

Part B – Preparing for the Scottish Parliamentary and local government elections

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1 Planning and risk management

A project management framework

1.1 Running an election is a complex logistical operation with statutory obligations and personal liability for the Returning Officer, involving considerable financial and physical resources, and delivered against extremely tight and inflexible timescales.

1.2 Due to the importance of Scottish Parliamentary and local government elections, it is important to demonstrate that the systems used offer the management control that is necessary when delivering a statutory service. A project management framework enables a structured and methodical approach to be taken, including the identification, assessment and proper management of risks.



A project management approach will be particularly important on this occasion given the recent legislative changes which will have a significant impact on the administration of these elections. Such an approach will help to ensure that new and revised procedures are identified and mapped out during the planning for and delivery of the elections in May 2007.

Initial planning

1.3 Before considering the particular requirements of the combined Scottish Parliamentary and local government elections, an essential part of project initiation is to undertake a thorough review of the effectiveness of the conduct of the last election and, in particular, any specific issues around any changes in legislation.

1.4 The first stage of a review is most effective when done as soon as practicable after the election, when most of the issues are still fresh in the minds of staff. It may be pertinent to invite some of the more experienced polling staff to any discussion along with 'first timers' in order to address all aspects of the process from training to dealing with difficult situations during polling day. However, even if a post-election discussion did not take place last time, it is still advisable to reflect on the previous election and revisit the situation to see if there are any issues that can be addressed in advance of the coming elections. Noting these down and reviewing them after these elections will show what has been learnt from the experience and what, if anything, needs to be done differently in future.

1.5 The scope of a review should cover all aspects of the election, but areas deserving particular scrutiny are likely to be polling places and polling stations, the quality of the register, performance of contractors and suppliers, staffing, equipment and supplies, finance, security and integrity of the election, count arrangements, communications (both internal and external), and managing the increasing numbers of postal votes.

1.6 The information collected through this review can be used to compile a project plan and risk register. Together with the election planner, these 'living documents' are management tools that can be used to ensure that all eventualities are covered.



Election planners and risk registers

The election planner is available on eXtra, the Commission’s website for electoral administrators, in Microsoft Word format for administrators to adapt for their own use. The sample risk register is also available in Microsoft Word format, again capable of adaptation for local use, and can also be found on eXtra.

1.7 The project plan should be task based and provide an overview of how the elections are to be managed, including clarification of roles and responsibilities, risk assessment and management, lines of reporting, and mechanisms for monitoring and ensuring quality. This is indicative only, and there may be other management issues that Returning Officers will want to include. It is also advisable to have detailed plans including all tasks, statutory and logistical deadlines, individual responsibilities, and appropriate identification and allocation of resources required. The election planner that accompanies this guidance should provide a good basis for this, and can be adapted to reflect local circumstances.

Roles and responsibilities

The Constituency Returning Officer

1.8 The Constituency Returning Officer is responsible for the proper combination, conduct and organisation of:

- the Scottish Parliamentary election, and
- the combined functions for the Scottish Parliamentary and local government elections

in their constituency, except for those functions required to be carried out by the Regional

Returning Officer, in line with current legislation and good practice.

1.9 The combined functions include:

- identification of the polling places and giving notice of the situation of polling stations
- provision of polling stations
- appointment of Presiding Officers and Poll Clerks
- provision of equipment at polling stations
- giving notification of the requirement of secrecy at polling stations
- signature of certificates of employment
- authorisation to order removal of persons from a polling station
- separation of all ballot papers

1.10 The combination of the issue, receipt and counting of postal ballot papers is discretionary and requires agreement between the Constituency Returning Officer and the Local Government Returning Officer. If the Constituency Returning Officer and the Local Government Returning Officer agree to combine the postal voting procedures, it is the Constituency Returning Officer who becomes responsible for these operations.

The Regional Returning Officer

1.11 The Regional Returning Officer is solely responsible for:

- nominations for the regional element of the Scottish Parliamentary election
- calculating by the modified d’Hondt method the allocation of regional seats
- recalculating the allocation of regional seats, if requested

- the return or forfeiture of deposits received in respect of the regional element of the Scottish Parliamentary election

1.12 The Regional Returning Officer is not responsible for the conduct of the poll or of the count and cannot ask for a recount of either the constituency or the regional ballot papers, except in so far as it relates to an area for which they are also the Constituency Returning Officer. The Regional Returning Officer has limited authority over Constituency Returning Officers, although the Constituency Returning Officers are obliged to inform the Regional Returning Officer of the regional result and may request them to display locally notices, etc., relating to the regional element of the election.

The Local Government Returning Officer

1.13 The Local Government Returning Officer is responsible for all aspects of the local government elections other than those undertaken by the Constituency Returning Officer under the requisite legislation and relating to any of the combined functions.

1.14 The Local Government Returning Officer also has responsibility for granting or refusing permission to observers in relation to the local government aspect of the elections, having regard to the Code of practice on attendance of observers at local government elections prepared by Scottish Ministers.¹ Further details on observers can be found in Section 7, Electoral integrity.

Role of the Returning Officer



For the avoidance of doubt, in this guidance the Constituency and Local Government Returning Officers will generally be referred to as the Returning Officer, while the Regional Returning Officer will be referred to as such where appropriate.

1.15 The Returning Officer and their staff must act impartially in their dealings with candidates and agents at all times throughout the election. While undertaking election duties, the Returning Officer is not accountable to the council but is independent and answerable only to the courts.

1.16 The Returning Officer is personally liable for the conduct of the elections. The Returning Officer may, however, appoint one or more Deputies to discharge all or any of the functions of the office. Any Deputies should be provided with powers appropriate to the tasks they will be required to undertake. There should be a formal written appointment and acceptance, including both general and special duties, signed by both the Returning Officer and the Deputy.



For further information on staffing at the election, see Section 6, Staffing.

1.17 It is important to note that Returning Officers and their staff are not responsible for monitoring the conduct of candidates, agents and campaigners. If it is alleged that the conduct of anyone involved in the election process contravenes the law, the matter should be brought to the attention of the police.

