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Panel Minutes: 29 September 2020    You are in the Party panels section Home    How we make decisions Party panels On this page Who was at the meeting Minutes of the last meeting and matters arising Preparations for the Scottish Parliament Election 2021 Scottish Government The Electoral Commission Scottish Government update Scotland Office/Cabinet Office update Scottish Boundary Commissions update Royal Mail update EMB update The Electoral Commission update Dates of future meetings First published: 15 December 2020 Last updated: 16 December 2020 Meeting details Date: Tuesday 29 September 2020 (by video conference) Time: 11:00am Who was at the meeting Who was at the meeting Rachel Palma Randle, Scottish Liberal Democrats (Chair) Gordon Dickson, Scottish Green Party John Hardy, Scottish Green Party Matt Edmonds, Scottish Conservative and Unionist Party Michael Sharpe, Scottish Labour Party Scott Martin, Scottish National Party Isabel Drummond-Murray, Scottish Boundary Commissions Penny Curtis, Scottish Government Maria McCann, Scottish Government James Newman, Scottish Government Iain Hockenhull, Scottish Government Chris Highcock, Electoral Management Board for Scotland Pete Wildman, Scottish Assessors Association (Chair of Electoral Registration Committee) Eleanor Tankard, Office of the Secretary State for Scotland Rachel Winham, Royal Mail Scott Forsyth, Royal Mail The Electoral Commission: Dame Susan Bruce, Electoral Commissioner, Scotland Alasdair Morgan, Electoral Commissioner Andy O'Neill, Head of Electoral Commission, Scotland Sarah Mackie, Manager, Electoral Commission, Scotland Martin McKeown, Senior Adviser, Elections & s, Scotland Catherine Heggie, Partnerships and Information Officer Mairaid McMahon, Manager, Electoral Commission, Northern Ireland Lindsey Hamilton, Business Support Officer (Minutes) Apologies Malcolm Burr, Convener Electoral Management Board for Scotland Paul Moat, Scottish Liberal Democrats Welcome and introductions Rachel Palma Randle (RPR) welcomed those present. Minutes of the last meeting and matters arising The minutes of the previous meeting held on 29 April were approved. On matters arising, Scott Martin (SM) confirmed that he had sent an email on the 80% cut-off for the e-Counting screens updating. It was confirmed that this and any other larger policy issues in relation to the e-Counting system would be brought back to the meeting at an appropriate time. Preparations for the Scottish Parliament Election 2021 The Panel received updates on preparations for the Scottish Parliamentary election in 2021. Scott Martin asked if the Electoral Commission had ever refused a request to give advice to governments. Andy O'Neill (AON) advised that the Commission had never refused such a request. Scottish Government Iain Hockenhull (IH) reported that the Scottish Government expected the Scottish Parliament election would go ahead on 6 May 2021. Ministers were working with representatives from political parties, Scottish Parliament officials, The Electoral Management Board (EMB) and the Electoral Commission on contingency plans for running the May 2021 polls in the context of Covid-19. (IH) advised that ongoing discussions had identified the need for further legislation this autumn to mitigate the effect of any postponement to the poll. Measures under consideration included: Modifying the provisions on dissolution and the date Parliament meets for the first time following the vote; Providing for the selection of the new Presiding Officer; Polling over multiple days (Thurs/Fri more desirable and to avoid bank holiday on Monday 3 May 2021); Providing the Presiding Officer with power to delay the poll by up to six months; Steps required to avoid Parliament not being able to sit; Moving the deadline for postal vote applications as massive increase in uptake was likely Scott Martin (SM) asked what changes would be made to the election expenses provisions given that they currently relied on the date

of dissolution. (IH) replied that the aim was for it to be functionally the same. The Electoral Commission Andy O'Neill (AON) reminded the Panel that The Electoral Commission would produce relevant guidance for any changes made and understood this was required sooner rather than later. Martin McKeown (MMcK) advised that core guidance would start to roll out early to mid-October but would have to be updated in coming months to reflect future legislative provisions coming forward. There would likely be regular updates towards the end of the year. (SM) asked about the format of the Electoral Commission guidance, MMcK said he would check and later confirmed it would be in the existing .pdf format. Scott Edgar (SE) provided an overview of the research commissioned by the Electoral Commission in to public attitudes to holding elections in the context of COVID-19. The survey asked eligible voters in Scotland about their attitudes towards voting in the 2021 