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Report on the May 2022 Scottish council elections You are in the Scotland local
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how the May 2022 Scottish council elections were run, how voters and campaigners
found taking part, and what lessons can be learned for the future. We have reported
separately on elections held this year in England , Northern Ireland and Wales . On 5
May 2022 elections were held across Scotland's 32 councils. Voters used the Single
Transferable Vote (STV) system to elect their councillors, numbering the candidates
in order of preference. We found that the vast majority of voters were satisfied with
the process of voting and almost all were able to use their preferred method. Polling
station voters felt confident that they could vote safely in person. Most voters said
they found it easy to fill in their ballot paper. However, while the level of spoilt
ballots across Scotland has declined since the 2017 council elections, they increased
in some wards and further targeted action is needed to address this. s felt able to
get their views across to voters, but many voters said they needed more information
on the candidates in order to make an informed choice when they came to vote. Some
candidates reported experiences of intimidation and abuse at these elections, which
is not acceptable. We will work with the UK's governments, Police Scotland and the
wider electoral community to make sure we understand what is driving candidate abuse
and intimidation, and to ensure this issue is addressed as a matter of urgency. While
the elections were well-run the resilience of electoral administration teams remains
a concern. Adequate staffing for polling stations proved a challenge in many areas.
We found that Returning Officers took all the necessary steps set out in law to
support disabled voters at the poll, and our public opinion research found increased
levels of satisfaction amongst disabled voters. The Scottish Government has committed
to a public consultation on ideas for future electoral reform in Scotland in the
coming months. We hope that our report helps to inform that debate. Voting at the
elections The experience of voters at the May 2022 elections The vast majority of
voters (97%) were satisfied with the process of voting. This is consistent with
findings at recent elections. Almost everyone who voted was able to use their
preferred method and found it easy to fill in their ballot paper. Polling station
voters felt confident that they could vote safely in person. While the level of
spoilt ballots across Scotland has declined since the 2017 council elections, they
increased in some wards; further action is needed to address this. Overview On 5 May
2022, elections were held to Scotland's 32 councils. Voters used the Single
Transferable Vote (STV) system to elect their councillors, numbering the candidates
in order of preference. Six wards out of the 355 across Scotland were uncontested,
meaning that the number of candidates nominated was equal to or fewer than the total
number of seats available. In these wards no poll went ahead and the nominated
candidates were declared elected on polling day. In three of these wards the number
of candidates was less than the number of seats available and, following 5 May, by-
elections took place to fill the outstanding vacancies. A total of 4,222,332 people
were registered to vote at the council elections. Voters continue to have positive
views about how elections are run After each election we ask members of the public
who were eligible to vote for their views on voting and elections. This enables us to
understand whether there have been changes in the views of voters between comparable
sets of elections. People remain satisfied with the registration and voting process
People had high levels of satisfaction with the process of registering to vote and

