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| ELECTORAL MANAGEMENT BOARD FOR SCOTLAND **ACTION NOTE: 2PM THURSDAY 26 MARCH 2020**  ***HELD BY TELEPPHONE CONFERENCE DUE TO CORONAVIRUS RESTRICTIONS*** | | | |
| Present:   * Board Members: Malcolm Burr (MB, Convener & RO), Pete Wildman (PW ERO), Kate Crawford (KC, ERO), Ian Milton (IM ERO), Roger Meenie (for David Martin) * Advisers: Dr Penny Curtis (PC Scottish Government), Maria McCann, (MMcC Scottish Government), Mark Conaghan (MC DRO/SOLAR rep), David Miller (DM DRO/AEA Rep), Andy O’Neill (AON Electoral Commission), Martin McKeown, (MM Electoral Commission), Sarah Mackie (Electoral Commission), Liz Ure (LU Scottish Government), James Newman (JN, Scottish Government), Paul Docker (PD Cabinet Office) * In attendance: Chris Highcock (CH Secretary to the Board/DRO) | | | |
|  |  | **NOTE** | **ACTION** |
| **1.0/2.0** | **Note of Previous Meeting**  **Apologies / Matters Arising** | * Note of previous meetings - 3 October 2019 (meeting), 15th, 22nd and 28th November and 6 December (teleconferences) - accepted as accurate * Apologies from Andrew Kerr, Steve Grimmond, Jim Savege, Kenneth Lawrie, Dougie McGregor | **Noted** |
| **3.0** | **Coronavirus – impact on planning and by-elections etc** | * It was noted that the Coronavirus Act 2020 included provisions for the postponement of by-elections to fill vacancies in local authorities and also vacancies in the Scottish Parliament. * PC had written to all ROs to outline the process for the postponement of by-elections for local authorities. MMcC noted the Scottish Government thanks to the EMB and the Electoral Commission for their support. * Electoral Commission would issue write to ROs etc highlighting that guidance would come from EMB. **ACTION** AON MMcK * EMB would issue guidance to ROs outlining how they should consult with Scottish Ministers and the Convener of the EMB with respect to postponement. Electoral Commission would also be informed. **ACTION** CH to issue guidance * Note Scottish Government are working on provisions to provide retrospective cover to ROs for the cancellation of by-elections. * PW noted that there have been requests for use of the electoral for use in targeting support to certain communities. These have been responded to in line with legislation on access to the register. | **MMcK**  **CH** |
| **4.0** | **EMB Review of delivery of UK Parliamentary General Election 12 December 2019 (*circulated*)** | * Review / Project Close report noted. A number of ROs and DROs had provided valuable feedback. * **ACTION** Recommendations / follow up actions were agreed by the EMB. * **ACTION CH** to follow up with suppliers, especially Royal Mail and key print supplier * Spending Claims for UKPGE – PD noted that the deadline for submission of claims had already been extended to 9 months following the election; an extension to 12 months was being considered. * MB noted for the record that the election had been delivered very professionally, especially considering the short notice and the time of year. All went very well and the hard work and performance of the teams across Scotland is to be recognised. **ACTION** ALL to note   **Association of Electoral Administrators – Post Election Statement (*circulated*)**   * Noted. * AON noted that the Electoral Commission’s own report on the delivery of the UKPGE was in preparation and would be published shortly | **CH**  **ALL** |
| **5.0** | **Electoral Commission Update** | * MM noted that work was ongoing around the draft ERO Performance Standards with a deadline of 31 March for comments. PW noted that material would be submitted from EROs by the deadline. * Canvas Reform – the regulations had passed in the Scottish Parliament on 25 March. The Electoral Commission would support implementation with voter materials and guidance. Following ministerial signoff there will be a publicity campaign and communications material available by the end of April. PW thanks ed the Electoral Commission for their support in this work * Much work had been undertaken in partnership with the Scottish Government, EMB, SAA and SPS on the implementation of the provisions of the Franchise and Representation Act around the process for prisoner voting. | **PW** |
