ELECTORAL MANAGEMENT BOARD FOR SCOTLAND

Mary Pitcaithly
Convener of the Board

FOR THE ATTENTION OF ALL RETURNING OFFICERS & **ALL ELECTORAL REGISTRATION OFFICERS**	**Our Ref:** CH240217/SLG2017DIR2 **Your Ref:** **Date:** 28 February 2017

Dear Returning Officer / Electoral Registration Officer,

SCOTTISH LOCAL GOVERNMENT ELECTIONS 4 MAY 2017
ADDITIONAL DIRECTIONS FROM THE CONVENER OF THE EMB

In my letter of 7 November 2016 I made a series of eleven directions to Returning Officers and Electoral Registration Officers in relation to the exercise of your functions in delivering local government elections in Scotland. Some background was also included which outlined my powers to make directions, their purpose and the consultation that had been undertaken. In addition, I identified a number of areas where I was making no direction but to which I was urging ROs and EROs to give particular attention.

As Convener of the EMB I have the power to make additional directions and as the preparatory work around these elections has proceeded I have identified areas where (a) additional directions are to be made and (b) additional guidance is to be issued. This letter makes three additional directions with respect to information and presents some additional guidance. Also appended is an expanded table which presents all 14 of the Directions that I have made.

Additional Direction 1 – Display of Information Within Count Centres

The e-Counting system has three different "public-facing" ways of viewing the progress of the count. These are the Count Progress display, the Dynamic Floor Plan and the Candidate First Preference Votes display. While the Count Progress screen will probably be the most widely used display **I am directing that all ROs ensure that they make the Candidate First Preference Vote display available for each contest.** I am aware that some RO teams consider this display to be potentially misleading as first preferences alone do not accurately reflect the results. However, this display is important to the transparency of the process as an electronic version of observing votes pile up on tables. In addition, political parties at a national level have stressed to me that they expect this display to be available at counts and local candidates, agents and observers will raise concerns if it is absent.

In order to support transparency, promote confidence in counts and deliver consistency I am therefore requiring that this screen is available at all counts. ROs must make sure that candidates and agents are fully briefed on the STV count method and the eCount system so that they understand the information that is displayed and its relation to the final results (i.e. that first preference totals do not always correspond to the ultimate results). This should benefit all those present enhancing the transparency of the count.

Additional Direction 2 - Data Extraction during the Count

Security of the IT system is paramount and the relevant arrangements are kept under continuous review. The system cannot be hacked from outside the Count Centre or be subject to a remote cyber-attack since each Count Centre is completely separate from the others and there is no connection between the system and the internet. Moreover, the system has several special checks built into it to ensure that nothing has been tampered with in situ.

The agreed technical and security design therefore does not provide for electronic versions of system generated reports from completed contests to be transferred to external devices while other contests are still underway, which means they cannot be sent electronically for publication on council websites.

Undertaking data extraction during the count would be a security risk and could also have a damaging effect on performance. The dangers of destabilising the system, delaying remaining contests and introducing data security risks are too great to allow any reports to be downloaded during the count.

During the count ROs will have the capacity to produce and **print** the Declaration Report and other report(s) that they feel will assist with briefing candidates and agents e.g. the Preference Summary Report or the Percentage Turnout Report. ROs may decide to publish scanned or photographed copies of the Declaration Reports ward by ward as the count progresses. These could be replaced with better quality, downloaded pdf versions after conclusion of all of their counts either later in the day, or the following week.

I am therefore directing that no electronic reports are generated and downloaded from the system until the counts in all wards of a Council have been completed. This will preserve security and support the stability of the systems. A scanned copy of the printed Declaration Report could be posted on the council website following the declaration of the result of a ward, during the course of the count, but no other reports should be published at that point.

Additional Direction 3 - Publication of Information

The RO has a duty to publish a range of information about the count for each contest, with a deadline for completing the process of one week from the declaration of the results. I do recognise however that ROs will wish to fully publish all required reports as soon as practically possible.

Processes are in place to enable electronic versions of reports and key data files to be transferred to portable hard drives for the ROs following the conclusion of the whole count (all wards complete).

As noted above, the full suite of reports should be generated and published electronically only following the completion of all ward contests in a Council's count and not while any ward counts are still in progress.