voting. Our research shows that: nearly all voters (97%) said that they were satisfied with the process of voting. This is consistent with the levels of satisfaction at the 2021 Scottish Parliament election (95%). Levels of satisfaction with the voting process were consistent across all age groups 82% of respondents said they were satisfied with the process of registering to vote. This is a slight fall from the 89% who expressed satisfaction after the 2021 Scottish Parliament election. Of the 10% of respondents who expressed dissatisfaction with the process, the main reason given was that they thought voter registration should be automatic (32%) or that it should be compulsory (23%) the vast majority of Scottish voters (94%) found participating in the election easy, and four out of five (81%) felt casting their vote was secret and that the elections were secure nearly all voters in Scotland (97%) felt safe voting in polling stations with the Covid measures in place Most people were confident the elections were well-run Nearly four in five (77%) people said they were confident the elections were well-run, with one in 10 (10%) saying that they were not confident. People aged 25 to 34 were the most likely to say that they were not confident (14%). When we asked people why they were not confident the elections were well-run, the most commonly given reasons related to a lack of information about candidates or the elections in general. Most people think that voting is safe from fraud Nearly nine in 10 (86%) people think that voting in Scotland is safe from fraud and abuse, which is an increase from the 80% who said so after the 2017 council elections. However, one in five (21%) said that they thought that either a 'lot' or 'a little' electoral fraud had taken place at the 5 May elections. We asked those people who thought fraud had taken place why they thought this, and the most cited reason was the lack of ID requirements when voting (45%). Other reasons given focused on things people had read or heard rather than anything they had directly experienced. Turnout at these elections was broadly consistent with the 2017 council elections Turnout at these elections was 44.8% which was a slight decrease from the turnout in 2017 (46.9%). People who told us that they didn't vote were most likely to say that this was because they did not have time (21%), they had medical or health reasons (11%) or they were not interested in politics (12%). People were confident that they could vote using their preferred method At each election people can vote in person, by post or by proxy (asking someone they trust to vote on their behalf). If a voter's situation changes close to polling day (for work or health reasons) then they may be eligible to appoint an emergency proxy up to 5pm on polling day. Ahead of the 2021 elections, the law was changed so that anyone who had to self-isolate close to polling day because they had tested positive for Covid, or had been in close contact with someone who had tested positive, could also appoint an emergency proxy. This change remained in place for the 2022 elections. In February 2022, the majority of Electoral Registration Officers (EROs) in Scotland wrote out to all households to remind them of who was registered to vote at that address, and whether they had a postal or proxy vote in place. Voting using their preferred method was possible for most people Most people who voted were able to use their preferred method: 78% of people said that they found it easy to get information on the different methods of voting available. nearly all people said they were able to vote using their preferred method with 96% of polling station voters and 94% of postal voters saying they had used their preferred method. Nearly four in 10 votes counted were cast by post Nearly 1 million (976,108) people were registered as postal voters at these elections, amounting to 23% of the electorate. This is a very slight decrease from the 2021 Scottish Parliament election but a substantial increase from the Scottish council elections in 2017 (17.8%). Over three-quarters (76%) of postal

voters cast their vote, amounting to 38.4% of all votes included in the count. The vast majority (97%) of people who voted by post told us that they found it easy to understand what to do, with 96% finding the postal voting instructions useful. Rates of postal vote rejection remain consistent with recent elections. When a postal ballot pack is returned to the Returning Officer (RO), the signature and date of birth are checked against those provided previously. Where these details are missing or do not match, the postal vote is rejected and not included in the count. Data collected from ROs indicates that 18,557 postal votes were not included in the count due to missing or mismatched signatures and/or dates of birth. This amounts to 2.5% of all postal ballots returned. This is comparable to the 2.4% that were rejected at the 2021 Scottish Parliament election. We will continue to explore ways of improving the electoral system to meet voters' needs. As part of this, we will consider evidence about whether changes to postal voting documents or processes could help to reduce the number of postal ballot packs that are rejected at future elections. Emergency proxy voting remains an important safeguard to enable people to vote. There were 4,840 proxy voters appointed for these elections, amounting to 0.11% of the electorate. Of these, 550 people were issued with an emergency proxy as a result of medical or work emergency, including 242 for Covid reasons. Some Electoral Registration Officers (EROs) continue to raise concerns that eligibility for an emergency proxy does not extend to carers. This is of particular concern in the Scottish island communities where patients may be transferred to the mainland for medical treatment. In this case the patient would be eligible for an emergency proxy, but not any family member accompanying them.

Recommendation 1 We continue to recommend that the Scottish Government work with the electoral community to explore ways to extend the provisions for emergency proxies to cover carers. Voters said that they found the ballot paper easy to fill in but concerns remain about levels of rejection in some wards. Nearly all voters (95%) said that they found the ballot paper easy to fill in, with 4% saying that they found it difficult. People aged 25-34 were the most likely to say that they found the ballot paper difficult to fill in (9%). Rejection rates for ballot papers remain high in some wards. Data from ROs indicates that 1.85% of all ballots were rejected at the count. This is slightly down from the 1.95% which were rejected in 2017. However, there is significant variation in rejection rates both across Scotland and within specific council areas, and in some wards the rejection rates have increased since the last set of council elections in 2017.

