Preparation for Scottish Parliament election 2026







Welcome

- Malcolm Burr, Convener,
 Electoral Management Board for Scotland
- Dame Sue Bruce, Electoral Commissioner for Scotland







Agenda

- Roles and responsibilities
- Legislative changes
- Absent voting managing divergence
- Providing and communicating accessibility provisions
- Print and Postal Vote considerations
- Communication and awareness
- Management and delivery of a safe election
- Finance and funding







Recommendations / lessons learnt SPE 2021 (Covid)

- Recommend extending provisions for emergency proxy to carers
- EMB should work to strengthen accessibility provision and training
- Learning from counts ensuring transparency
- Resilience and capacity building
- Develop the capacity of the EMB

- Write out in Feb 2021 successful in avoiding late surge in PV applications / benefit in register completeness / accuracy
- Satisfaction of, and support of disabled voters continues to be an issue
- Support is essential for newly enfranchised voters
- Value in providing information and support on how to complete and return the PV pack correctly.





Roles and Responsibilities

Malcolm Burr - Convener, Electoral Management Board for Scotland Robert Nicol – ERO East Renfrewshire, Inverclyde and Renfrewshire





Roles

- Duties of the Electoral Registration Officer (ERO)
- Duties of the Returning Officer (RO)
 - Regional Returning Officer RRO
 - Constituency Returning Officer CRO
- Management and accountability

Elections don't necessarily further your career... but they can do a great deal of damage to it





ERO responsibilities & duties



Maintain complete & accurate register



Maintain absent voter records



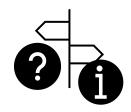
Encouraging participation



Liaison and partnership w. RROs & CROs



Production & supply of data files and registers



Voter enquiries & information



Polling day support



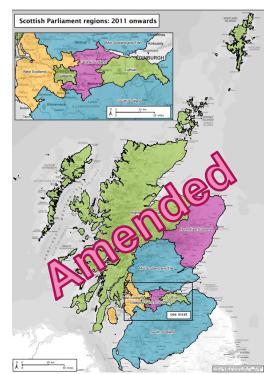
Determining emergency proxies / clerical errors





SPE RO appointment & designation

- the local government RO also acts as Constituency RO (CRO)
 - cross boundary designation
 - escalation of issues to RRO
- 8 CROs also have roles as Regional Returning Officer (RRO)
 - need clear oversight of CROs
- new Regions and constituency order (to come)
- new RO designation order (to come)







RO responsibilities & duties



Sole legal responsibility



Strict timetable



Liaison and partnership w. RROs & CROs



Complex range of tasks



Budget control



Delivered in accordance with rules



High profile, political sensitivities



Public confidence



Deliver an accurate & accepted result

Management

- complex logistical project / demanding work programme
- call on resources, staff and infrastructure of the Council
- quasi-judicial decisions validity of nominations, adjudication of ballot papers
- familiarity with legislation
- collaboration
- communication







Accountability

- RO directly accountable to the courts
- personal liability
- appropriately individually insured / Indemnity
- election petitions name the RO personally
- must be able to show evidence of robust planning



Questions







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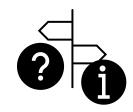
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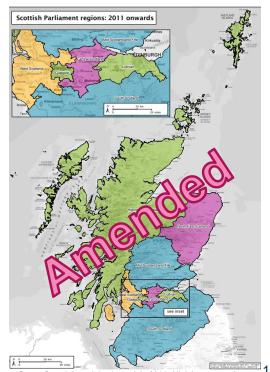
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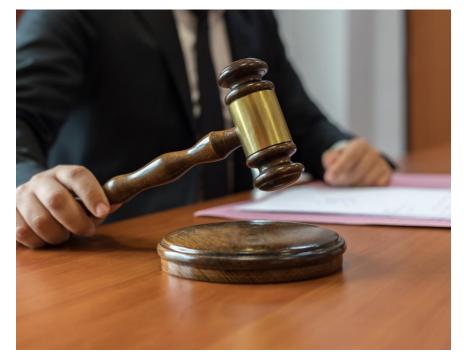
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Update on electoral reform, legislation & EMB directions

Chris Highcock, Secretary, Electoral Management Board for Scotland Alison Davidson, Senior Officer, Electoral Practice & Performance,

Electoral Commission





In this session....

