

Scottish General Election (Coronavirus) Bill

Scottish Parliament Election, 6 May 2021

**Advice to the Minister for Parliamentary Business and Veterans
from the Convener of the Electoral Management Board for
Scotland, following further assessment of the need to hold polling
over multiple days**

Malcolm Burr

Convener of the Electoral Management Board for Scotland

www.emb.scot

28 January 2021

EXECUTIVE SUMMARY

1. On 8 December 2020 I provided advice to the Minister for Parliamentary Business and Veterans assessing the need hold polling over multiple days at the Scottish Parliament Election scheduled for 6 May 2021.
2. It was agreed with the Minister that further advice would be provided to update this assessment following consideration of the issues in the light of current circumstances regarding management of Coronavirus and relevant risk assessments, to assist the Minister in taking a final decision about the need to provide for multiple days of poll, by early February. It was previously noted that a later decision to provide for multiple days of poll would add significant risk to the operation of the Election due to the limited time to address key logistical, staffing and communication issues, including the deadlines for statutory printed material such as poll cards.
3. Following a further review of the lines of evidence presented in the advice of 8 December, **it remains the view of the EMB that a single day of poll on 6 May should be sufficient** to allow electors attending polling stations in person to vote safely and without unacceptable delays or the congestion of polling places.
4. To provide appropriate resilience at polling, the EMB will be encouraging all Returning Officers to implement a suite of measures to minimise the risk of queues developing. These will include communications to voters to plan their visit and to be prepared if necessary for a short wait, enhanced signage within the polling place including street bills and directional signage where necessary, additional staff to welcome, advise and direct voters and layouts that will maintain a smooth flow of voters through the polling station.
5. As additional contingency I intend to make a Direction to Returning Officers, placing a ceiling on the number of in-person voters to be allocated per polling station. A limit of 800, given usual turnout, will minimise the risk of congested polling stations and of queues. Returning Officers will be able to seek an exemption for those stations where evidence can be given of why an allocation of more voters would not add risk.
6. In addition Returning Officers will be asked to review all polling places with three stations or more, or those in especially compact venues, to ensure that the building as a whole can be arranged such that the aggregate of voters attending the place does not lead to unacceptable congestion or the breaching of physical distancing rules.
7. The situation will be kept under constant review in the context of the pandemic and the public health measures taken in response. Conditions are fluid and should additional actions be deemed necessary to limit risk at polling places I will act through direction, guidance or advice.

BACKGROUND

8. The Scottish General Election (Coronavirus) Bill has been passed by the Scottish Parliament but is awaiting Royal Assent. The provisions of the legislation introduce a range of arrangements for the Scottish Parliament Election scheduled for 6 May 2021. These include a power for Scottish Ministers to make regulations to hold polling over multiple days.
9. In-person voting will take longer than normal due to the likely continuation of physical distancing in polling places to protect against the transmission of coronavirus. There will also be a limit on the number of people allowed into each place at any time to minimise social contact. Such measures could lead to congestion at polling places and the development of queues which would not be in the interest of the voter, could suppress turnout and be a potential health risk.
10. Provision is made in the Bill for spreading polling over multiple days as an option to address this, giving the opportunity for the vote to be distributed over a longer period thus reducing the potential for congested polling stations.
11. On 8 December 2020 I provided advice to the Minister for Parliamentary Business and Veterans assessing the need hold polling over multiple days at the Scottish Parliament Election scheduled for 6 May 2021.
12. That advice considered the experience of the by-elections held in Scotland under similar conditions in October and November 2020, some basic mathematical modelling, the experience of the 2016 Scottish Parliament Election, an expected increase in postal voting and the approach taken by the Chief Counting Officer (CCO) at the Scottish Independence Referendum in 2014.
13. On the basis of those five lines of evidence I advised Ministers that polling over a single day should be sufficient provided that Returning Officers review and limit the number of voters allocated to each polling station, communicate that voters should be prepared for a short wait, and that measures within the buildings such as the employment of additional staff to advise voters and to maintain their flow through the polling place be implemented.
14. In subsequent discussion it was agreed that the EMB would provide further advice in late January, reassessing this analysis to ensure that it remained valid as an appropriate mitigation of the risks.
15. Advice at this point would inform the Minister's consideration of whether multiple days of poll would be required before a decision in early February. Decision at a later point would add significant risk to the successful delivery of the election. Adopting multiple days of poll would require significant practical action from administrators across workstreams including the recruitment and training of staff, the provision of polling venues, the logistics of the transportation of ballot papers, the security of materials overnight and the production of statutory communications to voters including the poll card.
16. This paper offers that further advice to Ministers based on review of the evidence presented in the 8 December paper.

FURTHER REVIEW OF THE ASSESSMENT OF THE NEED FOR MULTIPLE DAYS OF POLL

17. The advice of 8 December took account of experience – including recent by-elections, the turnout at the Scottish Parliament Election in 2016 and the measures to deal with the unprecedented turnout at the Scottish Independence Referendum in 2014 – some mathematical modelling to predict queues and the expectation of a significant growth in postal voting.