Wards with highest rejection rates, 2022	Ward Rejection rate (%) 2022	Rejection rate (%) 2017
Glasgow – Canal Ward	5.64	5.36
West Dunbartonshire – Kilpatrick	4.51	3.71
West Dunbartonshire – Clydebank Central	4.21	3.66
North Lanarkshire – Coatbridge South	4.13	3.91
Dundee – Coldside	4.08	3.91

Of those votes that were rejected, the data shows that the majority (64%) were rejected because there was more than one first preference expressed. Our observations at the counts and feedback from campaigners and electoral administrators suggests that these are largely where someone has placed an 'X' or a '1' next to multiple candidates from the same party. The Electoral Commission has previously carried out research which indicated that the wards with the highest levels of rejection were more likely to have higher levels of deprivation and unemployment. However, we also found that these wards were more likely to have more than one candidate standing from a particular party, thereby increasing the risk of voters placing 'Xs' against their preferred party's candidates on the ballot paper. We will repeat our ward level analysis when the new Scottish census data is available in 2023. The Electoral Commission will work with the Electoral Management Board for Scotland (EMB) and Returning Officers to improve voter communications in

polling stations and postal ballot packs to reinforce messaging about how to complete the ballot paper. Further work to identify the wards at risk of a higher rate of rejected ballots will also support the targeting of election communication activity, to help minimise voter errors on the ballot paper. Some prisoners were entitled to register and vote at the elections. The 2022 elections were the second in which prisoners serving a sentence of 12 months or less in a UK prison, who would usually be resident in Scotland, had the right to vote, following the introduction of the Scottish Elections (Franchise and Representation) Act 2020. Data from EROs indicates that 49 eligible prisoners were registered to vote ahead of the council elections in 2022. EROs worked with the Scottish Prison Service (SPS) to ensure that they received notification where any eligible individuals entered the prison system so that they could invite them to register to vote. The Commission also worked with the SPS to develop and circulate a guide for prison staff and a poster to raise awareness amongst prisoners. The Scottish Government is required to review the arrangements for prisoner voting by March 2023. Ahead of this review, we are committed to continuing to work with EROs, the SPS and the EMB to ensure that prisoners who have the right to vote understand how to register and vote, and can access information and support as required. Work continued to support recently enfranchised voters to participate. The Commission continued to work in partnership with the electoral community and Scottish civic society to support young people and qualifying foreign nationals to engage in the elections. To encourage schools to run political education sessions and raise awareness amongst young people, we worked with partners across the education sector to run Welcome to Your Vote week in January 2022. Ahead of the awareness week, the Commission launched new education resources, including lesson plans, a template assembly on the council elections, and short interactive activities. We also delivered information sessions for teachers and care providers working with young people, in partnership with West of Scotland Development Education Centre (WOSDEC) and the Care Inspectorate. The Commission worked with a number of partners to distribute information to qualifying foreign nationals, including consulates, regional equality councils and charities. In collaboration with EROs and civil society organisations, we ran Welcome to Your Vote Day on 10 March, providing communication resources to support partners to raise awareness and running online information events. Civil society organisations which work with a range of under-registered audiences have highlighted a frustration that work to increase registration is only carried out ahead of elections. Whilst we have strong relationships with organisations across the third sector, there is a high level of staff turnover in charities, and a shift towards ongoing engagement work would reduce the need to rebuild relationships ahead of each election. The Electoral Commission will embed work to increase registration amongst under-registered groups outside of election periods. Existing partnerships will be maintained and strengthened through ongoing collaboration, and the Commission will scope opportunities for new partnerships to reach under-registered groups. Campaigning at the elections. The experience of campaigning at the May 2022 elections. The majority of candidates responding to our survey (69%) felt they were able to get their views across to voters, with printed material, social media and door-to-door canvassing the most popular methods. Just over half of voters said they had enough information on who to vote for, but a substantial minority (26%) disagreed. A notable minority of candidates who responded to our survey reported experiences of intimidation and abuse at these elections and action is needed to tackle this. We will work with the UK's governments, Police Scotland and the wider electoral community to make sure we

understand what is driving candidate abuse and intimidation, and to ensure this issue is addressed as a matter of urgency. While most candidates found election law easy to understand, there was an increased demand for advice and guidance on the law.