- Electoral reform
- Conduct legislation changes
- Other changes
- EMB Directions
- Key takeaways

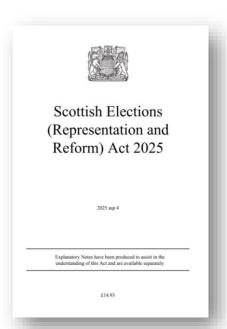






Scottish Elections (Representation and Reform) Act 2025

- Fosters a more equitable and efficient electoral system in Scotland
- Royal Assent 29 January 2025
- Commencement in stages
- Impacts on conduct of SPE as well as broader provisions impacting on council elections
- Candidates, Parties, ROs, EC, EMB and Boundary Commission







SPE conduct legislation

- The Scottish Parliament (Elections etc.) Order 2015
- The Scottish Parliament (Elections etc.) Amendment Order 2020
- The Scottish Parliament (Elections etc.) (Miscellaneous Amendments) Order 2020
- (NEW) The Scottish Parliament (Elections etc.) (Miscellaneous Amendments) Order 2025 DRAFT
- (NEW) The Scottish Parliament (Constituencies and Regions) Order 2025 DRAFT
- (NEW) Scottish Parliament Elections (Regional Returning Officers and Constituency Returning Officers) Order 2025 DRAFT
- The Scottish Parliament Elections (Returning Officer Fees and Charges) Regulations
 2021 (to be amended)
- (NEW) The Scottish Parliament (Disqualification) Order 2025 DRAFT





Representation & Candidacy / Disqualifications (1 Aug)

- Updates eligibility rules allowing certain foreign nationals to stand in SP / council elections
- Bars individuals with specific sexual offences or related legal orders from nomination, election or holding office
- Empowers courts to impose 5-year Scottish
 Disqualification Order for offences aggravated by
 hostility towards ROs, EROs, Counting Officers or
 any of their staff



Election agent correspondence address (SP/LG)

- An agent does not have to use their home address; they could use an office address
- Concerns requirement to publish agents' home addresses presents a security risk to a candidate acting as their own agent
- Allows candidates/election agents at SP / LG elections to use correspondence addresses in public notices, rather than their home address
- Guidance and form updates (1 Oct)







Looked after children

- For registration Declaration of local connection can be made by children looked after by a local authority
- Previously only available to those 16 and under
- Order changes this 21, supporting continuity of opportunity
- Duty Scottish Elections (Reduction of Voting Age)
 Act 2015 s.17
 - Promote awareness among relevant young people of registration
 - Take action as considered necessary to help young people register







Proxy unavailability (SP)

If a proxy cannot reasonably be expected to vote in person at the polling station – elector may appoint an alternative proxy

- due to an unforeseen circumstances
- companion for medical appointment
- Attested applications with reasons
- Amendment to deadline that prisoners who are eligible to vote in SPE can apply for an emergency proxy
- Voter information / Staff awareness
- Change to text on Notice of Election template







Postal vote replacements (SP)

- Deadline for issuing replacements for lost or spoilt postal ballot packs brought forward to 5pm to 10pm for SPE26
- Staff awareness
- Website information, contact centre scripts
- Impacts:
 - Poll Cards (multiple versions)
 - Postal voting statements (multiple versions)
 - Poll Staff guidance and information
 - Candidate information



Other EA changes (SPE)

Reform Act

 Supply of free copy of full register for electoral purposes – 27 days prior to poll

Conduct Order

- Undue Influence
- Accessibility equipment in Polling Stations (later session)
- Access to Elected Office fund







EMB / EC new requirements

- EC Education about electoral and democratic systems also require to provide information on how to mark ballot papers
- EC Annual reports to include information on spoilt ballot papers (SP/LG) and strategy (LG) to tackle spoilt ballot papers
- EC Election reports information on public awareness undertaken by us and ROs (SP/LG elections)
 - EMB Body Corporate, provisions on membership, strategic plans and annual report and financial provisions





