |

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| <b>6</b> | <b>Individual Registration – Letter from the Cabinet Office</b>   | <ul style="list-style-type: none"><li>• Letter noted.</li><li>• BB has drafted a response which the Board can send <b>ACTION CH</b></li></ul> | <b>CH</b>                   |
| <b>7</b> | <b>Regional Returning Officers' Group and associated meetings</b> | <ul style="list-style-type: none"><li>• Noted</li></ul>   |                             |



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| <b>8</b> | <b>Scottish Political Parties Panel: (7 June)</b> | <ul style="list-style-type: none"><li>• Issues raised by parties:<ul style="list-style-type: none"><li>○ Preference for consistent count timing. Parties prefer overnight but if some counts are to be the next day they would prefer all to be the next day. This reflect their difficulties in staffing the events</li><li>○ Concern that the campaign period was too long and that there should be a revision in the expenses to reflect the longer campaign period</li><li>○ Some criticism of Royal Mail for “nesting” leaflets with other direct mail</li><li>○ Some concern that the size and layout of counts meant that scrutiny was limited</li><li>○ Criticism of some ballot papers where the colours were not sufficiently distinct between the different contests, particularly the lilac vs the grey</li><li>○ Some ROs had not posted the full results on websites. In particular, some had not listed the full reasons for rejecting ballots.</li><li>○ Postal Voting – there was discussion over the confusion of voters with respect to power of attorney – POA cannot sign the PVS.</li><li>○ Postal Voting – note there was a late surge in applications but not particularly significant.</li><li>○ There were no major concerns with respect to polling to the count</li></ul></li><li>• Future Meetings:<ul style="list-style-type: none"><li>○ 27 September 2011</li><li>○ 29 November 2011</li><li>○ 17 January 2012</li></ul></li></ul> |                             |
| <b>9</b> | <b>Boundary Issues Reviews of Polling Places</b>  | <ul style="list-style-type: none"><li>• Hugh Buchanan to be invited to a future meeting.</li></ul>   | <b>CH</b>                   |

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| <b>10</b>                             | <b>Consultations</b>      | <ul style="list-style-type: none"><li>• None</li></ul>   |                             |
| <b>11</b>                             | <b>Any Other Business</b> | <ul style="list-style-type: none"><li>• DF noted that the Inverclyde by-election would be on 30 June</li></ul> |                             |
| <b>FUTURE DATES – TO BE INTIMATED</b> |                           |  |                             |