Introduction A total of 2,548 candidates were nominated to contest the 1,226 councillor vacancies at the 2022 council elections. This was broadly equivalent to the numbers standing in 2017 (2,572). There were 357 independent candidates standing at the election and 2,191 candidates representing 26 different political parties (four more parties than in 2017). There were a number of changes to the campaign laws for candidates at these elections which included a requirement to report donations for the first time and the need to include an imprint on any digital candidate campaign material. The Electoral Commission provided guidance for candidates and agents on the laws in force at these elections. To inform our report we carried out research with candidates to understand their experience of standing at the elections, and we also talked to parties about the process. s were largely able to engage with voters Just over two-thirds of candidates who responded to the survey (69%) felt that they were able to effectively get their views across to voters. This is a significant increase from the 43% who expressed that view at the 2021 Scottish Parliament election. s used a variety of methods to engage with voters Traditional campaigning (namely leaflets and canvassing) remain the most popular campaigning methods compared to any digital method. Our research found that: the most popular campaigning method used by respondents was leaflets/newsletters/flyers. Overall, 90% of respondents put leafletting in their top-three campaigning methods, with just under two-thirds (63%) of respondents citing this as their most used a substantial number of respondents used social media in their campaigns, though it was primarily used to supplement traditional campaigning methods rather than being the primary tool. Two-thirds (68%) put social media in their top-three most used campaigning methods, with one in 10 (12%) saying it was their most used compared to almost a third (31%) who said it was their third most used when asked what digital campaigning methods respondents used, free methods were far more popular than any paid-for campaigning. Almost four in five (78%) respondents put posts on social media about their campaign, and over two-fifths (44%) asked supporters to share their posts. By comparison, the most popular paid-for digital campaigning method was paying for adverts on social media, which was done by 14% of respondents the other popular campaigning method was door-to-door canvassing, which was the most used tactic for just under a fifth (17%) of respondents. Overall, over half (56%) of respondents said that canvassing was in their top three campaigning methods One in five (20%) of candidates who responded to the survey said that the spending limit was too low, largely citing difficulties of reaching voters in large rural wards while remaining within the spending limit. Voters want more information about candidates Just over half (52%) of all voters said they had enough information on candidates to be able to make an informed decision on who to vote for. However, more than a quarter (26%) disagreed. Voters aged 25-34 were most likely to disagree (40%). When asked where they had seen information about candidates and parties, the most cited sources were leaflets or flyers from the candidate or party (61%) or from another source (27%). Political parties and candidates have raised concerns about their ability to provide information to voters and have called for council election candidates to be able to access a freepost delivery as is available at other elections. This proposal has been supported by the Convention of Scottish Local Authorities (Cosla). Should this proposal be taken forward for the 2027 Scottish council elections, the Scottish Government will need to ensure there is sufficient time and resource to implement the proposal ahead of the elections. Some

candidates reported experiences of intimidation at these elections While over half (56%) of candidates who responded to the survey said that they did not have a problem with threats, abuse or intimidation, over two in five (44%) experienced some kind of problem (that is, on a scale of '1 to 5', rated their problem with threats, abuse or intimidation as a '2' or above). One in 10 (11%) said that they had a serious problem (rated '4' or '5' out of '5'). There was a difference between the reported experiences of those respondents identifying as either male or female 1 , with a larger proportion of female respondents reporting problems with threats, abuse or intimidation (64% of male respondents said they did not have a problem with threats, abuse or intimidation, compared to less than half (48%) of female candidates who did not have an issue.) "In person intimidation/threats/abuse only happened when I was campaigning alone. I've decided not to do that in future, however it's frustrating when seeing other (male!) candidates campaigning solo seemingly without such concerns of intimidation." Of those that said they experienced some kind of abuse, the most common sources were verbal (55%) and online (53%). Over four in five of these (84%) said the abuse came from members of the public. Three in 10 (31%) said it was from an anonymous/unknown source, while a further one in 10 (11%) received threats or abuse from other candidates. One in 10 (10%) who experienced threats or abuse said that their experience(s) would discourage them from standing as a candidate in the future. The 2022 elections were the first council elections where candidates could choose whether or not to have their home address displayed on the ballot paper. This option was legislated for in response to concerns raised by candidates at previous elections about personal safety. The vast majority of candidates opted not to display their home address on the ballot papers. Recommendation 2 Recommendation 2 Action is needed to tackle and prevent abuse and intimidation, and to ensure candidates and campaigners can participate freely in our democratic processes. We will work with the UK's governments, Police Scotland and the wider electoral community to make sure we understand what is driving candidate abuse and intimidation, and to ensure this issue is addressed as a matter of urgency. Candidates had confidence in the election process The vast majority (94%) of candidates who responded to the survey were confident that the Scottish council elections were well run. Almost two-thirds (64%) said they were very confident, and no respondents said they were not confident. The majority of candidates who responded to our survey were satisfied with all aspects of the nomination process: the vast majority (96%) agreed that the rules for becoming a candidate were easy to understand and follow over nine in 10 (94%) agreed that the nomination process was well run 85% of respondents agreed that they found the pre-nomination checks helpful, compared to 1% who disagreed, and 14% who said they neither agreed nor disagreed/didn't know. of those that interacted with their elections teams or needed to access their local authority offices, the majority (87%) were satisfied with their ability to do so The vast majority of candidates were satisfied with the count process Over nine in 10 (92%) of candidates who responded to the survey attended the count and the majority of those who attended were satisfied with the experience. Of those who attended: nearly nine in 10 agreed that elections staff made it clear what was happening at all stages of the count (86%) and a similar proportion (92%) were satisfied with how efficiently the verification/count processes were run 94% agreed that the count process was transparent 93% were satisfied with when the count took place finally, 89% agreed that electronic counting of ballot papers worked well Candidates were broadly confident that no electoral fraud had taken place Over nine in 10 (94%) respondents felt that, in general, voting is safe from abuse. Over two-thirds (69%) of respondents thought that it is very safe.