Rescheduling of elections and by-elections

- Grants powers for the Presiding Officer to postpone
 SP elections and by-elections
- Grants powers for the EMB Convener to postpone ordinary council elections
- Grants powers for an RO to postpone a council election / or postpone or cancel a by-election in their area







Pilots and Democratic engagement (council elections)

s.39 of the Reform Act

- Expands scope for future pilot schemes to test electoral improvements, including voter registration
- Provisions to allow Scottish
 Ministers to funding for democratic engagement initiatives







Scottish Parliament election 2026 – Directions from the Convener of the EMB

Chris Highcock

DRO, City of Edinburgh & Secretary to the Electoral Management Board for Scotland

Why directions?

- Electoral Administration Act (Scotland) 2011
 - Coordination, best practice, assistance
- Power to make directions
 - Consistency in voter facing elements
 - Contingency measures
- History: 2012 2022
 - Feedback





Scottish-Parliament-Election-2026¶
Directions to Returning Officers and Electoral-Registration-Officers from the Convener of the Electoral Management Board for Scotland¤

EMB

Electoral Managemer Board for Scotland

DIRECTIONS-FOR-THE-DELIVERY-OF-THE-7-MAY-2026-SCOTTISH-PARLIAMENT-ELECTIONX

ACKGROUND-X

1.→The Local Electoral Administration (Scotland) Act 2011 (S.4A) gives the Convener of the Electoral Management Board for Scotland (EMB) authority to make directions to Returning Officers (ROs) and Electoral Registration Officers (EROs) in relation to the exercise of your functions in deliver no the Scottish Parliamentary election. ¶

URPOSE-OF-DIRECTIONSX

2.→The EMB coordinates delivery of the election across Scotland with a focus on the interests of the voter. The overall goal is to deliver results that will be accepted.

Process

- EMB | Electoral Management Board for Scotland
- The Electoral Commission

- Lessons Learned
 - SPE21, UKPGE24
- Consultation
 - ROs, EROs
 - Board (statutory)
 - Electoral Commission (statutory)
- Politicians, media, voters
- Today tell us your thoughts
- Gould







Accessibility

- No Direction, BUT
- The Scottish Parliament (Elections etc.) (Miscellaneous Amendments)
 Order 2025 14(4D)) requires ROs to have regard to Electoral Commission guidance
- Key principles no barriers to taking part
- Vote independently and in secret
- Proportionality







Draft Directions - SPE 26

- "The Usual"
 - Ballot Paper colours
 - Official Mark
 - Dates including SIENA
- The SP one...
 - Ballot Paper numbering
- The other one...



Count Timing

- Daytime count From 9am on Friday 8
 May 2026 (no earlier)
- broad consensus from RO teams
- accuracy rested not fatigued
- resilience of systems and venues
- staff welfare
- staff availability
- late postal votes
- better public engagement



What next, what else?



- Performance monitoring
- General support and advice
- Not directed but expected
 - Good project governance
 - Plans and risk registers
 - Coordination ROs and EROs
 - Regular meetings across RRO regions
- Directions issued later this month.
 - Stakeholders candidates, parties, media, venues etc.





Key RO / ERO takeaways

- 1. Significant changes stemming from Act and amendment orders
- 2. Process changes from new provisions
- 3. Specific points to communicate to candidates and agents
- 4. Voter front facing information / wider staff training updates







Key administrative takeaways

- 1. Candidacy changes support and information (SPE /LG)
- 2. Changes guidance and forms for C&A to complete / ROs checks (SPE /LG)
- 3. Proofing and content of public notices correspondence addresses (SP)
- 4. Proxy and emergency proxy changes (SPE)
- 5. Change to time for Postal vote replacements (SPE) process and templates