| **6.0** | **Scottish Government Update** | **Canvass Reform /Prisoner Voting /Accessibility of Elections (eCount to be taken at item 10)**   * As noted above **Canvas Reform** regulations were approved. * **Prisoner voting** – Royal Assent expected shortly and the provisions for prisoner voting will be in force form the following day. Even though with Coronavirus postponements there will now be no polls imminent, qualifying prisoners will still be able to register. Forms are prepared and have ben submitted to UK Government for sign off by the Minister. Forms to be printer and circulated to prisons with prepaid envelopes for return to EROs. This has been a complex and involved process and MMcC expressed her thanks to all for their support and input. SM noted that guidance for EROs was in preparation with basic principles drafted. PW noted that this was a rapidly changing situation with respect to Covid19 but that material should be ready for 1 April. * **Accessibility** – it was noted that this has become a real preoccupation of some MSPs with respect to the Reform Bill and a matter of Cross Party interest. Work underway to address their concerns and interest.   **Referendums (Scotland) Act 2020**   * Much work currently paused due to the current situation. Question testing work currently paused.   **Production of Guidance (letter from Scottish Ministers circulated)**   * EMB has commissioned the drafting of guidance for Counting Officers as CCO (EMB Convener) is responsible for this under the Act. PID currently in preparation.   **Scottish Elections (Franchise and Representation) Bill**   * Work around Prisoner Voting discussed earlier.   **Scottish Elections (Reform) Bill**   * There was to have been Stage 3 consideration of the Bill on 31 March but with the current circumstances with respect to Coronavirus and changes to sitting of Parliament this will be delayed. There is no clarity as to when this will now happen. MMcC noted that the Bill will e open to new amendments at this stage.   **Scottish Parliament Election Order 2020**   * MMcC noted that work continues on the drafting of the new order with the aim to table the final version in the summer of 2020. EMB, SOLAR and Electoral Commission had already offered a number of comments. There is an aim to allow line by line consideration from DROs and lawyers. | **ALL**  **CH** |
| **7.0** | **Scotland Office / Cabinet Office Update** | **Cabinet Office Update (Votes for Life, Voter ID etc)**   * Boundaries – PD noted the Minister’s statement. When Parliamentary time allows, the Government is minded to bring forward primary legislation which would: * *make provision for the number of parliamentary constituencies to remain at 650, and bring the 2018 Boundary Review to a close without implementation;* * *ensure fair and equal boundaries. The Government is minded to not change the tolerance level of +/- 5%: a constituency's electorate may be up to 5% above or below the average electorate size (the “electoral quota”);* * *not propose any additional protected constituencies;* * *change the rule so that boundary reviews are conducted* ***every eight years*** *(currently every five);* * *bring into effect the recommendations of the independent Boundary Commissions by way of an Order in Council, which would not be subject to parliamentary* procedure.   **Letter from the Minister for the Constitution (*circulated*)**   * Noted * PW welcomed the clarification of the UK Government position with respect to the existing round of boundary reviews which will be scrapped. He noted the important link between boundary revisions and the canvas and the need to sequence these things appropriately. The 5% variation would still likely produce change even with a maintenance of the 650 total. * PD noted that there was additional work underway looking at the issues around the TVD following the judicial review of its use. A technological solution was being tested. |  |
| **8.0** | **Electoral Registration Update from the Electoral Registration Committee of the SAA** | * PW noted that ERO offices were now generally closed with staff working from home where possible. There were obviously issues around accessing mail etc but safety of staff was paramount. * Prisoner Voting work had been more complex that perhaps anticipated by some but there had been strong support form stakeholders including SPS. Electoral Commission guidance next step and is important. * There are questions as to the conduct of the canvas in the context of Coronavirus especially with respect to how and when it happens with the legal requirement for “door knocks”. The legal publication date of 1 December might not be achievable this year. Given the elections in May 21 there will need to be a current up to date register by that point. |  |