However, only half (51%) believed that no fraud at all took place in elections in their area. A fifth (21%) thought that there was 'hardly any at all', 5% said 'a little', and almost a quarter (23%) said they didn't know. Reassuringly, no respondents said that there was 'a lot' of fraud. Most candidates understood the campaign spending laws. The majority of respondents to our candidate survey agreed that the law around spending, donations and personal expenses was clear, although the proportions were smaller than those who found the nomination process clear. three-quarters (76%) agreed that the law on election spending and reporting was clear 71% found the law on donations and how to check permissibility to be clear almost three-quarters (73%) found the law about personal expenses clear awareness about expenses related to disability was far lower than self-reported awareness about the general spending and reporting law just half (51%) of respondents said that they knew that expenses relating to a candidate's disability did not count towards the spending limit. Candidates understood the new laws on the requirement for digital imprints on their campaign material but concerns continued to be raised around printed material. Nearly nine out of 10 (88%) respondents agreed that they understood the requirement to include imprints on digital campaign material, compared to 5% who disagreed. A smaller majority (72%) agreed that it was easy to meet these requirements, with almost one in 10 (8%) disagreeing. 70% agreed that digital imprint requirements improve the transparency of digital campaigning, while 7% disagreed and 17% said they neither agreed nor disagreed. The Electoral Commission received a small number of complaints about the lack of imprints on printed election material both from candidates and from political parties and non-party campaigners. Where complaints were received, we followed up with the party or campaigner concerned to remind them of the law and, where relevant, to ask them to bring their candidates into compliance. The Electoral Commission is responsible for investigating potential breaches of law on party and campaigner imprints while Police Scotland is responsible for investigating breaches of candidate imprint law. The Commission will continue to monitor compliance with the law by parties and campaigners and will take action where necessary and proportionate. Candidates and parties have called for the ability to submit spending returns electronically. Currently it is at the Returning Officer's discretion whether they will accept spending returns electronically. Some political parties have asked for a consistent approach across Scotland in relation to the acceptance of digital spending returns. Our research with candidates found two-thirds (68%) of candidates would prefer to submit their spending returns electronically, compared to 16% who prefer paper spending returns and 17% who said they don't know.