Questions







Absent voting – Managing divergence

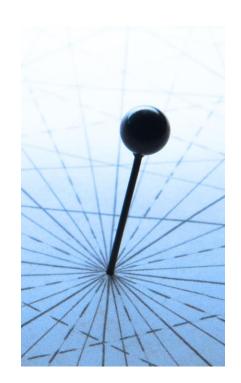
Robert Nicol – ERO East Renfrewshire, Inverclyde and Renfrewshire





Current position SPE 2026

- Electorate Approx. 4.3m
- Postal Voters Approx. 900K
- Electors required to refresh signature if more than 5 years old in January
- The Absent Voting at Scottish Parliament and Local Government Elections (Signature Refresh) (Miscellaneous Amendment) (Scotland) Order 2025
- The Representation of the People (Absent Voting at Local Government Elections) (Scotland) Amendment Regulations 2025

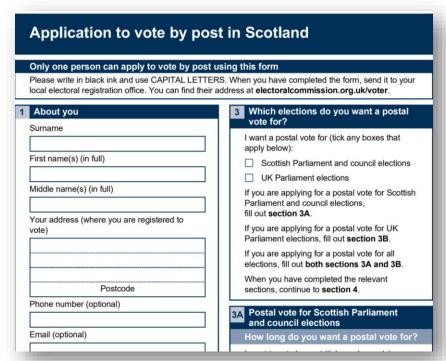






Current position SPE 2026

- Approx 900,000 Postal voters locked in
- Same application process as previous Scottish Parliament and Local Government Elections
- No online application option
- No ID check required
- Simple messaging







Current position SPE 2026

Types of permanent Proxy:

- Blindness or other disability
- Occupation employment, service or attendance on a course
- Service Voter
- Anonymous Elector
- Journey necessary by sea or air to get to their polling station
- Prisoners convicted to a term of 12 months or less





Current Position SPE 2026

Types of Election specific Proxy:

On request with a reason by 5pm, 6 April

Emergency Proxy after 5pm, 6 April until 5pm on Polling Day

- Medical condition, illness or disability
- Mental Health patient who has been detained
- Occupation, service or employment





New for SPE 2026?

- Emergency Proxy after 5pm, 6 April until 5pm on Polling Day
 - Accompanying another person to attend medical care or treatment
 - Emergency change of proxy if original proxy cannot reasonably be expected to vote in person
 - Detained in a penal institution (to serve a sentence of 12 months or less)







What was Divergence?

- Elections Act 2022
- Absent Voting changes from 31 October 2023







Differences:

For Reserved Postal voters as at 31 October 2023:

None until January 2026

For New Reserved applicants:

- Online facility
- National Insurance Number required
- ID Check
- Expires on third 31 January







- Approx 80 90% of all <u>Reserved</u> Postal Voters need to reapply by 31 January 2026 or their postal vote will expire
- Elections Act only requires ERO to contact elector once to let them know that the postal vote will expire and then again if application successful or to confirm expiry







Experience so far:

- Email contact unlikely to result in an online application
- Electors contacting ERO seeking paper form
- Letters containing a form and BRE get best response
- Paper forms take longer to process







UK Government New Burdens Funding 25/26:

 Initially this was via Barnett Consequential to Scottish government block grant, ERO allocation has only recently been confirmed by Scottish Government

Further funding recently announced:

- Via JLB to be submitted in Summer 2026
- Will cover cost of email contact where email held, letter in other instances and processing time.





- Expiry notices to be issued after January 31 2026 for reserved electors
- New applications likely during February, as a result
- Some electors who are entitled to vote at all elections only have a postal vote for either devolved or reserved elections







Convergence – More than just OAVA

- Needs to have a plan involving all stakeholders with a go live date
- Private Members Bill Currently at Committee stage in Lords
- Royal Assent?
- Secondary Legislation
- EMS upgrades
- EC Guidance
- Changes to <u>Apply for a postal vote GOV.UK</u>







Convergence – More than just OAVA







Changes to UK
Government ERO
Portal

Franchise differences, younger electors, foreign nationals etc.