Scottish Parliament election. SE pointed out that the survey took place 3-7 August 2020 and reflected how people felt at that time. The findings of the survey, therefore, should be treated as an indicative snapshot of views, not a prediction of voter behaviour. Many of the views expressed may also be weakly held and subject to significant change depending on the wider context. However, the findings do highlight the potential implications of the impact of Covid-19 on resourcing and processes for the delivery of the 2021 Scottish Parliament elections if voters' attitudes remain unchanged ahead of the poll. The preferred method of casting a vote if an election were to take place at that time was at a polling place with appropriate hygiene measures. The survey also found that the preferred method of casting a vote if an election were to take place now was at a polling place with appropriate hygiene measures in place (54%). 38% said they would prefer to vote by post and 1% by proxy. A further 3% said they would prefer to vote another way. According to the Commission's own analysis, 20% of those who generally vote at a polling place said that if an election were to take place now they would prefer to vote by post, indicating a potential increase in the use of postal voting. These figures should not be taken as reliable predictions of behaviour in May 2021. However, for context, if this did happen it would mean approximately 350,000 who would have voted at a polling station opting to vote by post. (SM) commented it would be interesting to gauge postal voting uptake at the up-coming by-elections and compare the levels with those run under non-Covid-19 conditions. (AON) said the Electoral Commission was sending representatives to observe the up-coming by-elections so they could feed back centrally should there be any lessons to be learned or unusual patterns of applications for postal votes shared. Pete Wildman (PW) remarked that one Electoral Registration Officer (ERO) had reported an increase in applications for postal votes. Whilst the annual canvass was an initial indicator of trends, whole households had been seen to apply for postal votes. He advised the challenge would be if people left it late to apply; typically half the applications came in six months and the final half in the last month. Sarah Mackie (SMa) outlined the Electoral Commission's campaign targeted at all foreign nationals with leave to remain who had been enfranchised by the Scottish Parliament from 3 August 2020. They had worked in partnership with agencies such as the Refugee Council to get information out and encourage voter registration. She advised the paid advertisement would run for a further month and would be used in the run up to the 2021 Scottish Parliament election. The branding 'Welcome to your vote' also works for 16 plus year olds. The voter registration campaign was scheduled to begin 3-4 weeks before the electoral registration deadline and would target under registered groups. (SMa) introduced Catherine Heggie (CH), the Electoral Commission's Partnerships and Information Officer who is tasked with leading on our work to develop partnerships

with under-registered groups and those who face particular barriers to voting, including disabled people. Due to the complexity of messages next year (SMa) advised that communications around Covid-19 would start earlier for certain audiences (e.g. those in care homes, people shielding and the vulnerable) to give warning about shifting their route of voting and avoid a last minute rush. This would be rolled out just as soon as information was settled by Government, parties and administrators. (SM) asked if there were plans for holding hustings in prisons. (SMa) replied that was a matter for the Scottish Prison Service and other groups advocating for prisoners. The Commission would work with the Scottish Prison Service Education Service to educate eligible prisoners about voting, however, the matter of hustings was out with the Electoral Commission remit. Maria McCann (MMcC) said preparation of the Scottish Parliament (Elections etc.) Amendment (No.2) Order 2020, for next May's Scottish Parliament election was at an advanced stage and was expected to be laid before the Scottish Parliament in late October 2020. She expressed gratitude for the comments received from panel members. (IH) said most sections of the Scottish Elections (Reform) Act 2020 would be commenced on 1 October 2020 including the switch to five year terms as well as the provisions relevant to the Electoral Commission. (SM) enquired about the imprints provisions in the draft Amendment Order. (MMcK) confirmed that as currently drafted, the Order provided for a minimum font size of 11 point size as measured in Times New Roman with 3mms between each line space. (SM) thought that was not a good final policy and felt that a better solution would have been legibility backed with guidance rather than something as strict as a specific point size, which