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Conducting elections under coronavirus restrictions You are in the Our research  
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Background First published: 8 January 2021 Last updated: 8 January 2021 Overview This  
report summarises key lessons learned from our observations of the Scottish Council  
by-elections held in the autumn of 2020 under coronavirus restrictions. Summary Eight  
council by-elections were held in Scotland between 1 October and 26 November 2020,  
against the backdrop of the coronavirus pandemic and associated restrictions. These  
by-elections have been the only electoral events held in the UK since the Coronavirus  
Act 2020 introduced provisions to postpone elections due to the pandemic. We observed  
the administration of the by-elections and have identified a number of lessons  
relevant to preparations for the May 2021 polls. We have used these lessons to inform  
the supplementary guidance and resources we have issued to administrators for the May  
2021 polls. Our main findings are as follows: 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. It takes more time to  
plan and costs more to deliver. Returning Officers will need to ensure that their  
planning arrangements are robust and that they are adequately resourced to deliver  
the election. Venues and staffing are crucial. Returning Officers should consider  
whether the venues they plan to use for polling and other election proceedings,  
including the count, allow for physical distancing. Returning Officers must also  
consider whether they will need additional staff to assist with key aspects of the  
election in the coronavirus context. Early engagement with key stakeholders including  
political parties, candidates and agents, as well as suppliers, is important,  
especially where normal arrangements may need to be adapted in line with coronavirus  
restrictions and public health advice. Many voters are still choosing to vote in  
person. Returning Officers will nevertheless need to consider how they communicate  
the key messages that polling stations will be safe places to vote; that there are a  
range of voting options open to voters; and that those who would prefer to vote by  
post should apply early. Lessons from our observations Planning and preparation  
Elections can be conducted safely against the backdrop of coronavirus restrictions,  
but Returning Officers will need to risk assess key proceedings and put in place  
appropriate mitigations and additional measures to ensure that public health advice  
around physical distancing, proper hand hygiene and the use of face coverings is  
followed. The experience of Returning Officers from the by-elections was that  
planning and delivery was more complicated due to factors including: staff being  
largely home based which made co-ordinating activity more difficult the need to risk  
assess and adapt key proceedings and venues to ensure that physical distancing  
requirements could be met the need to reduce face to face contact and instead deliver  
video briefings for candidates and training for polling and count staff remotely the  
requirement for additional safety equipment and measures within polling places and  
count venues Returning Officers should not underestimate the scale and complexity of  
the May 2021 polls. They will have to review and adapt their approach to delivering  
key proceedings as necessary to reflect different ways of working as a result of the  
coronavirus restrictions. Risk assessing key aspects of delivery, including the  
choice of venues, takes time and resources. Returning Officers will need to give  
early consideration to securing suitable venues for key election processes, including  
nominations, polling and the count, and build in sufficient time to risk assess,  
prepare or adapt venues to meet physical distancing requirements. Several of the

Returning Officers we spoke to indicated that choosing and adapting polling place layouts and choosing a count venue was more challenging given physical distancing requirements and took up more time than usual. Returning Officers will also need to give adequate consideration to recruitment and training of staff. It is likely that additional staff will be needed for key processes. All the authorities that held by-elections utilised additional staff in polling stations to help direct voters, which worked well. Also, all carried out training using video conferencing equipment and online materials. Early engagement with key stakeholders, including staff, political parties, candidates and agents, is vital. Returning Officers are likely to need to adapt key proceedings, including the nominations process, to account for physical distancing requirements. It will be important to explain and seek understanding by stakeholders on any changes to key processes in the context of coronavirus. Returning Officers need to be satisfied that key suppliers have carried out their own risk assessments and have contingency arrangements in place to ensure that they are able to deliver their services in the run up to the polls. Returning Officers need to ensure they have resources to deliver. Administrators in Scotland indicated that the costs associated with the by-elections were higher than would typically be the case due to the coronavirus related measures. Additional costs resulted from providing PPE to staff, screens in polling places and other venues, as well as the recruitment of additional staff. Polling To make polling safer, Returning Officers will need to take additional measures. In Scotland a range of measures were taken in polling places, including: two-metre floor markings to encourage physical distancing signage to encourage voters to observe physical distancing and to wear face coverings hand sanitiser for use by voters when entering and leaving polling places requiring staff to wear face coverings when dealing with voters single use pencils provided for use by voters one way systems in operation where possible to minimise contact screens in use at polling station desks for the protection of staff and voters periodic cleaning of polling booths throughout the hours of poll minimising the number of polling agents permitted in the polling station at any time additional staff used to greet voters and manage any queues, and to encourage voters to use the sanitisers on entering and leaving stations and to observe physical distancing While there was no significant evidence of queuing at any of the by-elections, there were instances where it did occur. The additional staff employed to direct and assist voters played a crucial part in keeping things moving. Nevertheless the approach by some authorities of only allowing a single voter or household into the polling station at any time, together with the additional hygiene measures in place, inevitably slowed voting down. Returning Officers will need to consider how they will manage the flow of voters through the polling stations in May 2021, taking into account the specific circumstances of those polls. Voters appeared willing to continue to turn out to vote in person. Feedback from polling station staff supported this, and this is also reflected in the findings of our own research in Scotland on public attitudes to voting in the context of coronavirus . Voters, candidates and agents generally observed the advice on wearing face coverings and followed instructions and requests in relation to physical distancing and hand sanitising. Voters were also patient where queues did occur. Returning Officers will nevertheless need to consider how they can engage with stakeholders to raise their awareness of the arrangements that will be in place at an early stage and to secure their cooperation in observing the safety measures. Most polling station staff that we spoke to indicated that they were not unduly concerned about working at the polls. Staff were reassured through engagement and training that the additional measures in place for the conduct of the

