



Elections Scotland

ELECTORAL MANAGEMENT BOARD FOR SCOTLAND

Malcolm Burr

Convener of the Board

**FOR THE ATTENTION OF ALL
RETURNING OFFICERS AND
ELECTORAL REGISTRATION OFFICERS IN
SCOTLAND**

Our Ref: CH0211220/SP2021 DIR

Your Ref:

Date: 21 December 2020

Dear Returning Officer/Electoral Registration Officer,

SCOTTISH PARLIAMENT ELECTION 6 MAY 2021: DIRECTIONS FROM THE CONVENER OF THE ELECTORAL MANAGEMENT BOARD (EMB)

The Local Electoral Administration (Scotland) Act 2011 as amended by the Scottish Elections (Reform) Act 2020 gives the Convener of the EMB authority to make directions to Returning Officers (ROs) and Electoral Registration Officers (EROs) in relation to the exercise of your functions in delivering Scottish parliamentary Elections.

The EMB has considered the major issues related to the delivery of the Scottish Parliament Election in May 2021, especially given that there are likely to be continued restrictions due to the efforts to address the Coronavirus pandemic. I have decided that it is appropriate to make a number of Directions with respect to several elements of the election process. These Directions are the product of the experience of delivery of a number of major electoral events over recent years, with Parliamentary Elections and significant Referendums, some held at very short notice, drawing on important lessons from those polls. In addition the series of by-elections across Scotland in October and November 2020 were instructive in terms of operating successful electoral events in the context of COVID. These Directions therefore also reflect the distinctive conditions that we expect to endure through to May 2021.

Purpose of the Directions

The Directions are intended to coordinate delivery of the Election across Scotland to promote the interests of the voter. The overall goal is to deliver results that will be trusted as accurate, resulting from elections that are accessible, consistent, efficient and secure. In the context of COVID the EMB has a duty to promote operations that are safe for all stakeholders.

These goals are to be achieved through a consistency in voter experience and a resilient approach to planning. These Directions will assist ROs, EROs and other persons in carrying out their functions. I also intend that they will promote best practice in the planning and management of elections in Scotland.

Consultation

As required by legislation the Directions have been the subject of formal consultation with the EMB, which includes both ROs and EROs, and with the Electoral Commission, and the final Directions reflect issues identified in those consultations. There have also been informal discussions with print and IT suppliers to ensure that they are aware of the production schedules that would be required, and with Royal Mail. At its meeting on 16 December 2020 the EMB considered this final set of Directions. Following discussion at that meeting I am now content formally to make the Directions which are presented in Appendix 1. I have provided a full statement of the Directions in Appendix 1 with a short commentary where clarification might be useful.

The Board will as usual engage with the Electoral Commission to access intelligence gained from their support performance standards processes. This will support and inform the EMB's own oversight of the planning and delivery of the election.

A Potential Growth in Postal Voting

Directions 7 and 8 anticipate a substantial growth in postal vote applications. Electoral Commission [research in both August and November 2020](#) suggested that there may be an increase in postal vote applications, driven by concerns around COVID and perceived risk of in person voting, such that there may be up to 40% of the electorate choosing to vote by post. The Directions recognise the need to accommodate this potential growth. However it is accepted that it is not just the absolute volume but the timing of applications that would be challenging, especially were applications to be made in the final weeks before the deadline. These statistics will be kept under review and there will be ongoing monitoring of the likely uptake of postal votes. It may be that these numbers do not materialise should the virus wane and vaccination roll out over substantial sectors of the population.

Scope for Additional Directions

As senior public officials responsible for a range of services in our local communities we are all acutely aware that circumstances, regulations and guidance are frequently changing given the fluid nature of the COVID situation. **As a result there may be a need for me to revise or add to these Directions in the light of developing conditions.** The final agreed provisions of the Scottish General Election (Coronavirus) Bill 2020, currently under Parliamentary scrutiny, may also prompt further Direction or recommendation from me when it comes into force. I will always seek to make any Directions as early as possible to support your planning.

You will have read the initial [advice that I gave to Ministers](#) assessing the need to hold polling over multiple days at the Scottish Parliament Election scheduled for 6 May 2021. That advice noted that I may consider a Direction limiting the number of voters allocated to each polling station to minimise the risk of queues given the implication of physical distancing in polling places. This remains under consideration and I may make such a Direction, as the Chief Counting Officer did for the 2014 Referendum, early in the New Year.

I am also considering the timing of the verification and counting of votes which, with physical distancing, will inevitably take longer, and whether it is appropriate to direct on a consistent approach. Again mindful of the need for early decision to support planning, there will be further communications early next year.