The table below identifies the information which a RO must publish and the relevant e-Counting system reports which provide that information:

Legislative Reference	Requirement	Relevant Reports produced by the e-Count system
The Scottish Local Government Elections Order 2011 (as amended) – Schedule 1 Rule 56 (c)	Declaration of successful candidates names, number of first and subsequent preferences, the number of ballot papers transferred and their transfer value at each stage, number of votes for each candidate at each stage of the count, number of non-transferable ballot papers, a sequence of preferences and the number of rejected ballot papers	1. Declaration of Results Report 2. Preference Summary Report 3. Transfers Report 4. Votes per Stage Report 5. Preference Profile Report 6. Election Results Report 7. First Preference Report
Schedule 1 Rule 61	First and subsequent preferences by ballot box, amalgamating boxes with fewer than 200 papers with another box in the same contest	8. Preferences by Ballot Box Report

I am therefore directing that Returning Officers must publish for each ward the following reports:

1. Declaration of Results Report
2. Preference Summary Report
3. Transfers Report
4. Votes per Stage Report
5. Preference Profile Report
6. Election Results Report
7. First Preference Report; and
8. Preferences by Ballot Box Report.

These should be published to Council websites **only after the counts in all wards are concluded**, avoiding any risk to the stability, security or performance of the system. For consistency, **only** these reports are to be published.

Note also that the Preference Profile Report is not a formatted system "report" but will be produced as a pure data file (in csv format). This will need to be published with a commentary explaining how it is to be interpreted. An example of such a commentary is attached as Appendix 2 and also available on the EMB website.

Directions and Timetables

I have provided a full statement of my Directions in Appendix 1 with a short commentary where clarification might be useful.

Timetables for the election have been circulated previously and are [now available on the EMB website](#).

The Electoral Commission also have a suite of [guidance and resources for Returning Officers](#) available on their website.

Additional Guidance with respect to Adjudication of Doubtful Papers

Consistency in the adjudication of doubtful ballots is fundamental both within a count hall and across all counts in Scotland in order to preserve confidence in the process. At the January seminar in Glasgow I explained the key principles of adjudication and how it should be undertaken. At the seminar the usual Electoral Commission place mats were made available. These will be posted on the Electoral Commission website shortly with their 2017 Guidance on adjudication. In addition to that material however experience at recent by-elections has indicated that there is scope for additional guidance around the treatment of some types of doubtful vote.

Classification of rejected votes

The Order requires Returning Officers (ROs) to select one of five reasons when rejecting a ballot paper. This is recorded within the e-Counting system by checking one of 5 boxes on the RO Adjudication screen. The wording on the screen for the 4th and 5th reasons is similar:

- 1st preference vote not clearly to one candidate, and
- 1st preference vote for more than one candidate.

As I noted in my presentation in Glasgow, I am recommending that ROs use the 5th reason ONLY where there are clearly multiple Xs, 1s, "Yes",✓, or other marks which would be interpreted as equivalent to "1" as a first preference if there were no other marks on the face of the paper.

Minimising RO Adjudication

To maximise the performance of the system overall as many doubtful papers as possible should be dealt with at first-level adjudication, removing a potential bottleneck in the count process. At this level adjudicators have the right to accept papers or defer to the RO. Adjudicators should be encouraged to accept all papers where the intention of the voter is clear. Some of these cases may not be included in the Electoral Commission examples but should still be obvious to the observer. These may include for example where the voter has:

- written numbers within circles to give their preferences;
- used a tick and a series of "No's" to give a single preference;
- used one "Yes" and a series of "No's" to give a single preference;
- used given limited preferences – e.g. 1,2 and 3 then "scored through" remaining boxes; or
- used a single 'X' with remaining boxes "scored through".

These additional examples are included on the EMB website at Adjudication Examples.

Escalation and Exceptions

If you have any questions about these Directions, please do not hesitate to contact me directly or to raise them with the Secretary of the EMB, Chris Highcock (chris.highcock@edinburgh.gov.uk 0131 469 3126).

If you have any concerns that you may be unable to meet the terms of any of these directions due to particular local circumstances, please also contact Chris Highcock. I would be happy to work with Returning Officers and Electoral Registration Officers in such circumstance to identify alternative means to meet the objective of the Direction.