1.18 It is essential that a senior officer is identified to coordinate the review of the previous election, and to manage both the

¹ Sections 8–11, LEARS Act.

preparations for and day-to-day conduct of the elections. Ultimate responsibility and final decisions, however, must rest with the Returning Officer.

1.19 The project plan should identify the roles and responsibilities of all those tasked with delivering particular aspects of the elections, and should clearly document reporting lines.

1.20 It is vital that each member of the election team understands their particular role, and any statutory obligations associated with the work they are undertaking.

Identifying and managing risk

1.21 By reviewing the conduct of the previous election, any difficulties or problems and the measures taken to resolve them will already have been identified. In addition to this, it is essential to list all the possible risks, identify what can be done to ensure as far as possible that such risks do not occur, and recommend contingency plans with options for dealing with such eventualities if they do arise.

1.22 A risk register should also identify the seriousness of any risk, by reflecting both the likelihood of the risk occurring and the impact of such a risk if it did occur. For example, if the details of candidates are incorrectly printed on the ballot papers, this could have serious consequences for the integrity of the election and therefore represents a high level of risk for the Returning Officer personally.

1.23 The key objective of identifying risks is to be able to manage those risks. There is considerable expertise within councils of identifying and managing risk. The Returning Officer may choose to draw on this expertise,

using electoral staff to provide the electoral context.

1.24 In order to assist Returning Officers in identifying and managing risk, a template risk register is available on eXtra, the Commission's dedicated website for electoral administrators. This risk register gives some examples of possible risks and, as there may be risks specific to the Returning Officer's area and circumstances which will need to be identified and managed, is capable of being adapted to fit local circumstances.

Correction of procedural errors and management of risk

1.25 Returning Officers are now permitted to correct procedural errors made either by themselves or by an Electoral Registration Officer, a Presiding Officer, a person providing goods or services to the Returning Officer or any Depute or authorised assistant of any of the above.²

1.26 A Returning Officer will not be guilty of an act or omission in breach of official duty if they 'remedy the act or omission **in full**' by taking steps under this new power.³ This new power can therefore be used to remedy administrative errors that might otherwise have resulted in a breach of duty. It would still, however, be for the courts to decide if the act or omission had been remedied 'in full' and Returning Officers should ensure that they document clearly any problems encountered in the conduct of the election and any decision and actions taken to remedy these situations, as this provision does

² Article 93, Scottish Parliament Order; Section 4, LEARS Act.

³ Article 93(4), Scottish Parliament Order; Section 4(4), LEARS Act.

not remove the risk of challenge to an election or a finding by a court of breach of duty.

1.27 It is also important to note that this provision does not allow a Returning Officer to re-count the votes given at an election after the result has been declared.⁴ Once a result has been declared, regardless of whether it is correct or not, it is final and only subject to challenge by way of an election petition, and the ability of Returning Officers to correct procedural errors does not vary this principle. Returning Officers should ensure that they manage the risk of incorrect declaration of results by following robust procedures during the count.

Insurance

1.28 In carrying personal responsibility for the conduct of an election, it is incumbent on the Returning Officer to take specific advice prior to the election to ensure that adequate provision is in place for insurance cover to take account of all eventualities.

1.29 An error or omission by the Returning Officer could result in the Returning Officer being liable for significant election costs. It is recommended that advice should be obtained, notwithstanding any cover provided by the UK Government in respect of the conduct of Scottish Parliamentary elections or the standard or direct cover that is generally available from most insurers who are experienced in providing insurance for councils. In establishing the range of insurance cover required, the Returning Officer should also take account of specific statutes and case law relating to the potential liability of the Returning Officer.

⁴ Article 93(2), Scottish Parliament Order; Section 4(2), LEARS Act.

1.30 It may be appropriate for a council employee with responsibility for matters concerned with insurance to be invited to provide such advice and to confirm whether or not the council's general insurance arrangements cover not only all of the functions of the Returning Officer but also all eventualities in the event of any act, omission or error for which the Returning Officer could be held personally responsible. It should be noted, for example, that the Returning Officer is personally liable for any civil liability arising from any injury to persons or property as a result of carrying out any part of the election process.

Scottish Parliamentary elections

1.31 The importance of the Returning Officer having adequate and appropriate insurance cannot be overstated. We understand that the actions of Returning Officers and their staff may be covered by the insurance policies entered into by their councils. In that case, a claim against a Returning Officer in respect of, for example, personal injury, injury or damage to a third party, fire and theft will be made to that insurer.

1.32 The cost of insurance cover is not an item that the Secretary of State can reimburse. The Scotland Office will, however, indemnify Returning Officers against claims by injured employees for compensation falling outside the industrial injuries scheme, provided that the Returning Officer is not personally to blame. The Scotland Office will also indemnify Returning Officers against claims which may be made against them in their official capacity in respect of injuries to third parties, and in respect of fire or damage to premises used for election purposes, subject to reasonable care having been taken to prevent accidents and damage.

1.33 Notice of any claims, accompanied by medical or other reports and witness statements, should be given as soon as possible to the Scotland Office.



Further details can be obtained from the Scotland Office at:

1 Melville Crescent
Edinburgh EH3 7HW

Tel: 0131 244 9011

Local government elections

1.34 As with Scottish Parliamentary elections, the importance of the Local Government Returning Officer having adequate and appropriate insurance cannot be overstated. It is usual for the actions of Returning Officers and their staff to be covered by insurance policies held by their councils. In such cases, a claim against a Returning Officer in respect of, for example, personal injury, injury or damage to a third party, fire or theft, will be made to that insurer.

1.35 It is worth checking with the council's insurance officer whether the council's general insurance fully covers the functions of the Local Government Returning Officer. If the answer is 'yes', it is important to get this in writing and keep it safe. It is advisable to clarify the amount of any excess that could be charged in relation to a claim against the policy. If there is an excess, it is essential to identify how that excess would be met in the event of a claim being made.

1.36 The indemnity policy should contain an extension to indemnify the council, including the Local Government Returning Officer, against:

- legal expenses reasonably incurred with the defence of any proceedings brought against the council or the Local Government Returning Officer
- the cost of holding another election in the event of the original being declared invalid

provided that they are as a result of the accidental breach of the provisions of the legislation or breach of any duty by the Returning Officer or any other person employed by or acting officially for them in connection with the election.