With respect to both polling and the count, all ROs should, as previously recommended, be reviewing their intended polling places to be prepared for the additional demands of operating under COVID conditions. In addition many venues around the country are being designated as vaccination centres and ROs should be aware of any potential impact on their choice of polling places. With respect to your review of polling places, ideally this should be done by February to ensure wherever possible the poll card data has the correct information.

Third Issue of Postal Votes

Returning Officers may wish to implement three postal ballot issues, reducing the potential for complaints when electors narrowly miss the deadline for inclusion in the first issue and must wait until the end of April to receive their pack. The date for the second interim notice of alteration is a floating date. At recent elections EROs have agreed a common date and this could be the basis for an interim issue of postal votes ahead of the final issue. EROs will again be agreeing a common date for SIENA across Scotland. There will be further communications on this also in January.

Briefing Events

I have a regular opportunity at each SOLACE meeting to speak to Chief Executives in a forum that allows us to consider election issues corporately. I would like to stress that in addition to that meeting I am available to any Returning Officer to discuss concerns around the delivery of particular electoral events and especially as 6 May 2021 approaches. The community of electoral professionals in Scotland is small but is also both supportive, helpful and experienced. I am encouraged that there are always those who are willing to offer advice, expertise and support to colleagues.

The EMB is holding a Joint Seminar with the Electoral Commission on 5 February 2021 which will address a range of issues related to your planning and delivery of the Scottish Parliament Election next year. I look forward to seeing you at that event. The broad theme of the Seminar is again "readiness", considering your preparedness for the May polls under COVID restrictions and examining what do you have to do now to ensure you can deliver the Election safely.

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

Yours sincerely,

MALCOLM BURR

Convener of the Electoral Management Board for Scotland

Appendix 1

<p>Scottish Parliament Election 2021</p> <p>Directions to Returning Officers and Electoral Registration Officers from the</p> <p>Convener of the Electoral Management Board for Scotland</p>

	Topic	Recommendation
1	Ballot Paper Colour	<p>Each voter is issued with two ballot papers – a Regional Paper and a Constituency Paper. The Scottish Parliament (Elections etc.) Order only requires that the colours are different. Consideration has been given to the usual issues that affect the choice of colour for ballot papers, i.e.</p> <ul style="list-style-type: none"> • a consistency of colours across Scotland to support national information and political campaigns; • a preference to avoid colours that are identified with political parties or particular policy campaigns; • an avoidance of colours or colour schemes that might prove challenging to those with visual impairments; and • a preference that colours should be clearly different from one another so that papers are easily distinguished in a “rummage” of boxes. <p>Ballot Papers for the Scottish Parliament election in May 2021 are to be the same colours as were used in previous elections (2007, 2011 and 2016) i.e., PEACH (Regional Papers) and LILAC (Constituency Papers).</p> <p>Print production methods may vary with some suppliers using coloured paper and others a colour wash process, but for reference it is expected that the colours will conform to Lilac – pantone 2692 and Peach – pantone 138.</p>
2	Publication of Notice of Election	<p>The Notice of Election can be published at any point between Monday 15 March and Wednesday 24 March. A uniform publication date across Scotland provides consistency around the start of the nominations period. This assists planning for campaigners, candidates and agents.</p> <p>An early date allows the nomination period to be as lengthy as possible. This benefits candidates and agents and allows RO teams, especially those with responsibility for Regional nominations, to resource and plan nominations more effectively. In the context of the Coronavirus control measures under the Scottish Government Strategic Framework the maximum possible period for nominations will accommodate the operational procedures advised in the Electoral Commission, EMB and Public Health Guidance.</p> <p>Returning Officers are directed to publish the Notice of Election on Monday 15 March 2021, allowing nominations to be taken from the following day, 16 March 2021.</p>