Recommendation 3 Recommendation 3 The Scottish Government should consider electronic submission of spending returns as part of their electoral reform agenda. Disabled candidates continue to value the Access to Elected Office Fund. The Access to Elected Office Fund is administered independently by Inclusion Scotland and financed by the Scottish Government. Its purpose is to offer financial assistance to disabled people to stand at elections. The financial assistance can be used to meet the costs of any adaptations needed to ensure a level playing field for disabled candidates. 54 applicants were supported by the fund, with 48 of them going on to be candidates at the election. Of these, 22 were successfully elected. Our survey with candidates found that: more than half (52%) said they knew about the Access to Elected Office Fund 11 respondents received support from the Access to Elected Office Fund. Of these, four said they would not have been able to stand if the Fund had not existed. A further five said they did not know whether they would be able to stand for election had the fund not existed. In a few comments, respondents made references to

not being quite sure how the Fund worked, even from those who used it. There was an increasing demand for advice and guidance from candidates. The Electoral Commission and electoral administrators faced an increased demand from candidates for advice and guidance on the nomination process and the spending laws. Particular demands came from independent candidates and those representing smaller and more recently registered political parties. "As you would expect, independent candidates required more support than those standing for political parties, which resulted in an increased number of calls from independent candidates requiring additional information and support." "Smaller parties had poor paperwork, did not engage with the office early in the process, and frequently had to be reminded at deadlines."

Increasing opportunities for supporting candidates and parties

The May 2021 Scottish Parliament elections were the first at which the Electoral Commission had a statutory role to provide advice and guidance to candidates and agents (although we had done so at previous elections at the request of the Scottish Government). Following feedback from the electoral community, we offered candidates and parties at these elections an increased range of support to understand and comply with political finance rules both before and after the elections. Alongside our standard advice and guidance support to candidates, we also ran seminars on the candidate laws at political party conferences in Scotland in the run up to the May polls. The Commission also ran an online seminar for candidates in advance of the polls which was attended by 183 candidates and agents. We also delivered virtual advice surgeries that allowed candidates and agents to book an appointment to speak to one of our expert advisers and discuss specific issues around the spending and donation laws. Due to the take up and demand, particularly from new and independent candidates, we offered further advice surgeries after the elections and in advance of the reporting deadlines, to provide support with spending returns. Our approach has been informed and led by the evidence and feedback we received in our most recent survey of the regulated community. We will continue to focus on delivering more bespoke advice and guidance resources so that parties and campaigners can easily understand the political finance laws, regardless of their size or experience.

Delivering the elections

The experience of electoral administration at the May 2022 elections

The elections were well-run with no significant issues arising. However, the resilience of electoral administration teams remains a concern, with staffing polling stations proving challenging in a number of areas. Returning Officers took all the necessary steps to support disabled voters at the poll, and 96% of disabled voters said they were satisfied with their experience of voting.

Section introduction

Our evidence shows that the May 2022 polls, including electoral registration services, were well-run. Voters and campaigners reported high levels of satisfaction and confidence in both the voting process and the count. However, electoral administrators have reported that diminishing council resources are increasing pressures on the delivery of elections. The capacity of election teams continues to be stretched. While Returning Officers and their staff reported fewer challenges than in 2021, at the height of the pandemic, concerns were still raised about their ability to continue to deliver elections with diminishing resources. Many Returning Officers struggled to recruit and retain enough poll staff. Many Returning Officers experienced difficulties in recruiting sufficient staff for polling stations. The challenges included recruiting enough people in the first place and then managing levels of 'call-off' close to or on polling day. Planning for the council elections was undertaken when Scotland was still subject to Covid prevention measures, although many of these had begun to lift as voters went to the polls. This exacerbated the staffing challenges faced as some long-standing poll-staff were