Yours sincerely,

Mary Pitcaithly
Convener of the Electoral Management Board for Scotland

	WORKSTREAM	DIRECTION	COMMENTARY
1	**Ballot Paper** *Colour of Ballot Papers*	Ballot papers must be **white**; tendered ballot papers must be **pink**.	Ballot paper production is an element in the eCounting contract and will be undertaken by a single supplier for the whole of Scotland. This will give assurance of the consistency of the ballot paper - the fundamental voter facing document.
2	**Ballot Paper** *Official Mark*	The Official Mark used for polling stations ballot papers must be different from those issued in postal vote packs. ROs must ensure that their ballot papers include the official marks as agreed by the EMB with the printers. ROs will be informed of the agreed Official Marks prior to ballot paper production to allow them to confirm that papers meet the specifications	The Official Mark will be a secure design (difficult to copy or imitate) that will not feature images, letters or numbers. A different mark on postal ballots will ensure that they are distinct at the count and would be identified should any be found in ballot boxes from polling stations.
3	**Notices** *Publication of Notice of Election*	ROs must publish the Notice of Election on **13 March 2017**.	This is the earliest date possible and will allow the maximum length of nomination period. This is important given the volume of nominations that ROs will have to handle. As a result "Purdah" will also commence on this date.
4	**Poll Cards** *Date of dispatch of poll cards*	ROs must ensure that poll cards are dispatched from printers between **14/15 March 2017** to achieve delivery to electors within five working days of the publication of the Notice of Election	There is in effect a "deadline" of 7 February for a validly registered elector to be included in this first issue. The poll card data will be based on the register as published on 1 March 2017 which will include valid applications up to and including 7 February 2017.

	WORKSTREAM	DIRECTION	COMMENTARY
5	**Absent Votes** *First dispatch of Postal Ballot Packs*	ROs must ensure that postal ballot packs for inclusion in the first delivery to all validly registered electors are passed from printers to the postal services between **13 and 14 April 2017**. All postal ballot packs are to be dispatched by first class post.	A consistent date of dispatch will support national communication and voter awareness activities and allow political parties and others to plan their campaigns. Postal vote applications from all validly registered electors received by **29 March 2017** will be included in this first issue. Packs for validly registered postal voters included in the Second Interim Election Notice of Alteration (SIENA) should be dispatched in a separate issue as soon as practicable. With publication of the SIENA on **7 April**, a dispatch on **13-14 April** is achievable The postal ballot packs dispatched must include postal votes being sent to electors who are temporarily overseas e.g. on a holiday. There is no special provision for overseas voters, although their numbers will be limited under this franchise. There will be service voters and some holiday makers/students with overseas ballot paper addresses.

	WORKSTREAM	DIRECTION	COMMENTARY
6	**Absent Votes** *Final dispatch of Postal Vote Packs*	ROs must ensure that there is at least one additional issue of postal ballot packs. The final dispatch to all validly registered postal voters should be handed over from printers to the postal services on **25 April** using the Final Election Notice of Alteration (FENA).	Note the **5pm 18 April** deadline for requests for a new postal vote or to change or cancel an existing postal vote or proxy appointment, for those electors who are already registered. This does not preclude ROs from issuing postal vote packs at other times if necessary e.g. because an elector is going to be on holiday or away on business by the time of the next issue of postal votes, and the RO decides, as they can, to issue an individual postal vote pack. The postal ballot packs dispatched must include postal votes being sent to electors who are temporarily overseas e.g. on a holiday. Again, there is no special provision for overseas voters, although their numbers will be limited under this franchise. There will be service voters and some holiday makers/students with overseas ballot paper addresses.

	WORKSTREAM	DIRECTION	COMMENTARY
7	**Verification and Count** *Count Timing*	ROs must ensure that the first ballot boxes are opened after 8am and not later than **9:30am on Friday 5 May 2017** to allow the verification and count to begin for their wards. For the avoidance of doubt there will be no overnight counting of votes and the verification in all councils must be underway by 9:30am on **5 May 2017**	This is in line with the 2012 direction; for local government elections in Scotland a "next day count" is now well-accepted, offering important resilience to the eCounting systems. The direction formalises the position that there will be no overnight count, but ensures that there will be no undue delay, with all counts underway by **9:30am**. The direction does not require that all ballot boxes will have been received at the count centre by **9:30am on 5 May**. It only requires that boxes begin to be opened by **9:30am**. These could be boxes of postal ballot papers. The direction does not preclude an overnight reconciliation of unused paper/spoilt and checking of ballot paper accounts.

