

ELECTORAL MANAGEMENT BOARD FOR SCOTLAND

ACTION NOTE: Monday 26 March 2018 2.00pm

Chief Executive's Board Room

Waverley Court, East Market Street

Edinburgh EH8 8BG

Present:

- **Board Members:** Mary Pitcaithly (MP Convener & RO), Pete Wildman (PW ERO/SAA Rep), Ian Milton (IM ERO), Kate Crawford (KC ERO/SAA Rep) Elma Murray (EM RO)
- **Advisers:** Gillian Taylor (GT DRO/SOLAR rep), David Miller (DMi DRO/AEA Rep), Andy O'Neill (AON Electoral Commission), Maria McCann (MMc Scottish Government), Dougie McGregor (DMcG e-Counting Local Government Liaison)
- **In attendance:** Chris Highcock (CH Secretary to the Board/DRO)

		NOTE	ACTION
1.0/2.0	Admin/Note of Previous Meeting/Matters arising etc.	Apologies <ul style="list-style-type: none"> • Malcolm Burr (MB RO) • Jim Savege (JS RO) Note of Previous Meeting (25 January 2018) & Matters Arising The Action Note was accepted as an accurate record of the meeting. Any matters arising were included on the agenda	Noted

<p>3.0</p>	<p>Electoral Commission Update</p>	<p>AON provided an update on recent work of the Electoral Commission.</p> <ul style="list-style-type: none"> • The Electoral Commission had made a response to the Scottish Government Consultation on Electoral Reform. This is published on their website at https://www.electoralcommission.org.uk/scotland/electoral-reform-consultation-response • The Conference held jointly with the Stevenson Trust at the University of Glasgow had been very well received by those who attended, with the academic input to discussions around the issues in the Scottish Government’s consultation being very helpful. Speakers included speakers include: Sir John Holmes, Chair of the Electoral Commission; Joe Fitzpatrick, Minister for Parliamentary Business, Scottish Government and Professor John Curtice, University of Strathclyde and Stevenson Honorary Fellow. • The Electoral Commission was to publish a Factsheet EU General Data Protection Regulation (GDPR) as a resource for Electoral Registration Officers and Returning Officers (this is now available at http://www.electoralcommission.org.uk/_data/assets/word_doc/0007/239587/EU-General-Data-Protection-Regulation-FACTSHEET.doc • Anonymous Registration – work had been undertaken with various stakeholders to explain and promote the new provisions, including meetings with Women’s Aid. A press release to explain the changes was planned for 1 April • It was noted that Mette Christensen had moved to a new role within the Electoral Commission and was to be replaced as Senior Adviser Elections and Campaigners by Martin McKeown who had previously had a key role in electoral administration in North Ayrshire. • Work underway to look at what new powers might potentially and usefully come to the Electoral Commission in Scotland 	
------------	---	---	--

<p>4.0</p>	<p>Scottish Government Update</p>	<p>Consultation on Electoral Reform.</p> <ul style="list-style-type: none"> • Consultation period had been extended to 29 Mar 2018 as the severe weather at the start of March had prevented some roundtable events and there was a desire to ensure that all potential respondents had an opportunity to provide a response. • Responses would be published on the Consultation Hub https://consult.gov.scot/ from 23 April. Around 850 responses had been received to the consultation at this point • An independent analysis of responses would be undertaken by the end of July • Parliamentary debate on eVoting had taken place on 7 March. • EMB Response (previously circulated) to be noted and is available on the EMB website. • Programme of legislation to be drafted in response to consultation taking forward issues identified. COLSA, SOALR, SOALCE will be involved in the drafting of any legislation. <p>EMB Convener</p> <ul style="list-style-type: none"> • With the retirement of MP work is underway to identify a new Convener. MMCC is progressing. Under the Act the post is only open to ROs. While not a “public appointment” it is being approached in that spirit 	
------------	-----------------------------------	--	--

<p>5.0</p>	<p>Scotland Office/Cabinet Office Update</p>	<ul style="list-style-type: none"> • While most ROs had settled their accounts, there remained some in dispute over specific items and also the general approach of the guidance. • UK Parliamentary General Election Claims – Convener MP had written to Paul Docker in the Cabinet Office with respect to the treatment of claims particularly where rules over issues such as the use of certain postal vote verification approaches were not being handled consistently. Cabinet Office had responded proposing some additional discussion around the guidelines for the election claims. • ACTION EMB and Cabinet Officer to meet to discuss and identify specific areas to address. 	
<p>6.0</p>	<p>Electoral Registration Update from the Electoral Registration Committee of the SAA</p>	<ul style="list-style-type: none"> • The inaugural National Democracy Week will start on Monday 2 July 2018, the 90th anniversary of the 1928 Equal Franchise Act which gave women the same voting rights as men. • While Scottish Government had indicated that Scotland would not be involved in the delivery of National Democracy Week, PW representing the SAA is involved as a member of the National Democracy Week Council. https://democracyweek.campaign.gov.uk/ • Other options being considered by the Scottish Government to take account of anniversaries etc 	