Advice from one insurer during the English local government elections in 2006 highlighted that in the event of difficulties arising and plans having to be changed, accurate records should be kept of decisions taken and the reasons why any actions were undertaken. It was stated that these records could be very useful if decisions or election results are challenged at a later date. Regardless of which insurer provides the cover, it is suggested that Returning Officers adopt this approach into their normal working practices.

1.37 If a case arises where it is suggested that civil liability falls on the Returning Officer, it has been suggested that the liability remains with them and cannot or does not fall on the council by which they are employed.

Reporting methods and techniques

1.38 As indicated above, in order to ensure effective management of the elections it is essential that there is central coordination of all election preparations and activities. Clear lines of communication with all levels of the election management structure at an early stage should ensure that suitable reporting structures are established and maintained by all staff engaged in the day-to-day running of the elections.

1.39 The following list provides examples of reporting methods and techniques which, from experience, electoral administrators have found to be useful:

- a timetable or election planner to check on progress
- exception reports which show where tasks are slipping behind schedule
- update reports on performance of contractors including time, quality and cost
- regular team meetings
- structured agendas for meetings
- minutes and action points from previous meetings
- estimated spend charted against fees available
- resource plan – availability and competency of trainers, staff and any special arrangements for the allocation of staff to polling stations, for example where there is a particular language requirement in an area where there is a large number of voters whose first language is not English
- reports on specific issues, or requiring particular expertise – for example, legal advice, security or arrangements with the police, media and press

1.40 It is vital to agree clear arrangements for the method and frequency of reporting between the person managing the day-to-day conduct of the elections and the Returning Officer, and any Deputies, at an early stage. This communication may be daily, weekly or exceptionally in the event of there being a major problem.

1.41 The person managing the day-to-day running of the elections needs to have a sound knowledge of their team to ensure that an effective communications process is in place and is robust. It is advisable to make a point of discussing election planning with that team early in the preparation phase and on a regular basis throughout the conduct of the elections.

Working with other councils

1.42 In many areas, the boundaries of constituencies and councils are not coterminous, meaning that the Returning Officer may gain an area from a neighbouring council to form part of the constituency for which they are responsible. Equally, they may not be responsible for running the election in another part of their own council area because this falls into another constituency. It is helpful if the Returning Officer can provide details of polling places used in that area, including contact details, to assist the other Returning Officer regarding an area with which they may not be familiar.

1.43 In such areas, consistency of approach is of particular importance in order to negate the risk of confusing the electorate. More generally, consistency of approach, as far as possible, by Returning Officers and their staff across different areas is something that is seen as particularly desirable by political parties.

1.44 The regional element of the Scottish Parliamentary election will also require councils to work together. Communication channels between the Constituency Returning Officers and their teams and the Regional Returning Officer and their team will need to be developed and maintained.

Working with the Electoral Registration Officer

1.45 It is important for liaison to occur between the Returning Officer and the Electoral Registration Officer. It will be necessary for the Electoral Registration Officer to produce copies of the register, absent voting lists and labels, and polling station registers for the Returning Officer, as they may not have access to these records on their computer system.

1.46 Additionally, given the recent legislative changes which include provisions allowing electors to register to vote up to 11 days before the election, allowing Electoral Registration Officers to issue notices of alteration correcting errors on the register which can take effect on polling day, and the new emergency proxy facility which will be available up to 5pm on polling day, liaison between Returning Officers and Electoral Registration Officers and their respective staff will become even more important to ensure successful administration of these new provisions and procedures.

Planning for post-election activities

1.47 The planning process should include an evaluation phase to take place soon after the elections in order to review the effectiveness of their conduct and to draw out any learning points for the future, while the experience is relatively fresh.

1.48 It would also be beneficial to alert candidates and agents to any plan to conduct a review and to invite their comments.

1.49 In addition, the provision of feedback forms for polling station staff and electors to indicate if there were any problems or issues with the polling place venues can provide valuable information for future planning. A similar approach to the arrangements for dealing with postal votes and the count will also be helpful.

Election forms and equipment

1.50 Elections require a substantial amount of election-specific and general stationery and equipment. Reviewing the previous election should enable the Returning Officer to determine the effectiveness of materials and equipment used and to audit current supplies of key items. This information may be helpful when determining what stationery and election equipment needs to be ordered.

1.51 What will be required for these elections will need to be considered in light of the different processes and procedures that will be in place for the first time in May 2007, in order to ensure that all forms and equipment are fit for purpose.

2 Managing contractors and suppliers

Introduction

2.1 This section aims to give guidance only on the general principles of managing contractors and suppliers and does not specifically consider the relationship between Returning Officers and the providers of electronic counting solutions for the May 2007 elections.

Roles and responsibilities

2.2 The Returning Officer can outsource particular work required to deliver Scottish Parliamentary and local government elections, but not the responsibility for ensuring compliance with the rules and regulations. The duties and obligations for the effective conduct of the elections remain those of the Returning Officer. We strongly advise that the Returning Officer and their staff come to their own independent view of the statutory requirements for any outsourced work.

2.3 To operate effectively, the administration of an election needs to be properly resourced with well-trained staff who have a sufficient level of knowledge and expertise, both of the statutory requirements of election management and of procurement and contract management procedures. It is vital for the statutory requirements and their implications to be fully explained wherever contractors are used in order to avoid any misunderstandings later.

Procurement

2.4 The review of the previous election, together with any recently arising circumstances, will inform the decision to outsource a particular function or task. The risks of outsourcing should be clearly identified and documented, with contingency built into the

procurement and contract management process.

2.5 The earlier that any decisions to outsource are taken, specifications prepared and appropriate companies invited to tender for the work (if required), the better. As more electoral work is outsourced, the more quickly the suppliers of such services become booked up and reach their total capacity.

2.6 The council will have adopted standing orders or regulations relating to contracts and procurement. A number of councils now use e-procurement to order and pay for their goods. It is wise to take advice on the procedures to be followed, although it should be noted that any order placed or contact entered into should be with the Returning Officer and not the council.