Current AV holders with differing / contradictory information - how is this reconciled





Key takeaways

Legal changes:

- Be aware of new Emergency Proxy arrangements
- Cascade/train staff
- Elector engagement

Project planning:

- Known base level of postal votes
- Communication between teams
- Processes and Data Flow





Key takeaways (cont.)

Reserved Postal Vote reapplication:

- Continue to manage and review the reserved postal reapplication process
- Keep SAA ERC informed of progress

OAVA – Not just OAVA!

- Maintain sight of progress with convergence
- Identify preparatory works ahead of Convergence
- Identify impact on SPE preparation and delivery
- Review risks in the timing and challenges of communication when engaging with voters

Questions





Jim Savege

Returning Officer, Aberdeenshire Council

Depute Convener, EMB / Chair of EMB Sub-

Group - Accessibility

Alison Davidson Senior Officer, Electoral Practice & Performance,

The Electoral Commission





In this session....

- Statutory duty
- Legislative changes
- Revised accessibility guidance
- EMB Accessibility sub-group work
- Ballot Paper overlay / Audio



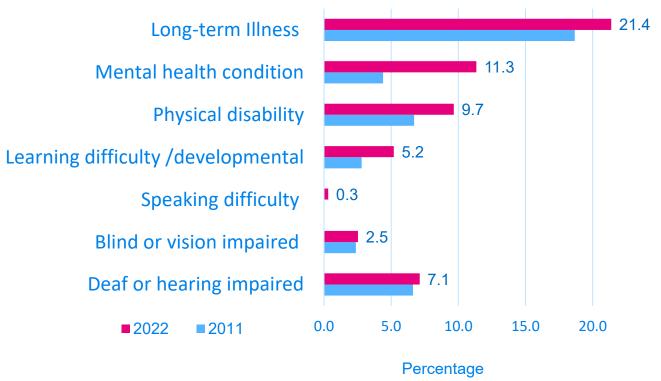




Some figures....

Fig 1:

Percentage of people who reported specific health conditions 2011-22 (Scotland's Census 2022)







Current duties

- Equality Act 2010 anticipate, reasonable adjustments, Public Sector Equality Duty
- Elections Act 2022 reserved elections, RO must:
 - have regard to EC statutory guidance on equipment provided in polling stations
 - consider the needs of the disabled voters a polling stations
 - make reasonable adjustments and provide equipment

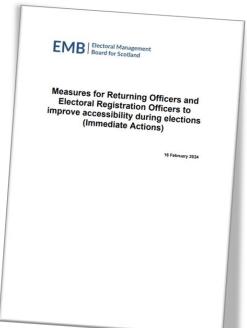
Every person should be able to register and voter without facing barriers





Additionally, in 2024....

- EMB Accessibility Sub-group considered a range of measures to suggest improvements elections delivery
- Beyond legislative duty in EA 2022 EMB recommendation for UKPGE 2024
- Simple steps taken immediately to improve accessibility
 - Some measures applied in the polling place
 - other measures addressed the whole voter journey from registration to voting
 - include stakeholders who you had contact and interaction before, during and after the poll







Accessibility guidance

- Extension to Scotland (and Wales) by amendment to respective conduct orders (draft)
- Article 14 of the draft Scottish Parliament (Elections etc.)
 (Miscellaneous Amendments) Order 2025 devolved elections
- Legislative change revised guidance (in draft) consultation ends 26
 October
- Republished guidance substantial, will include examples / case studies
- Statutory guidance supports you:
 - in identifying equipment to allow voters to vote independently and in secret
 - in ensuring staff have awareness and can support those with accessibility needs







What's new....