	WORKSTREAM	DIRECTION	COMMENTARY
8	**Coordination and Best Practice** *Performance Management Framework*	All ROs must complete, to a timescale to be determined, the elements of a Performance Management Framework (PMF) that the Convener of the EMB will issue separately from these Directions.	The PMF will require all ROs to submit two returns, one around mid-February and the other around mid-April. In addition, a small sample of ROs may be subject to more detailed scrutiny. The PMF provides assurance to the Convener that ROs are complying with these Directions and that all planning and delivery tasks are being undertaken to the appropriate timescales and standards. ROs should be aware that the Electoral Commission will also be monitoring the performance of ROs at these elections. The EMB will coordinate with the Electoral Commission to ensure that ROs are not asked to provide the same information twice.
9	**Provision of Information** *Results collation*	ROs must submit to the Convener of the EMB, to a timescale to be determined, information relating to the elections in each of the wards for which they are responsible. This will allow the EMB to compile a full analysis of results for the contests across all 32 councils, 354 wards and the 1,227 individual councillors to be elected. ROs will be informed about the information they need to provide to the EMB and in what format by **23 December 2016**, with the first data collection after close of nominations.	It is in the interest of the voter for a full set of results to be held and published centrally. This will allow voters and other stakeholders quickly to find information about the Scotland-wide results soon after the conclusion of the counts. In 2012, no one held this central set of results, which raised questions from voters, elected members and the media as to why this was the case. With the EMB holding this data a consistency in approach and presentation will be possible. Provision will need to be made by the EMB for the collation and publication of this data.

|	WORKSTREAM	DIRECTION	COMMENTARY
10	**Results** *Declaration Scripts*	RO scripts for the declaration of results will be produced by the eCounting system and must be used by all ROs to ensure consistency in the announcement and publication of results.	A "Declaration Report" is produced for each contest by the system. This should be used as a script for the declarations.
11	**Royal Mail Sweep**	ROs must make arrangements with Royal Mail for a polling day sweep of the sorting office for their voting area.	Sweeps are now accepted as best practice in all polls. It is clearly in the interest of the voters that every effort is made to recover all of the votes that have been cast. While the volumes may be lower in these polls, the principle remains valid.
12	**Count** *Communications in count centres*	All ROs must ensure that they make the Candidate First Preference Vote display available for each contest.	This will support transparency, promote confidence in counts and deliver consistency. ROs must make sure that candidates and agents are fully briefed on the STV count method and the eCount system so that they understand the information that is displayed and its relation to the final results (i.e. that first preference totals do not always correspond to the ultimate results). This should benefit all those present enhancing the transparency of the count.

	WORKSTREAM	DIRECTION	COMMENTARY
13	**Count** *Data Extraction during the Count*	No electronic reports should be generated from the system until the counts in **all** wards of a Council have been completed.	This will preserve security and support the stability and performance of the system. Declaration reports printed off may be scanned and posted on websites, during the course of the count, should this be required. **However, ROs will have the capacity to produce and <u>print</u> the Declaration Report and other report(s) that they feel will assist with briefing candidates and agents e.g. the Preference Summary Report.**
14	**Reporting** *Publication of Information*	A limited set of reports should be generated and published electronically on council websites only following the completion of all ward contests in a Council's count and not while any ward counts are still in progress. These reports contain the information which is specified in the Order. To support consistency no further reports should be published.	For clarity the reports to be published are only: 1. Declaration of Results Report; 2. Preference Summary Report; 3. Transfers Report; 4. Votes per Stage Report; 5. Preference Profile Report; 6. Election Results Report; 7. Preferences by Ballot Box Report; and 8. First Preference Report These reports should be published to Council Websites **only after the counts in all wards are concluded**, avoiding any risk to the stability, security or performance of the system. For consistency, **only** these reports are to be published.

Appendix 2: HOW TO UNDERSTAND THE VOTING INFORMATION – PROPOSED GUIDANCE

The Returning Officer has made voting information from the 2017 council elections available to anyone who wishes to find out more about voters ranked the candidates in order of preference. There is one report for each ward.

The first line of the report shows how many candidates there were and how many councillors were to be elected. The subsequent lines begin with the number of voters who ranked the candidates in the same order. There then follows the order that those voters used.