2.7 It is generally agreed that it is good practice to obtain three written quotations where possible. Some councils may, however, have a standing list of approved contractors who have already been through the tendering process and, in some instances, it may be more effective and economical to use such existing contractors and systems.

2.8 As a minimum, it will be necessary to draft a detailed specification of requirements providing clear instructions as to the necessary statutory obligations in relation to the particular work or services to be undertaken. This specification should be provided to all those companies invited to tender for the work. The successful company must be able to meet all the requirements of this specification.

2.9 In arriving at a decision as to the selection of a company to deliver the work, the Returning Officer should ensure that they understand and have evidence of the level and nature of the

experience and suitability of the company to undertake the work being outsourced. It is recommended that formal references are taken up, and examples of previous electoral work be provided and reviewed. It is also essential that appropriate checks are made against the company's statements relating to such matters as insurance, contingency planning and capacity, quality control, security, health and safety, etc.

2.10 Additionally, it is vital to be aware of whether the company being considered for the work will be using sub-contractors to deliver any aspect of that work. This will create another level of risk and additional communication lines. The Returning Officer will need to be equally reassured that the sub-contractors are capable of delivering the work and that appropriate quality assurance processes are in place.

2.11 Obtain a final quotation from the company selected, including every aspect of the work as detailed in the specification. Any variations agreed with the company should be in writing and accepted by both parties. There may be a need for a formal contract to be prepared, and in such an instance obtaining advice from the council's legal services or procurement unit may be beneficial.

Contract management

2.12 It is essential that there is a formal, written contract or agreement for the work, as this can be used to ensure that quality assurance is carried out effectively. Councils have formal procedures for procurement and the letting of contracts, which the Returning Officer may utilise and/or adapt. Experienced managers in these fields should be used to ensure that appropriate and rigorous contract management procedures are followed, thereby minimising risk.

2.13 The timescales for the company to undertake and deliver the work should be confirmed in advance. All stages of the process should be well documented.

2.14 Ensure that there are specific provisions within the contract for the Returning Officer, or member of staff, to visit the company's premises (including those of sub-contractors, if appropriate) so as to be present while the work is being carried out. In addition, provision should be made to allow for representatives of the Electoral Commission and, where the outsourced element relates to the issue of postal ballot papers, observers to attend the company's premises to oversee the process.⁵

2.15 Ensure that there are specific provisions within the contract relating to secrecy – the appropriate notice as to secrecy⁶ should form part of the contract, with a requirement that the company provides this notice to all staff. This must include any sub-contractors used to deliver the work.

2.16 Ensure that the Returning Officer remains in control of the process and that the company contracted to do the work does not make any decisions without the full understanding and authorisation of the Returning Officer. Any variations from the agreed specification could result in a breach of statutory rules and regulations, and therefore potentially a breach of duty. Any variations should therefore be formally documented and signed off by or on behalf of the Returning Officer.

2.17 In order to assist contractors and suppliers in delivering the work on time, it is

⁵ Sections 6A–6D, PPERA; Sections 8 and 9, LEARS Act.

⁶ Article 32, Scottish Parliament Order; Section 66, RPA 1983.

essential to keep to agreed timescales for providing the information or data they need to do the job. If there is slippage, for example because of the time required to process bulk last-minute postal vote applications, there will be a need to advise the contractors straight away.

Working with Royal Mail

2.18 Royal Mail performs a number of functions at the Scottish Parliamentary and local government elections, and may be engaged throughout the electoral process, from delivering poll cards to handling postal ballot packs.

2.19 Returning Officers are advised to contact their Royal Mail Account Manager as soon as possible, and to ensure that they have an up-to-date copy of Royal Mail's best practice guidance to postal voting, *Managing postal voting*.

3 Election finance

Scottish Parliamentary elections

3.1 The introduction of Section 68 of the EAA will have the effect of changing the process of the funding of elections in future. For the purposes of the May 2007 elections, however, the election accounting process will not vary considerably from that followed at previous Parliamentary elections.

3.2 Advice on the election funding process and related procedures will be given by the Scotland Office in due course.



The Scotland Office Elections Accounts team can be contacted at:

Finance and Administration
1 Melville Crescent
Edinburgh EH3 7HW

Tel: 0131 244 9011

Local government elections

3.3 All expenditure properly incurred by a Returning Officer in relation to the holding of an election for a council shall be paid by the council. However, expenditure must not exceed any scale which has been fixed by the council.⁷ At the request of the Returning Officer, the council should approve a reasonable sum in respect of expenses at the election.

3.4 When paying bills for premises used for polling or counting votes, rent cannot be charged for council or grant-aided premises – only heating, lighting, cleaning and caretaking costs.⁸

⁷ Section 42, RPA 1983.

⁸ Rule 18, Local Government Rules.

3.5 It is for Returning Officers to prepare their own election accounts as determined by their council. It is important before the election to consider how to prepare the accounts, e.g. if the election management software has a suitable program or whether spreadsheets of payments are needed. Planning in advance can avoid the time-consuming task of wading through piles of invoices and vouchers which have accumulated in no particular order.



For information on expenditure related to the May 2007 local government elections, particularly in respect of the introduction of electronic counting, contact the Scottish Executive at:

Local Democracy Team
Local Governance and Licensing Division
The Scottish Executive
Victoria Quay
Edinburgh EH6 6QQ

Tel: 0131 244 7041

Combination of polls

3.6 It is recognised that for a number of the functions common to both the Scottish Parliamentary and local government elections, the costs will need to be apportioned between the Scotland Office in respect of the Scottish Parliamentary election and councils in respect of the local government elections. Guidance on this will be issued by the Scotland Office in due course.

4 Equal access

4.1 Equal access to elections is an essential part of a healthy democracy and necessary to ensure high levels of voter participation. It is therefore very important that all electors have the same opportunity to cast their votes. The purpose of this section is to provide Returning Officers with an overview of legislative requirements covering accessibility and to offer guidance on good practice.

4.2 Access issues should be taken into consideration for all electoral procedures, when planning for an election, on polling day itself and during the rolling registration process. It is important for Returning Officers, Electoral Registration Officers, electoral administrators and polling station staff to use their own judgement and common sense when resolving access issues. With the diversity of councils and the types of access issues encountered, it is very difficult to provide 'one-size fits all' guidance.