poll were adequate for their own safety. To minimise face to face contact, briefings for candidates and agents, and training of polling station staff, were for the most part conducted remotely using video conferencing platforms. There was no evidence of any significant increase in postal voting for the by-elections compared with previous similar polls. In any case, Returning Officers will need to engage with local Electoral Registration Officers on how they will manage any increase in absent voting applications in the period leading up to the May 2021 polls, including the potential for any such increase to occur close to the absent voting deadline. The potential for increased applications for emergency proxies due to coronavirus should also be factored into plans.

Verification and counting of votes The verification and counting of votes in Scottish council by-elections is largely done electronically using e-counting equipment. As a result, count layouts and processes are different to those that will be in place for the May 2021 polls, with the exception of London where e-counting will be in place for the London Mayor and GLA elections. In any case, Returning Officers will have to consider the suitability of venues for enabling processes to be carried out accurately and transparently while maintaining physical distancing. Physical distancing arrangements in place at the counts for the Scottish council by-elections generally worked well. Returning Officers do however need to ensure that the arrangements in place are such that candidates and agents are able to observe and scrutinise key processes and exercise their rights under the rules to challenge the Returning Officer's decisions e.g. around the adjudication of doubtful ballots. The ability of candidates and agents to fulfil their important role in scrutinising the verification and count processes should not be negatively impacted by the adjustments to the processes due to coronavirus restrictions. Returning Officers should engage with candidates, agents, and other stakeholders to explain key processes, particularly where these are going to be different from what stakeholders normally expect. If for example Returning Officers intend to restrict numbers of counting agents, as was the case for the by elections, then the rationale for this should be clearly explained to candidates and agents. Again the number of counting agents permitted should be the same for each candidate and sufficient to allow proper scrutiny of proceedings. Feedback from the by-elections was that candidates and agents were generally understanding of the need to impose restrictions to minimise face to face contact and allow for physical distancing. In general, only local media requested access to the by-election counts. This could be managed safely by council communications staff. However, some communications staff raised concerns about the May 2021 election counts and accommodating requests from a wider pool of media, including broadcast media, if the current physical distancing restrictions remain in place. This is likely to be a particular challenge for those overseeing counts which include candidates likely to attract interest from broadcast media, which requires earlier access to count venues and more space for equipment. Early engagement with local and broadcast media will be important to manage expectations around access to the count in the current circumstances. The flow of people in count venues needs careful consideration to ensure the continued physical distancing of all present. Most of the Returning Officers at the by-elections deployed extra staff at the count to remind attendees to observe the physical distancing requirements, and this will also be an important consideration for counts in May 2021.

Background Between October and December 2020, eight council by-elections took place in Scotland. A number of other by-elections scheduled to take place in the period have been postponed until 2021. The by-elections took place in a range of island, rural and urban wards. Local authority Ward Turnout (%) Orkney Islands Council North Isles ward - 1 October 50.7

Comhairle nan Eilean Siar Na Hearadh agus Ceann a Deas nan Loch ward – 8 October 37.7  
Aberdeenshire Council Ellon and District ward – 15 October 33.7 Aberdeen City Council  
Kincorth/Nigg/Cove ward - 5 November 27 City of Edinburgh Council  
Craigentinny/Duddingston ward - 12 November 31.6 Clackmannanshire Council  
Clackmannanshire East ward - 19 November 35.1 Perth and Kinross Council Perth City  
North ward - 26 November 25.5 Perth and Kinross Council Perth City South ward - 26  
November 44 To assist Returning Officers in deciding whether or not to proceed with,  
or postpone, by-elections, the Electoral Management Board for Scotland (EMB) produced  
a risk assessment template to inform decision making. The EMB also produced  
supplementary guidance to assist Returning Officers with preparing for and delivering  
their polls safely. We worked with the EMB to support the development of that  
guidance. Feedback from those Returning Officers that held by-elections indicated  
that these resources were helpful. Related content Upcoming elections about upcoming  
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