For example, the row in bold below shows that 71 voters gave their first preference to the candidate who appeared first on the ballot paper, and their second preference to the candidate who appeared second. The names of the candidates in the order they appeared on the ballot paper is given at the end of the report. The figure '0' means that there were no more preferences given to any candidate by voters who used this sequence. The final '0' on the last line shows that the report has finished and no more sequences were used.
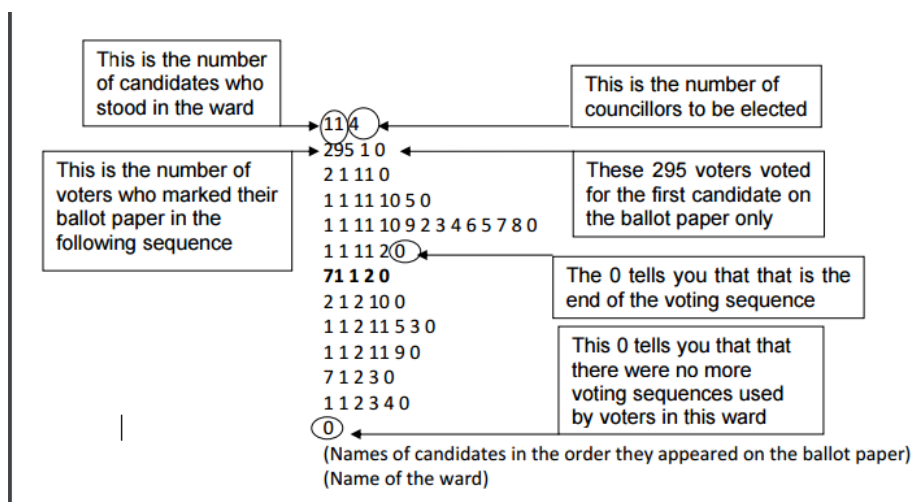
If you have any questions about the reports, please contact the Elections Office on XXXXXXX

Appendix 3: LOCAL GOVERNMENT ELECTIONS 4 MAY 2017 TIMETABLE

	Polling Day (7.00am - 10.00pm)	04/05/2017
-35	Publication of the Notice of Election	13/03/2017
-34	Nomination period commences	14/03/2017
	First Dispatch of Poll Cards	14-15/03/2017
-23	Deadline for lodging Nomination Papers - Not later than 4.00pm on	29/03/2017
-23	Deadline for lodging Appointment of Election Agents - Not later than 4.00pm on	29/03/2017
-23	Latest time for withdrawal of Nomination Paper - Not later than 4.00pm on	29/03/2017
-23	Publish statement as to persons and parties nominated/ notice of poll/notice of situation of polling stations or Notice in case of an uncontested election (After 4.00pm)	29/03/2017
	First Issue of Postal Votes	13-14/04/2017
-12	Last day for applications to be included on the register of electors to be used at these elections	17/04/2017
-11	Deadline for requests for a new postal vote or to change or cancel an existing postal vote or proxy appointment - Not later than 5.00pm on	18/04/2017
	Second Issue of Poll Cards (*indicative*)	21-24/04/2017
	Final Issue of Postal Votes	25/04/2017
-6	Deadline for new applications to vote by proxy (not postal proxy or emergency proxies) on	25/04/2017
	Issue of Proxy Letters and possible third issue of Poll Cards (*indicative*)	26/04/2017
-5	Last day for the appointment of Polling and Counting Agents	26/04/2017
0	Polling Day (7.00am - 10.00pm)	04/05/2017
0	Deadline for the issue of replacement for spoilt or lost postal ballot papers - Not later than 5.00pm on	04/05/2017
0	Deadline for new applications to vote by proxy on the grounds of a medical emergency - Not later than 5.00pm on	04/05/2017
0	Last day to make alterations to the register to correct a clerical error or to implement a court (registration appeal) decision - Not later than 9.00pm on	04/05/2017
0	Verification and Counting of votes	05/05/2017
	First Scheduled Council Meeting must be held within 21 days of the date of the election	
35	Latest date for delivery of return of declarations as to election	09/06/2017

Note also the cut-off for registration applications is set by the Representation of the People (Scotland) Regulations 2001 and therefore, under regulation 8(3), Easter Monday is not a Dies Non for registration purposes.