does not work particularly with survey cards. (MMcC) said they had received a wide range of opinions on this which were listened to and which she would share soon. Guidance Development – (MMcK) advised that the Electoral Commission's core guidance for the Scottish Parliament election 2021 had two sides; electoral administration and candidates and agents. He confirmed again that core guidance would start rolling out in October and the Candidates and Agents part would cover the usual areas related to qualifications, standing as a candidate, spending and donations and post-election requirements. He said that in addition to the core guidance The Commission would be issuing supplementary guidance to cover Covid-19 related advice which electoral administrators might wish to factor into their planning. Chris Highcock (CH) said much of the Electoral Commission guidance was working around some Electoral Management Board guidance for this year's by-elections; safe nominations, conducting the postal vote opening process safely and to deliver a count which preserved the safety of stakeholders whilst preserving the transparency of the processes. Scottish Government update (MMcC) referred the Panel to the tabled update and invited questions. The Panel requested a list of up-dated by-elections and it was agreed the Electoral Commission would circulate the EMB web page link. Scotland Office/Cabinet Office update Eleanor Tankard (ET) spoke to a previously circulated written update. She highlighted the following areas: the current advert for a new member of the Boundary Commission for Scotland; the Parliamentary Constituencies Bill had completed House of Commons stages on 14 July and the Lords Grand Committee on 15 September. The Government amendment on using electoral data from March 2020 rather than December 2020 for the next boundary review, due to the potential impact of Covid-19 on the canvass; the Government-backed amendment to create an additional protected constituency for Ynys Mon (Anglesey) were both successfully passed during Commons stages. Scottish Boundary Commissions update Isabel Drummond-Murray (ID-M) advised that she was closely following the Parliamentary Constituencies Bill for the next review of the Westminster constituencies and thought the data might be published

in October but said the Bill needed to complete its passage. She commented that it would be a good time for a new Commissioner to start as it would be at the beginning of the next review. In relation to Local Government Boundary Commission work, she advised that the Islands review would be finished as soon as possible and this covered Argyll and Bute, North Ayrshire and Highland council areas. The Commissioners would consider their responses before the consultation in early November and remarked that this was running behind due to Covid-19. She said a commitment had been made to submit to the Scottish Government next May recommendations for all six council areas. The Scottish Elections (Reform) Bill had a number of potential implications for the LGBCS including a name change to Boundaries Scotland and the introduction of the use of two and five member wards next spring. The draft Scottish Parliament Order to amend Cardowan has been laid before the Scottish Parliament. Royal Mail update Rachel Winham (RW), through Lindsey Hamilton, provided an update on the following areas: Next week we will start looking at the Candidates' Mail SLA with the Scottish Government Any candidate or political party wishing to submit artwork for pre-checking of Candidates' Mail is welcome to do so at any time At the request of Scotland election bodies we are looking at a contingency plan for the return of postal voting. Over the coming months they would be ramping up their service and working with candidates and parties and Local Authorities and their print partners to develop individual mailing plans. They were also interested to know how they could provide better support in the May 2021 election and any further contingency planning they were required to be party to. EMB update Chris Highcock (CH) informed the Panel of their preparations for the 13 by elections which had either been postponed from earlier dates, having been reassessed on risk or subsequently arisen. He said a number of Returning Officers were reassessing proposed dates and could be subject to further postponement. He mentioned the supplementary guidance for delivering safe events and advised that this was being maintained as draft guidance to be fed into planning for the Scottish Parliament election. As all Returning Officers are asked to review their polling places in general, issues around capacity and physical distancing were under consideration as was implementation of regular cleaning throughout the day. Policy ideas being considered were a two day poll which would allow the volume of electors to spread over two different days; early voting which could cope with fewer polling places but spread over