| **9.0** | **Local government Boundary Commission for Scotland – to note proposals for islands** | * Note that Ronnie Hinds had invited MB for discussions and then a later seminar around the developments around 1 and 2 member wards especially with respect to islands. * MB keen to progress but this will have to be post the Coronavirus situation. | **MB** |
| **10.0** | **Preparation for Scottish Parliament Election 6 May 2021** | **Draft Timetable – circulated**   * Noted   **Directions from the Convener of the EMB and other consistency issues – 2016 recommendations circulated**   * Noted. The 2016 recommendations will be the template for Directions from Convener in preparation for 2021. **CH** and EROs to discuss issues around SIENA and dates for poll card and postal vote issue. * IM noted the need to ensure that EMS systems were operating appropriately and able to cope with the schedules that we identify. There is a need for a specific meeting with IDOX around EROS and around production schedules. **CH** to progress   **Governance - Proposals for Regional Coordination / Mentoring / Performance Management – paper to follow**   * Project Brief and Project Plan noted. Some elements may need to be revised in the light of current restrictions but the basic template of identifying needs, offering support/training, capacity building, support though RRO groups and a conference/seminar in January 21 would remain. **CH** to progress | **CH PW**  **CH**  **CH** |
| **11.0** | **Preparation for Scottish Local Government Elections 5 May 2022 / eCount Procurement and implementation** | * The tender has been published on Public Contracts Scotland and the Official Journal of the European Union (OJEU). It was developed by the Scottish Government project team for eCounting, in collaboration with the project board, the procurement user intelligence group and all user group representatives to ensure that all 32 authorities are represented. * The contract covers all councils to use the eCounting system for by-elections from the point of system sign off, which is expected to be late 2021. The contract will run until 2026 and can be used for any by-election during this period. * The tender period was originally to be open for bids until 21st April; there may now be an extension. After this the review and scoring process will commence. Bids will be scored by 5 Scottish Government colleagues representing central procurement and the core eCounting project team, 1 EMB representative, and 3 local authority election professionals. * MMcC noted that there had been a QA Review (formerly a Gateway Review) of the project so far and it had received an excellent report. * It was noted that there would be value in increasing communication with the Project Board. **JL** to progress | **JL** |
| **12.0** | **EMB Financial Statement (circulated) and Budget** | * Noted and approved. |  |
| **13.0** | **EMB Annual Report** | * Draft is in process of final edit and review. |  |
| **14.0** | **Local Council by-elections – upcoming events (**[**log of by-elections since May 2017**](http://www.electionsscotland.info/info/5/electoral_management_board/92/log_of_council_by-elections)**)** | * Noted that all scheduled by-elections were to be postponed under S70 of the Coronavirus Act 2020. |  |
| **15.0** | **Council by-election timetable generators (**[**hosted on EMB Website**](https://www.electionsscotland.info/downloads/download/109/scottish-local-government-by-election-timetable-generator-2020---2021)**)** | * Noted * ROs still need to check their own calculations and note that the timetable is their responsibility.. | **ALL** |
| **16.0** | **Regional Returning Officers’ Group / ECAB and associated meetings** | * Recent ECAB meetings noted. Focus of discussion was on review of 2019 elections and impact of Coronavirus issues on planning and delivery. |  |
| **17.0** | **Scottish Parliament Political Parties Panel (SPPPP) 22 January 2020** | **Proposal for an “All Scotland Polling Scheme” – paper submitted from SNP via SPPPP for consideration of EMB**   * PW and CH to progress. Potentially following discussion with Improvement Service. * Not a priority in the current circumstances. | **CH PW** |
|  | **AEA Branch Update** | * Noted recent meeting of the Branch. Discussion had focussed on review of 2019 UKPGE, new legislation and the issues identified here around canvas, covid19 etc. | **ALL** |
|  | **AOB** | * None identified. |  |

**Dates of Future Meetings**

Next meeting to be **28 May 2020**

Subsequent meetings August and October to be finalised nearer the dates.