reluctant to work in the context of relaxed public health restrictions, whilst others were keen to take advantage of the easing of restrictions by going on holiday. “We had a number of polling staff call off due to Covid. We had to use all standby staff and some information officers ... to ensure that all posts were covered on day of poll.” “Appointment of staff - particularly retention of Presiding Officers and other poll staff was a significant challenge and call offs (not Covid related) soaked up standbys recruited twice before the election. Causes huge administrative burden on small administration team at point of delivery in the last 2 weeks as backtracking to fill posts repeatedly and retrain.” “Initial request to staff on our list returned limited availability and as Covid restrictions eased throughout the country, many poll staff – including long standing ones – called off.” The Electoral Commission is working with the Electoral Management Board for Scotland (EMB) and the wider electoral community across the UK to discuss and identify solutions to the staffing, resilience and capacity challenges experienced by Returning Officers, Electoral Registration Officers and their teams. An immediate focus is addressing the challenges of recruiting on polling station staff. Further changes to the delivery of elections have the potential to increase pressure on already stretched elections teams unless well managed. While Covid was the predominant factor highlighted as affecting the recruitment of staff, Returning Officers have also reported that diminishing council resources more generally are having an effect. This includes making it more difficult to pull in staff from other council departments to support staffing at the polls. Changes to the delivery of UK Parliament elections in Scotland are being introduced through the Elections Act. These have the potential to increase the challenge of recruiting and retaining skilled and experienced polling station staff for future elections, due to the additional responsibilities that Presiding Officers and Poll Clerks will need to deliver, such as checking voter ID. The Scottish Government is also planning to consult on electoral law reform, with any changes expected to take effect in time for the 2026 Scottish Parliament election. It is important that electoral administrators have early clarity about any legislative changes in order that they can plan effectively to deliver them. As a minimum, legislation should be clear at least six months before it is required to be implemented by administrators. Changes to legislation add to the already fragmented and complex sets of rules which must be followed at an election, increasing the risks of mistakes being made and public confidence in election results being undermined. We continue to recommend that both the Scottish and UK Governments commit to simplifying and consolidating electoral law, in line with the recommendations from the UK’s Law Commissions. Counts were delivered well across Scotland. Due to the complexities of counting the votes and calculating the results at an election which uses the type 2 of the Single Transferable Vote system of voting in place for council elections, all counts in Scotland were conducted electronically. The e-Counting equipment, including the software, is procured nationally by the Scottish Government on behalf of the 32 Returning Officers. As highlighted above, candidates had high levels of satisfaction with the count process. Electoral Commission representatives who attended counts across Scotland did not have any concerns about the delivery or transparency of the counts. Counts were delivered well across Scotland. Some Returning Officers raised concerns about late appointment of staff by the count suppliers. A number of Returning Officers noted that, while their counts had gone well overall, the late appointment of supporting technical staff by the supplier had led to some difficulties, as the technical staff then had to familiarise themselves with the count process very close to the event. This had led to initial set up and operational

delivery problems at some counts which, while resolved, had raised concerns amongst those Returning Officers affected. “[They] appeared to lack experience of the system which gave us cause for concern in the run up to the count. While the team was very helpful and positive in their engagement their inability to diagnose problems and their lack of confidence using the system was quite worrying.” The Scottish Government and the EMB are currently carrying out a review of the e-counting project. Once that review has been concluded we would expect that any relevant recommendations are implemented so that Returning Officers can have full confidence in their delivery of future electronic counts. National co-ordination made it easier for people to find information on the election results. At previous elections the media had raised concerns about difficulties in accessing reliable results information in real time. This had led broadcasters to send staff to every count venue in Scotland in order to collate results information. Concerns had also been raised by others with an interest in Scottish politics, including voters, about the lack of a central source for all election results. Ahead of the elections, the Electoral Commission worked with the EMB and communications staff from Scotland’s 32 councils to agree a common hashtag and format for the tweeting of each council ward’s results declaration. The EMB also collated the results for all councils and published them on their website, which enabled voters to access all the results in one place. Feedback from broadcasters was positive, and this approach should continue for future elections. The Electoral Management Board continued to support consistency in the delivery of elections. The Electoral Management Board (EMB) has statutory responsibility for supporting the delivery of council elections in Scotland, including a power to direct Returning Officers and Electoral Registration Officers in respect of their duties at these elections. Directions issued by the Convener of the EMB at this election included timings for the dispatch of poll cards and postal votes and also for counts. Electoral administrators and the wider electoral community continue to value the role that the EMB plays in providing support and advice for the delivery of local elections. “Directions of the Convener of EMB invariably helpful and well timed.” “Everything worked well. Directions were helpful without being overly prescriptive or heavy-handed.” ROs improved the support available for disabled voters at these elections. The Electoral Commission has a specific legal duty 3 to report on the steps taken by ROs to assist disabled people to vote at the election. To inform our report we asked for information from Returning Officers, Electoral Registration Officers and polling station staff. We also looked at the views of disabled voters who responded to our public opinion research and gathered evidence from disability organisations. ROs improved the support available for disabled voters at these elections points. The electoral community worked to improve access for disabled people. Following the 2021 Scottish Parliament elections, where some concerns were raised about Covid measures impacting on disabled people’s access to the poll, 4 work was undertaken to improve the service disabled voters received in polling stations. In January 2022, the Electoral Commission and the EMB ran a briefing event for electoral administrators which included contributions from representatives of disabled people in Scotland outlining some of the barriers faced in accessing voting. Following the event, videos of the contributions from disability organisations at these sessions were disseminated to electoral administrators and were widely used in the training of poll staff. “We used all EC training slides and accessibility at training events and encouraged staff to view videos on how to deal with disabled persons at the poll.” Electoral administrator All Returning Officers who responded to our survey reported having provided the measures required in law to support disabled voters. In 2021 some