18. These factors were balanced with an understanding of the risks that would be introduced through the adoption of multiple days of poll and the conclusion was that, with mitigations in place a single day of poll would be enough to allow polling with minimised risk of queues and congestion.
19. Those various strands of evidence have now been reviewed to confirm and reassess the advice offered in the earlier paper.
20. With respect to the by-election experience, a further review has included an assessment of [key lessons identified by the Electoral Commission](#) from their observations of the Scottish Council by-elections held in the autumn of 2020. Their conclusion was that *“Elections can be conducted safely under coronavirus restrictions. Returning Officers must however take additional steps to ensure that public health advice around physical distancing, proper hand hygiene, and the use of face coverings is followed at key election events”*. This supports the EMB’s own position and the previous advice.
21. The turnouts at the 2016 Scottish Parliament Election and the measures taken at the 2014 Referendum have been reviewed. Our assessment of this experience is that they continue to provide evidence that - with appropriate mitigations in place - the likely turnout can be accommodated safely in one day without congestion or unacceptable queues.
22. It remains the expectation that there will be a significant increase in the number of voters who choose to vote by post at this election. Research undertaken by the Electoral Commission in August and November is viewed as robust, although the ultimate size of the increase in postal votes will not be clear until the deadline for applications on 6 April. While currently there has been only a minor increase in postal vote numbers the various campaigns to promote awareness of postal voting have not yet commenced. The Electoral Commission, political parties, EROs and ROs all have activities scheduled in the coming weeks to present voters with their options for voting, including postal voting. It is expected that these will support the expected growth in postal voting. Each additional postal voter reduces the pressure on polling places.
23. While the Returning Officers are content that voting in person will be safe for voters, staff and other stakeholders, the developing situation with awareness of the virus and continuing lockdown may well also promote an additional growth in postal voting.
24. The mathematical modelling that was presented in the 8 December paper has been reviewed. The assumptions in that model were: the time taken by each person to vote, the capacity of each station and the likely flow of traffic across the 15 hours of the day. While no model is totally exact, it is considered that those assumptions remain accurate and that the conclusions with respect to the capacity of polling places across a day to minimise or eliminate queues remain as predicted by that model.
25. **Having reviewed the basis on which the advice of 8 December was offered, I remain of the view that a single day of poll on 6 May should be sufficient to allow electors attending polling stations in person to vote safely and without unacceptable delays, provided that appropriate mitigations are in place.**

ADDITIONAL MEASURES TO PROVIDE RESILIENCE

26. To provide additional resilience I consider that it is appropriate to make a Direction to Returning Officers, to place a ceiling on the number of in-person voters allocated to each polling station. This should ensure the potential for queues or congestion at polling places is limited.
27. In addition to a ceiling on the absolute number of voters per station, Returning Officers are being required to give attention to polling places where there are three or more polling

stations, or where the venue is particularly compact, to ensure that facilities and layout are such as to support physical distancing and prevent congestion within the building or on entry and exit. Returning Officers will require to survey all buildings in any case to confirm that venues can accommodate polling safely and the I wrote to Returning Officers last year to ensure that they were undertaking these surveys.

28. The following Direction will therefore be made to Returning Officers:

Returning Officers must allocate a maximum of 800 electors, excluding postal voters, to each polling station.

Returning Officers must plan their polling arrangements to ensure there is sufficient capacity to allow voters to cast their vote without having to wait in a queue for an unacceptable time.

Physical distancing and the need to limit the number of people in the polling place at any one time as a consequence of COVID measures mean there is a risk of queues developing outside the place. Limiting the number of in person voters allocated per station should minimise this risk.

If and RO chooses to allocate more than 800 electors to a polling station, that RO must provide the Convener of the EMB with a justification of how their proposed arrangements will be sufficient for the predicted turnout.

In addition ROs must review polling places to ensure that where polling places contain a number of polling stations, overall arrangements for that polling place will provide for appropriate physical distancing and other measures consistent with official guidance and risk assessments.

Particular attention needs to be given to places with three or more stations or those that are especially compact to ensure that the internal layout of the building allows sufficient space for the movement of voters through the building.

ROs will wish to consider how to support especially busy periods although it has been noted at recent events that with people working from home there is less of a peak before and after working hours.

CONCLUSION

29. It remains the view of the EMB that polling over multiple days should not be necessary if the right mitigating measures are in place. These will include assessments of polling places to ensure sufficient capacity especially in multiple station places, additional signage and staffing to ensure that voters process quickly through the polling place and communications with voters to encourage them to plan their visit and expect a short wait. The planned public communications activity to raise awareness of the option to vote by post should also assist in reducing the strain on polling stations.
30. In addition as Convener of the EMB I am making a Direction to Returning Officers to place a limit on the number of in person voters that are to be allocated to each polling station. Exemptions will be granted with evidence of where a larger allocation can be justified without risking congestion and excessive queues.
31. The EMB will continue its monitoring of the situation to confirm its modelling. As noted above, early clarity is needed for ROs and EROs as to whether there will be multiple days of poll. Should there be multiple days then action will be needed immediately to extend bookings for polling places, recruit staff for longer and revise communications including

statutory materials such as poll cards. Such a decision to adopt multiple days of poll would be very difficult to implement were it to come after mid-February.

32. I would be happy to discuss this paper and its content further with Ministers if that would be helpful.

MALCOLM BURR

Convener of the Electoral Management Board for Scotland

28 January 2021