<p>7.0</p>	<p>EMB Work Programme</p>	<ul style="list-style-type: none"> • EMB Work Programme / Schedule of activities was circulated for comment. Work programme for the EMB for the coming years. Noted . • Key tasks listed include work to address some of the major challenges facing the community <ul style="list-style-type: none"> ○ eCount principles to feed into the next procurement for 2022 ○ Resilience around registration systems ○ Gap between elections poses a challenge in terms of loss of capacity and expertise; options suggested include use of by-elections in neighbouring councils to maintain skills and knowledge. ○ Potential for mentoring process for ROs and DROs. ACTION – initial survey of training needs to be undertaken by EMB ○ Mentoring of ROs – especially new ROs coming into post if little experience of elections and issues. ○ EMBs, ROs and EROs need to keep meeting in whatever forums they have in place even if there are no imminent scheduled events. Structures and overall capacity needs to be maintained. ○ Contact should be maintained with Police Scotland • EMB Annual Report (circulated), had been laid before Parliament on 24 January 2018 	
------------	----------------------------------	---	--

<p>8.0</p>	<p>Lessons from 1 March 2018 (delivering an election under “emergency” conditions</p>	<ul style="list-style-type: none"> • There had been a number of local government by-elections across Scotland in recent months. A log of by-election activity since May 2017 is maintained on the EMB website at http://www.electionsscotland.info/info/5/electoral_management_board/92/log_of_council_by-elections These have included both manual and electronic counts. EMB maintains an oversight of any key issues arising. • A useful paper had been prepared by the RO at Clackmannanshire for discussion by the EMB which identified a number of lessons arising from the experience of the delivery of a by-election in the Clackmannanshire North Ward on 1 March. This date coincided with some very severe weather across Central Scotland with a Red Weather Warning issued by the Met Office. Despite the weather and these general warnings, the by-election was delivered successfully by the officers in Clackmannanshire with a turnout of 24.7%. In any case there are very few legal provisions to allow an election to be postponed. • The EMB noted the impressive performance effort and professionalism of the RO and team in Clackmannanshire in delivering the event under these circumstances. However might not have been possible in other geographical areas. • The EMB agreed that there was a need to look at the options for postponement / interruption of the poll due to emergency circumstances. Currently it is only open riot that can allow a poll to be countermanded. There are many circumstances in the current world, from terrorism to severe weather in which the RO may wish to have the option to suspend the poll in order to protect staff and electors. • Severe weather emphasised the need for appropriate contingency planning. Public safety and safety of staff both at risk in circumstances • Scottish Government open to proposals at to circumstances in which poll might be suspended and protocol for doing so. Returning Officer would have power but potentially also a role for Convener of EMB. Alternatively the rules currently in place for suspension in the light of riot could be expanded to cover other circumstances. • ACTION Scottish Government and EMB to review issues around interruption of poll and identify a path forward with options. 	<p>6 Page</p>
------------	--	--	-----------------

9.0	EU General Data Protection Regulation (GDPR)	<ul style="list-style-type: none"> Electoral Commission was to release a Fact Sheet / Resource for EROs and ROs, with input from the AEA, SAA and SOLACE. This is now available at http://www.electoralcommission.org.uk/_data/assets/word_doc/0007/239587/EU-General-Data-Protection-Regulation-FACTSHEET.doc There are a range of actions for ROs and EROs to take. SOLAR Election Working Group is reviewing to identify common proposed approach for RO and ERO in terms of registration with ICO etc. ACTION EMB will coordinate and circulate material as it develops. 	
10.0	Training / Support for ROs and DROs	<ul style="list-style-type: none"> SOLAR Elections Working Group had discussed the potential for Joint Training Programme with AEA / EMB based on the model developed by ADSO in England and Wales. ACTION CH GT to discuss with SOLAR Elections Working Group Proposals in Wales for and RO Mentoring programme were noted. ACTION – EMB to monitor approach 	
11.0	EMB Financial Statement	<ul style="list-style-type: none"> Noted 	
12.0	EMB Budget 2018/2019	<ul style="list-style-type: none"> Noted and agreed; Scottish Government would issue a Grant letter on the basis of this budget 	
13.0	Regional Returning Officers' Group / EAB and associated meetings	<ul style="list-style-type: none"> ECAB/EAB Teleconferences: Noted ERRWG Meeting – 8 March 2018 (papers circulated) noted 	

14.0	Scottish Parliament Political Parties Panel	<ul style="list-style-type: none"> • 27 February 2018 (papers circulated) • Noted 	
15.0	AOB	<ul style="list-style-type: none"> • None 	

Dates of Future Meetings

- 22 May 2018 (rescheduled from 24 May)
- 27 September 2018
- 29 November 2018 (to be rescheduled when new Convener in post)