a number of days. The usual pinch points which occurred around 8 am and 5:30 to 7.30pm might not be so relevant if the majority of people would be working at home. Pete Wildman (PW) reported the annual canvass had started slightly later due to the franchise change and the majority of people had received a single communication. He said that the practice of house to house enquiry may or may not happen with each ERO deciding on that but there was the opportunity to delay publication of the electoral register until 1 February 2021 if the unexpected happened. There would be a review at the end to assess what had and had not worked. A flyer highlighting the change to the franchise for foreign nationals had been included with the canvass and we could see how many had actually applied once the register was published. He said EROs would be writing to prisoners inviting them to register. (SM) remarked that prison registers by their nature were very fluid and asked if there would be more regular correspondence coming out from prisons. (PW) replied that updates would be received from prisons every three months and lessons would be learned as the process progressed. He reminded the panel that prisoners are registered at their home addresses. The Electoral Commission update Sarah Mackie (SMa) advised the Panel that the Electoral Commission welcomed the Commission on Standards in Public Life review of their regulation of elections which

had taken place over the summer and said it was right the work of the Commission was reviewed. The Public Administration and Constitutional Affairs Committee (PACAC) has also announced an enquiry into the work of The Electoral Commission. (SMa) advised that the consultation was due to close on 16 November. Again The Commission welcomed the scrutiny of their work. (SMa) Late last week the Electoral Commission produced and circulated a list of objectives to support the delivery of successful elections a week or two ago. She invited feedback on the list of objectives. The Commission's Annual Report and Accounts 2019-20 had been laid in the Scottish Parliament. The Commission was now accountable to The Scottish Parliament and would shortly lay estimates for 2021/22 before the Scottish Parliament for the costs in delivery of their devolved functions. The Commission looked forward to reporting on a formal basis from now on. (MMcK) advised that the Commission welcomed the two SSIs published by the Scottish Government in the last week which introduced controls around online campaigning at Scottish Parliament and Scottish Council elections by requiring an imprint to be included on all online campaign material and publications. The new provisions would be reflected in Commission guidance. (MMcK) also advised on the UK Government consultation on imprints which runs until 4 November 2020. The Commission will await the outcome of that consultation. (SM) expressed his surprise at not being told about these instruments in advance. The power had been on the statute book for 20 years, partly because the issue had always been in the detail – particularly twitter character restrictions. He was only able to see them now by accessing the UK legislation database online during the meeting. The Cabinet Office consultation had identified a number of issues which, on a brief reading of the two SSIs, did not appear to be addressed and which would have been if subject to proper discussion and consultation. (MMcC) assured (SM) that she would take back the fact that there had been no prior discussion about the SSIs with parties. (RPR) suggested that the issue be dealt with separately from the meeting by email. (MMcK) thanked those who had responded to the Electoral Commission's consultation on draft Codes of Practice on Spending by Candidates and Parties at the Scottish Parliament election. The Commission was considering the feedback received and draft Codes would be submitted to Scottish Ministers for approval and laying before the Scottish Parliament in due course. It was hoped the Codes would be in place in early January 2021 but that was dependent upon the progress of the Codes through Parliament. The Panel would be updated on progress in due course. (MMcK) advised the Panel that the Electoral Commission had recently published guidance regarding online party conferences. He agreed to circulate a link to the document to Panel members. Dates of future meetings 2020 Tuesday 24 November 2020 10:30am 2021 Thursday 21 January 10:30am Thursday 10 March 10:30am Related content Party registration decisions View our decisions on political party names, descriptions and emblems View current applications View the political party names, descriptions and emblems which we are currently considering as part of our assessment process Donations and loans Find out about donations and loans to a political party, individual or other organisation Registers of unincorporated associations Download and view the registers of unincorporated associations