sight impaired voters raised concerns about polling staff confidence in supporting voters to use tactile voting devices (TVDs) 5 in polling stations. At this election no concerns were raised in relation to this, although some electoral administrators highlighted concerns raised by sight impaired voters about the usefulness of the TVD at an election using STV. “We did receive a couple of comments...regarding the use of TVDs – specifically that voters find it harder to use these in elections using STV (i.e using numbers to allocate multiple preferences).” The UK Government’s Elections Act makes changes to the way disabled people are supported in the polling station at UK Parliament elections by replacing the prescription of what must be provided, including TVDs, with a requirement for Returning Officers to take all reasonable steps to support disabled voters to vote independently and in secret. This has the potential to improve the range and quality of support available and should speed up the process of providing additional support when a gap is identified, as legislation would no longer be required to allow the use of new technology. The Electoral Commission will provide guidance, developed in consultation with disability organisations and the electoral community, which ROs must have regard to in delivering their duties. It is important that disabled voters receive an equivalent level of support regardless of which election they are voting at in Scotland. The Scottish Government should monitor the impact of this legislation and consider whether similar provisions should be introduced to support the participation of disabled voters at devolved Scottish elections. Disabled voters reported a high rate of satisfaction with the voting process Respondents to our voter survey who defined themselves as disabled or with a long-term health condition were only marginally less satisfied with the process of voting than non-disabled voters: 96% of disabled voters reported satisfaction, compared to 97% of non-disabled voters. Nearly three-quarters (74%) of voters who had a disability or health condition that limited them a lot said they found the help/support from polling station staff useful, compared with 72% of non-disabled voters, and over half (55%) said they found the help/support from polling station staff very useful, compared with 51% of non-disabled voters. Disabled voters also reported finding it easy to get inside their polling station to vote (100%), including 83% who said it was very easy. More work is needed to reach disabled people with information on how to register and vote Respondents to our voter survey who defined themselves as disabled or with a long-term health condition were less likely to say they had enough information on how to cast their vote than respondents who did not consider themselves disabled (61% vs 69%). The Electoral Commission will continue to work in partnership with organisations representing disabled people in Scotland, and the wider electoral community, to address the information needs of disabled voters and to strengthen polling station staff training on accessibility. Supporting evidence Scottish council elections May 2022 Public opinion research tables 2022 Scotland Electoral Data 1. The sample of non-binary respondents was too small to use in analysis ■ Back to content at footnote 1 2. Weighted Inclusive Gregory ■ Back to content at footnote 2 3. Section 5 of the Political Parties, Elections and Referendums Act 2000 as amended by the Scottish Elections Reform Act 2020 ■ Back to content at footnote 3 4. Electoral Commission (2021), Report on the 2021 Scottish Parliament election (<https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/past-elections-and-referendums/scottish-parliamentary-elections/report-scottish-parliament-election-6-may-2021>) ■ Back to content at footnote 4 5. The Tactile Voting Device attaches on top of the ballot paper. It has numbered lift up flaps (the numbers are raised and in braille) directly over the boxes where the vote

is to be marked. ■ Back to content at footnote 5 Page history First published: 21 September 2022 Last updated: 21 September 2022 Related content Report on the May 2022 local elections in England Read our report on the May 2022 local elections in England Report on the May 2022 Northern Ireland Assembly election Read our report on the May 2022 Northern Ireland Assembly election Report on the May 2022 elections in Wales Read our report on the May 2022 elections in Wales. Looking back at the May 2022 elections Read our latest blog post on looking back at the May 2022 elections.