Planning for access

4.3 Forward planning is essential if maximum accessibility is to be achieved. This should include not only access to polling stations and the count venue, but also access to the entire electoral process, voter information and polling day.

4.4 Reviewing the last election will provide learning points to feed into future planning. It may be that an unforeseen access issue did occur on polling day. If so, steps should be taken to prevent it reoccurring in the future.

4.5 In such a review the Returning Officer may wish to consider the following points:

- All reports returned by Presiding Officers should be reviewed and any problems identified.

- Consider what practices were successful and where these can be used elsewhere.
- Feedback from electors can highlight any issues that may have occurred. Questionnaires with a pre-determined checklist could be made available at polling stations for use by electors.
- Feedback from political parties may also help to highlight any issues or examples of good practice. Candidates, agents and their supporters have much and varied contact with electors throughout the election period and may receive feedback which they can subsequently feed into the Returning Officer and the election team.

4.6 An action plan should be drawn up to overcome any barriers to access in time for the next election.

The Disability Discrimination Act 1995

4.7 Electoral procedures are not specifically mentioned in the Disability Discrimination Act 1995 (DDA 1995). The Commission, however, supports the view that the voting process is a public service. In its response to *Voting for change*, the UK Government stated, 'We take the view, as does The Electoral Commission that the Disability Discrimination Act 1995 applies to the provision of the facilities for polling.'⁹ As a result, it is our view that Returning Officers must not discriminate against disabled people by providing a lower standard of service to a disabled person than they would to a non-disabled person.

⁹ www.dca.gov.uk/elections/govresp-vfc-cm6426.pdf, *The Government's Response to The Electoral Commission's report: Voting for change – An electoral law modernisation programme.*

4.8 Since December 1996, it has been unlawful for a service provider to discriminate against a person with disabilities. Discrimination includes:

- refusing to provide any service to disabled people that it provides to non-disabled members of the public
- providing a lower standard of service to disabled people than it provides to non-disabled people

4.9 Since 1 October 1999, service providers have had to change practices, policies and procedures that make it impossible or unreasonably difficult for disabled people to use a service. What is 'reasonable' will be decided by the courts, but until there is a body of case law, this will be difficult to define.

4.10 From 1 October 2004, service providers have had to make reasonable adjustments to the physical features of their buildings to overcome physical barriers to access. This covers many of the buildings used as polling stations, as they are in use for a wide variety of other functions. The provisions in Part III of the DDA 1995, which cover access to goods and services, apply to electoral services. It is debatable whether the postal vote system would be considered a 'reasonable alternative' to direct provision of election services.

4.11 The DDA 1995 has now been amended by the Disability Discrimination Act 2005 to place a duty on all public sector authorities to promote disability equality, and required councils to publish a Disability Equality Scheme by 4 December 2006.

4.12 The disability equality duty places a duty on all public authorities, when carrying out their functions, to have due regard to the need to:

- promote equality of opportunity between disabled persons and other persons
- eliminate discrimination that is unlawful under the Act
- eliminate harassment of disabled persons that is related to their disabilities
- promote positive attitudes towards disabled persons
- encourage participation by disabled persons in public life
- take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons

4.13 Councils should take these issues into account when considering access to the democratic process. Returning Officers will want to have regard to their council's disability equality scheme in approaching these issues.

The Race Relations Act 1976

4.14 The Race Relations Act 1976 gives councils various duties in respect of race equality. The general duty set out in Section 71(1) of the Act and the statutory Code of Practice on the Duty to Promote Race Equality¹⁰ is to have due regard to the following three objectives:

- eliminate unlawful racial discrimination
- promote equality of opportunity

¹⁰ Commission for Racial Equality, May 2002.

- promote good relations between people of different racial groups

4.15 Councils are required to publish a race equality scheme. This lists the functions and policies assessed as being relevant to promoting race equality. The scheme also includes an explanation of arrangements for monitoring policies and services, consulting on them and assessing their impact on race equality and for monitoring the workforce and key employment practices. Councils should consider taking these issues into account when considering access to the democratic process. Returning Officers will want to have regard to their council's race equality scheme in approaching these issues, and include reference to it in instructions to polling station and count staff.

Language

4.16 Nomination papers and ballot papers must be produced only in English.¹¹

4.17 All other documents that are required to be displayed or provided to voters for the purposes of the election may, if the Returning Officer thinks appropriate, be translated into:¹²

- Braille
- languages other than English
- graphical representations of the information contained in the document(s)
- other means of making the information contained in the document accessible to persons who might not otherwise have

reasonable access to the information (including audio)

General issues – good practice

4.18 When considering access to electoral procedures, it is vital to think about the demography of the area and the access needs of voters. For example, are there large numbers of older voters? Are there specific groups of minority ethnic electors and, if so, what languages do they speak? Communities vary significantly throughout Scotland, with different groups of minority ethnic electors and age profiles. It is also important to consider the geography of the area, whether it is urban or rural. It is very important that any changes with regard to access issues benefit everyone, rather than a few at the expense of others. Access issues should be seen in the context of the election as a whole.

4.19 When considering access issues, it is always helpful to consult with local organisations of disabled people, older people and minority ethnic groups. They may have first-hand experience of electoral procedures and may be able to suggest alternative venues for polling places or ways in which election literature can be improved. It is important that there are channels available for voters to contact election staff directly, so that they can put forward their views for consideration. It can also be useful to speak to disabled employees forums where they exist in individual councils. Professional advice can be obtained from an access auditor.

4.20 Guidance on promotion of access issues and making information accessible is included in Section 8, Publicity and the media.

¹¹ Article 89(5), Scottish Parliament Order; Section 199C(4), RPA 1983 (inserted by Section 31, LEARS Act).

¹² Article 89(2)–(4), Scottish Parliament Order; Section 199C(1)–(3), RPA 1983.

Sources of guidance and advice

4.21 Guidance and advice on access issues are available from a variety of organisations, some of which are listed below. In addition, local groups for both disabled people and those from minority ethnic communities may also be able to offer advice and assistance.