3	<p>Date of dispatch of poll cards</p>	<p>Legislation requires Returning Officers to issue poll cards as soon as is reasonably practicable after publishing the Notice of Election. With the Notice of Election published on Monday 15 March, Returning Officers should dispatch poll cards between Tuesday 16 March and Wednesday 17 March.</p> <p>(This date would imply a registration deadline of around 8 February for a newly registered elector to be included in this first issue of poll cards.)</p> <p>A narrow window is being directed rather than a single date in order to promote consistency in voter experience across Scotland while allowing flexibility for Returning Officers who work with different printers and EMS systems.</p>
4	<p>First dispatch of postal ballot packs</p>	<p>Legislation states that postal ballot papers and postal voting statements should be issued as soon as is practicable. Nominations will close at 4pm on Wednesday 31 March. A consistent date of dispatch/receipt by voters will support national communication and voter awareness activities and allow political parties and others to plan their campaigns.</p> <p>The first issue of postal votes should be dispatched, by first class post, between Wednesday 14 April and Friday 16 April.</p> <p>(These dates imply an absent vote application deadline of around 23 March for those electors who are <u>already</u> registered.)</p> <p>A consistent final issue date of postal votes will also be agreed.</p>
5	<p>Ballot Paper Numbering Protocol for Regional Ballot Papers</p>	<p>Ballot papers must be numbered such that each ballot paper is unique at the relevant poll. (Ballot paper numbers are distinct from the UIM)</p> <p>Regional Returning Officers must implement a ballot paper numbering protocol such that each paper is uniquely numbered, different from any other paper in that contest.</p> <p>No specific recommendation is being given on how this should be achieved across the country and different approaches might be appropriate in different circumstances. Options for RROs would include the use of prefixes to the ballot paper number or allocations of sets of numbers to constituencies. The fundamental need is to ensure that no contest has multiple papers with the same number.</p>

6	Official Mark	<p>Scottish Parliament (Elections etc.) Order requires both Constituency and Regional ballot papers to carry an Official Mark. While the Official Mark is to be determined by the Constituency Returning Officer, RROs must ensure that the Mark is consistent across all Regional Papers.</p> <p>As an additional security measure, it is directed that an official mark should be used for ballot papers used in polling stations that is different from those issued in postal vote packs.</p>
7	ERO Capacity Building *	<p>Anticipating a significant increase in postal vote numbers, following Electoral Commission research undertaken in August and November 2020, EROs are directed to put in place capacity to facilitate the processing of the likely volume of postal vote applications in time for the election.</p> <p>Research in August and November 2020 suggests that up to 40% of the electorate may apply for a postal vote. This capacity will be kept under close observation, informed by further polling and monitoring of postal voter numbers.</p>
8	RO Capacity building	<p>Anticipating the significant increase in postal vote numbers referred to in Direction 7, ROs are directed to put in place capacity to allow the likely volume of postal votes to be processed with all AVIs checked. This capacity will be kept under close observation, informed by further polling and monitoring of postal voter numbers</p>
9	RO Risk Assessment	<p>ROs are directed to complete a full Coronavirus focused risk assessment ahead of the publication of the Notice of Election. This will ensure that they have considered and where appropriate addressed all relevant issues. This risk assessment will be based on the assessment template used for the autumn 2020 by-elections, reflect updated guidance from the Electoral Commission and will be issued by the EMB in January 2021.</p>

18 December 2020

Appendix 2

Region	Constituencies	Regional Returning Officer
Central Scotland	Airdrie and Shotts Coatbridge and Chryston Cumbernauld and Kilsyth East Kilbride Falkirk East Falkirk West Hamilton, Larkhall and Stonehouse Motherwell and Wishaw Uddingston and Bellshill	North Lanarkshire
Glasgow	Glasgow Anniesland Glasgow Cathcart Glasgow Kelvin Glasgow Maryhill and Springburn Glasgow Pollok Glasgow Provan Glasgow Shettleston Glasgow Southside Rutherglen	Glasgow
Highlands and Islands	Argyll and Bute Caithness, Sutherland and Ross Na h-Eileanan an Iar Inverness and Nairn Moray Orkney Islands Shetland Islands Skye, Lochaber and Badenoch	Highland
Lothian	Almond Valley Edinburgh Central Edinburgh Eastern Edinburgh Northern and Leith Edinburgh Pentlands Edinburgh Southern Edinburgh Western Linlithgow Midlothian North and Musselburgh	Edinburgh
Mid Scotland and Fife	Clackmannanshire and Dunblane Cowdenbeath Dunfermline Kirkcaldy Mid Fife and Glenrothes North East Fife Perthshire North Perthshire South and Kinrossshire Stirling	Fife

Region	Constituencies	Regional Returning Officer
North East Scotland	Aberdeen Central Aberdeen Donside Aberdeen South and North Kincardine Aberdeenshire East Aberdeenshire West Angus North and Mearns Angus South Banffshire and Buchan Coast Dundee City East Dundee City West	Aberdeen
South Scotland	Ayr Carrick, Cumnock and Doon Valley Clydesdale Dumfriesshire East Lothian Ettrick, Roxburgh and Berwickshire Galloway and West Dumfries Kilmarnock and Irvine Valley Midlothian South, Tweeddale and Lauderdale	Dumfries and Galloway
West Scotland	Clydebank and Milngavie Cunninghame North Cunninghame South Dumbarton Eastwood Greenock and Inverclyde Paisley Renfrewshire North and West Renfrewshire South Strathkelvin and Bearsden	Renfrewshire