- Returning Officer duties:
 - reflect legislative changes
 - link to Public Sector Equality Duty
 - proactive contact
 - informed decisions about provision
- Equipment No changes to list, but an update to reference audio solutions

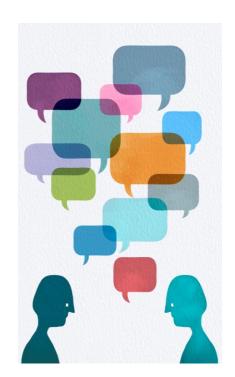
- Training approachable staff, training on support and equipment available
- Public awareness provide info about what help is available, accessible communication, planned
- Resources links to accessible resources / disability charities' resources and highlight successful approaches





Accessible communication

- collaboration and planned amplifying the whole voter journey
- United content focus, key messaging and (re)direction
- communication materials emphasise key messages and have a layout that supports clarity and impact
- promoting online or other channels may improve accessibility for individuals with particular communication needs
- paperwork and written messaging usable, layout aids the response or action
- linked messaging ERO >>> RO
 - joint communication
 - support offers?





EMB accessibility sub-group workstreams

- 1. Short term Basic accessibility measures across the voter journey
 - Convener Recommendations UKPGE 2024

2. Medium term

- a website to collect information for voters on accessibility issues to bring consistency and reduce duplication
- new tactile and audio support for voters with visual impairment
- 3. Long term ideas such as electronic registers and digital poll cards



New voting aid for people with sight loss: Ballot paper overlay

- EMB accessibility sub-group developed a new tactile voting aid designed to enable people with sight loss to use it without assistance
- made from card cut to fit the size of each ballot paper exactly
 - uses cut-outs over the voting boxes
 - a cut corner for orientation
 - embossed, highlighted braille and numbers alongside each voting box
- tested and refined with users from the blind community with very positive feedback
- testing included extra long ballot papers e.g. regional ballot papers
- Issue sufficient space for voting / keeping the overlay and ballot paper aligned. Can be paper clipped together



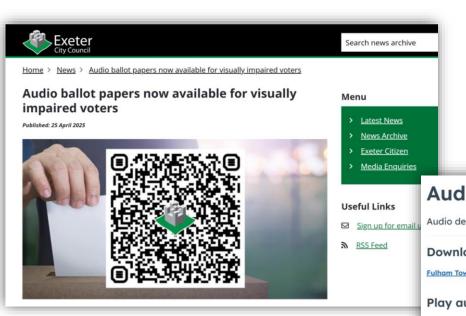
Audio - spoken ballot papers

- Overlay used with spoken ballot papers for a self-service & private voting solution
- important that all ROs provide:
 - access to spoken ballot papers and,
 - publicise this in their area via local representative groups.

Options to consider:

- **telephone numbers** which voters call to hear the names of candidates and parties read out
- publishing ballot paper info in an accessible spoken format on a website capable of being read by common screen readers or embedded read aloud option
- adding phone numbers or links/QR codes on voter material / promoting with local groups
- QR codes printed in large format and provided to blind voters at the polling place

Audio





Audio ballot papers

Audio description of the ballot paper for the 3 July 2025 by-election in Fulham Town ward.

Download file

Fulham Town ward ballot paper audio (MP3, 542KB)

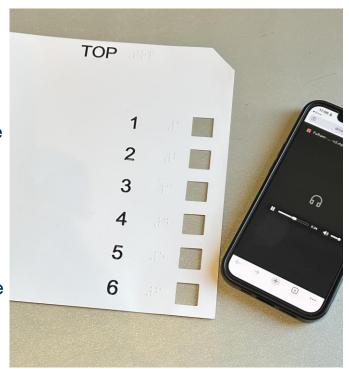
Play audio





Overlay - support for RO

- Overlay supplied by the EMB at no cost to ROs
- Supplies delivered to each RO directly by the printer to an address of your choice
- expected to be supplied in batches of 3 lengths likely to be equivalent to 26, 16 and 10 candidate lengths
- overlays guillotined to correct ballot paper lengths for each constituency/region & added to packs for each polling place
- Guidance notes & training materials covering use of the overlays and providing accompanying audio solutions will be supplied.
- continue to provide the existing plastic TVD





Summary

- Combination of legislative duties to support accessibility
- Provisions are not just about physical accessibility:
 - ERO / RO work across the whole voter journey
 - Revised guidance and build accessibility as key to plans
 - Provide information, build knowledge, consult, signpost / communicate your provisions
 - New devices, audio solutions
 - Key element staff training to confidently support voters



Questions