Commission for Racial Equality

4.22 The Commission for Racial Equality (CRE) is a publicly-funded non-governmental body set up under the Race Relations Act 1976 to tackle racial discrimination and promote racial equality. The CRE issues codes of practice and racial equality standards to help organisations develop fair policies, procedures and practices. It also advises councils on how to avoid discrimination and promote equality. Further information is available at www.cre.gov.uk.

Disability Rights Commission

4.23 The Disability Rights Commission (DRC) is an independent body which was established in April 2000 to stop discrimination and promote equality of opportunity for disabled people. The DRC can give advice and information to disabled people, employers and service providers. The DRC can also support disabled people in legal cases where they consider they have been discriminated against, although it is not clear whether this extends to elections. Further information about the DRC is available at www.drc-gb.org/scotland.

RNIB

4.24 RNIB (Royal National Institute of the Blind) offers information, support and advice to people in the UK with visual impairments. RNIB has produced clear print guidelines to improve

access for blind and partially sighted people. A summary of the guidelines is as follows:

- clear print documents use a minimum of 12 point, although RNIB strongly recommends 14 point to reach more voters with sight problems
- stick to typefaces like Arial that people are used to and avoid highly stylised or ornamental ones. Use bold or semi-bold rather than light-weight
- align text to the left and keep spacing even
- ensure good colour contrast (e.g. black type on white or yellow paper)
- use non-glossy paper

4.25 RNIB can also offer guidance on producing tape recordings, Braille, e-text and accessible websites. Further information on these issues is available at www.rnib.org.uk/scotland.

RNID

4.26 RNID (Royal National Institute for Deaf People) represents deaf and hard of hearing people in the UK. They can provide information on communicating with deaf people. More information is available at www.rnid.org.uk.

Capability Scotland

4.27 Capability Scotland is a leading Scottish disability organisation, which has experience of providing services to disabled people of all ages across Scotland. At previous elections, Capability Scotland has worked with the Commission and Returning Officers to improve the accessibility of the elections. More information on Capability Scotland can be found at www.capability-scotland.org.uk.

Plain English Campaign

4.28 The Plain English Campaign is an independent pressure group whose aim is for public information to be written in plain English, i.e. language that the intended audience can understand and act upon from a single reading. The Campaign offers editing services as well as the Crystal Mark for approved documents. Further information is available at www.plainenglish.co.uk.

Electoral registration

4.29 Being able to register as an elector is fundamental to the whole election process. People may experience difficulties in completing electoral registration forms for a variety of reasons. They may not be able to see the writing on the forms or understand the form. This includes people with low levels of literacy, as well as those who do not speak or cannot read English. These people may need extra help in completing forms or have guidance produced in an alternative format, if possible.

Rolling registration forms

4.30 Where possible all rolling registration forms should:

- be written in clear, precise English
- give details of a helpline number that people can ring if they require assistance – it is helpful to also provide a textphone number, website address and email address
- offer help with completing the registration form
- be printed in a clear font and using a minimum of 12 point whenever possible, although 14 point is more accessible

- preferably be printed in black ink on a white background
- be available in alternative formats on request

4.31 It can be useful to provide guidance notes explaining how to complete forms. This can be helpful to all electors and may make it possible to reduce the amount of text on the actual form. Any guidance should be written in plain English and include symbols and pictures. This will help all electors, including those with low levels of literacy or who have limited understanding of the process.

4.32 The Commission produces forms for rolling registration, available in a variety of languages and formats. These are available as downloadable PDFs on the Commission's website and can also be ordered as hard copies.

Access to the poll

Poll cards

4.33 Poll cards are one of the most important means of communications with electors. In some cases, electors may be unaware that an election is actually taking place until they receive a poll card. This being the case, it is important that poll cards are made as easy to read and contain as much information as possible.

4.34 It is now necessary to produce poll cards not only for those who are entitled to vote in person at a polling station, but also for those entitled to vote by post or by proxy.

4.35 Although the content of poll cards is prescribed,¹³ the following are some aspects

¹³ Rule 37 and Forms M, M1, N and N1, Scottish Parliament Order; Rule 23 and Forms 9–12, Local Government Rules.

of good practice you may wish to consider when producing poll cards:

- Poll cards should be produced in clear, large print, using a minimum of 12 point font size.
- Include a helpline number and an e-mail address that people can use if they have any enquiries.
- Maps showing the location of the polling station can be helpful on poll cards for electors or proxies entitled to vote at the polling station, particularly if the location has changed since the last election, but any map should not be so small that electors have difficulty reading it.
- Include access details on poll cards for electors or proxies entitled to vote in person at the polling station (such as highlighting the availability of the device for enabling voters who are blind or partially sighted to vote without assistance or informing people that a temporary ramp will be in place), taking into account the size of the poll card to be used.

Postal and proxy voting

4.36 Although many people, including disabled people, prefer to vote in person, others find it more convenient to vote by post or to appoint a proxy to vote on their behalf. Postal voting is now available on demand and anyone can choose to vote by post without the need to supply a reason for selecting to vote in this way.

4.37 Additionally, there is now legislative provision allowing persons who become disabled between the closing date for new applications to vote by proxy and 5pm on polling day to apply for an emergency proxy on the grounds of disability.¹⁴

¹⁴ Paragraphs 5 and 7(4), Schedule 3, Scottish Parliament Order; Regulations 10 and 11(4), RP (AV) Regulations.

4.38 There should be adequate publicity surrounding postal and proxy voting to make people aware of these provisions and to inform people as to how to apply and the deadlines for doing so in respect of the May 2007 elections. Application forms should be located in a variety of public places so that people have easy access to them. Absent voting applications could also be produced in a variety of formats in order to make it easier for people to successfully complete the forms.

4.39 The Electoral Commission produces postal voting application forms in a number of languages and formats, including audio tape, Braille and large print. All foreign language leaflets are bilingual. These leaflets are available to order free of charge and are also available as downloadable PDFs on the Commission's website.

Polling places and polling stations

4.40 The RPA 1983 places an obligation on councils, so far as is reasonable and practicable, to designate as polling places only places that are accessible to disabled people and to give all electors within their area such reasonable facilities for voting as are practicable in the circumstances.¹⁵ Following the introduction of Section 16 of the EAA, Returning Officers are required to seek the views of persons who have particular expertise in relation to access to premises or facilities for persons who have different forms of disability when carrying out reviews of polling places.

4.41 Guidance on accessibility at polling stations is given in Section 5, Venues for election activities. A checklist on accessibility

¹⁵ Section 18B, RPA 1983.

issues for polling stations is contained in Part E – The poll and in Section 7, Resources. A checklist will also be contained in the *Handbook for polling station staff*, which will be available for download from eXtra and hard copies will be sent to councils as per previously submitted orders.

4.42 Once in the polling station, there are a number of other features which are designed to facilitate access to the electoral process. These include the following:

- A large-print sample of each ballot paper may be displayed in each polling station.¹⁶
- An enlarged hand-held sample copy of each of the ballot papers must be provided for the assistance of voters who are partially sighted.¹⁷
- Notices giving information for voters can be printed and laid out in any format that clearly presents the information in it, and must be displayed either inside or outside every polling station and can be displayed both inside and outside the polling station.¹⁸
- The ‘guidance for voters’ notice for display in every polling booth may be produced in a graphical form or in any other way which makes the information accessible to persons who might not otherwise have reasonable access to the information.¹⁹

- A device to enable visually impaired voters to vote without assistance must be provided at each polling station.²⁰
- All voters, on the grounds of blindness or other disability, and those voters who cannot read, can have a companion to assist them when voting or can require the Presiding Officers to assist them.²¹

Access for candidates, agents and observers

4.43 As well as voters, candidates, agents, representatives of the Electoral Commission and those entitled to observe at the elections may have specific access needs. They may need any guidance produced in large print or another format, such as Braille, audio, or in a language other than English. Any briefing sessions held for candidates and agents should also be accessible.

16 Article 89(6) and Rule 38(4)(a), Scottish Parliament Order; Rule 24(7), Local Government Rules.

17 Article 89(8) and Rule 38(4)(a), Scottish Parliament Order; Rule 24(6)(a), Local Government Rules.

18 Rule 38(12) and Form X, Scottish Parliament Order; Rule 24(5), Local Government Rules.

19 Article 89(3)(c) and (d), Rule 38(13) and Form O3, Scottish Parliament Order; Rule 24(5A) and (5B), Local Government Rules (as substituted by Paragraph 26, Schedule 5, Scottish Parliament Order).

20 Rule 38(4)(b), Scottish Parliament Order; Rule 24(6)(b), Local Government Rules.

21 Rules 47 and 48, Scottish Parliament Order; Rules 33 and 34, Local Government Rules.

5 Venues for election activities

5.1 Locating sufficient and appropriate venues for election activities is not always straightforward. The review of the previous election should include all such premises.

5.2 It is a good idea to contact the managers of all premises used as polling places and count venues at least six months before the election date to alert them to the election and to make provisional bookings. When contacting the managers of premises, it is worthwhile asking them to complete a pro-forma confirming the availability of the premises, caretaker/contact details and cost, and to provide a pre-paid envelope for its return. This could be done, for example, as part of the review of accessibility issues in respect of polling places, as described below.

5.3 This activity, done at an early stage in the planning process, should highlight where premises are no longer available or are not suitable. This will then allow sufficient time to act on the information and to identify solutions.

Briefings

5.4 It is good practice to arrange a meeting with representatives from political parties and other possible candidates, if known, prior to the start of the election process, to provide them with information about the elections. On this occasion, such briefings will be of particular importance, providing an opportunity to communicate the differences between these elections and any others they may have experienced previously. One key element of any such session should be an explanation of the electronic counting process in order to prepare the candidates and agents for what they will be faced with at the count.

5.5 Any such briefings for candidates and agents should be held in accessible venues.

Polling places and polling stations

5.6 In designating the polling places, the council must have regard to their accessibility for disabled voters. It is then for the Returning Officer to provide a sufficient number of polling stations within the designated polling places.²² The designation of venues for polling places can be an extremely difficult exercise because on occasion there may be no suitable premises within the polling district.

5.7 In terms of good practice, Returning Officers should work closely with persons who have particular expertise in relation to access to premises or facilities for persons who have different forms of disability, to ensure that the best solution for all voters is adopted. It should be demonstrated that a proper assessment has been conducted of all the polling places to be used in the election and, where access problems exist, documentary evidence should be retained of any action taken.

5.8 Within a year of Section 16 of the EAA coming into force,²³ councils are required to undertake a review of polling places and in doing so will be required to seek the views of persons who have particular expertise in relation to access to premises or facilities for persons who have different forms of disability.

²² Rule 35(1), Scottish Parliament Order; Rule 21(1), Local Government Rules.

²³ This provision was commenced on 1 January 2007 by The Electoral Administration Act 2006 (Commencement No. 2, Transitional and Savings Provisions) Order 2006.

Accessibility at polling places

5.9 Despite the increase in postal voting, the majority of electors still vote in person at polling places. Therefore, one of the most important aspects of equal access is to ensure that polling places are as accessible as possible.

5.10 In an ideal world, electoral administrators would have the choice of a range of fully accessible buildings, conveniently located for electors in the area, with owners willing to hire them out for polling place use at low cost. Unfortunately, in practice, this is not always the case and, in many areas, there is very little choice available. Equally, it is not desirable to close down large numbers of polling places and deprive electors of convenient local polling places because there are access issues. In many areas it is recognised that significant improvements have been made by electoral administrators to premises used as polling places to make them more accessible.

Choosing buildings for polling place use

5.11 Traditionally, polling stations tend to be located in buildings such as schools, village halls and community centres. However, there is no reason why they should not be located in alternative buildings which have good access and have a suitable space that allows electors to vote in private. Premises as diverse as fish and chip shops, pubs, hotels, temples and supermarkets have been successfully used as polling places. Whatever the case, it is essential that the premises identified provide sufficient space for voting to take place, including space potentially required to accommodate polling agents and those entitled to observe at the elections.

5.12 It is worthwhile remaining vigilant for any new buildings which may provide alternative locations for any polling places which present access problems. It may be that a new community building or hall is built in the area that would prove to be the ideal polling place. Close liaison with disability experts will help to ensure that the best possible buildings are identified.

5.13 When initially choosing buildings to be used as polling places or when reviewing existing polling places, the following factors should be taken into consideration.

Location of the building

5.14 The location of the building is important when considering whether or not it should be used as a polling place. If possible, it needs to be close to where voters live and be fully accessible. Questions to ask are:

- Is it located close to where most of the electors in the polling district live?
- Is it at the top or bottom of a steep hill?
- Does it have suitable access from a road?
- If there is a pavement, does it have a dropped kerb close by?
- Are there any convenient public transport links?

Parking facilities

5.15 Many electors drive to the polling place, including disabled people, so the provision of parking spaces is important. Points to consider include:

- Are there adequate parking facilities close to the entrance of the building?
- If not, is there anywhere close by that could be used for parking just on polling day?

- How far do electors have to walk from the car park to the polling station?
- Is there a designated disabled parking space, or could one be provided?
- Is there a dropped kerb from the parking area to the polling station?

Pathways

5.16 The approach from the road and car parking space should have a hard, smooth, non-slip surface, without steps, potholes, broken slabs, or similar; should not have any severe gradients; and should be well lit. Gravelled surfaces can present difficulties to wheelchair users.

Entrance

5.17 When assessing access to the main entrance to the building, the following should be considered:

- Does the building have a level entrance?
- Are there any steps to the entrance of the building?
- Are the stairs highlighted in any way?
- Is there a handrail by the steps?
- Is a permanent ramp provided?
- If not, could a temporary ramp with a suitable gradient be provided safely, or is there another entrance which disabled people or other electors could use?
- Is the door wide enough for a wheelchair user to gain access?
- How heavy are the doors for a frail or elderly person to open? Would they need to be propped open?

Inside the building

5.18 When assessing access inside the building, the following should be considered:

- Are there any internal steps or barriers for electors to negotiate?
- Are doormats level with the floor? If not, can they be removed?
- Are there any other trip hazards?
- Is there a suitable non-slip floor covering? Would the floor become slippery when wet?
- Are there any corridors which may be difficult to negotiate for any electors using wheelchairs or those who find walking difficult?
- In terms of the layout of polling equipment in the room to be used as a polling station, is there enough space in the room for staff, polling equipment and a number of electors, including a wheelchair user?
- Is there adequate lighting in the room (switch on all the lights available to test this) or is there any need for additional lighting?
- If the premises have movable mats, heavy curtains trailing on the floor, a mix of carpet and wooden flooring with edging lips in between or highly polished floors – all of which can be potential hazards – can anything be done to remove or improve them?

Portable polling places

5.19 Sometimes, there is no other option but to use a portable polling place, such as a Portakabin. Accessibility is a matter that should be discussed with suppliers of such accommodation. It is also advisable to contact several different suppliers to compare what they can offer.

5.20 Loud generators that are sometimes used at portable polling places can cause difficulties for deaf people when they vote, as well as being unpleasant for polling staff and people in neighbouring properties. Use of these should be avoided if at all possible.

Action to improve polling places

5.21 Once any problems have been identified, it is important that action is taken to overcome them.

5.22 The Commission recommends that Returning Officers prepare an action plan to identify improvements and ways of making them. Permanent improvements to buildings can benefit users throughout the year and not just at election times. Permanent improvements, however, inevitably cost money and it could be argued that it should not be the responsibility of the Returning Officer to pay for improvements to a building which is used as seldom as once every couple of years for elections but used continually throughout the year for other activities.

5.23 Some councils have provided access grants to bodies that own buildings used as polling places, on condition that they allow the premises to be used on polling day.

Polling station equipment, notices and supplies

5.24 As well as considering polling places and polling stations, it is also important to consider the equipment used inside the polling station well in advance of polling day.

5.25 Each polling station should be equipped with a low-level polling booth for use by wheelchair users. Grants are available from the Scotland Office for polling booths for disabled

voters. Grants are also available to cover 50% of the cost of temporary ramps and these should be ordered from suppliers well in advance of polling day.

5.26 Some councils provide magnifying glasses for electors to use when voting and this can be useful to assist those electors with visual impairments.

5.27 Each polling station has to be supplied with a device enabling blind or partially sighted voters to vote without assistance. These should be ordered well in advance of polling day. It is good practice to display such devices on the Presiding Officer's table in order to increase awareness of their existence.

5.28 It is good practice to display prominently at least one version of the large-print ballot papers at each polling station. Indeed it is helpful to supply more than one of each of the large-print ballot papers for display in clearly visible locations in the polling station.

5.29 It is a legal requirement to provide an enlarged hand-held sample copy of each of the ballot papers (which must clearly be marked as a sample) for the assistance of voters who are partially sighted.²⁴ If these copies are laminated, it will help to prevent them getting torn or dirty, and again, it would be helpful to supply more than one copy of each ballot paper for issue to voters.

5.30 The 'guidance for voters' notice for display in every polling booth may be produced in a graphical form or in any other way which makes the information accessible to persons

²⁴ Article 89(8) and Rule 38(4)(a), Scottish Parliament Order; Rule 24(6)(a), Local Government Rules.

who might not otherwise have reasonable access to the information.²⁵

5.31 In addition, if the Returning Officer thinks it appropriate, all election notices and documentation except for the ballot papers and nomination papers may be translated into Braille, languages other than English, graphical representations and/or other means of making the information accessible to persons who might not otherwise have reasonable access, such as audio.²⁶

Booking polling places

5.32 The cooperation of the owners of premises is important in ensuring that polling places are accessible. When booking polling places, it is helpful to remind the owners of premises of the following access issues:

- Any temporary ramps or other access facilities should be put in place for polling day.
- If there is a separate entrance to the building for disabled people, this needs to be well signed and kept open for polling day.
- If the polling place has a polished floor, this should not be polished before polling day, in order to minimise the risk of voters slipping or, at least, slip mats should be in place.

5.33 It may be helpful to ask owners if they are aware of any particular access issues with the premises which could cause difficulties on polling day.

²⁵ Article 89(3)(c) and (d), Rule 38(13) and Form O3, Scottish Parliament Order; Rule 24(5A) and (5B), Local Government Rules (as substituted by Paragraph 26, Schedule 5, Scottish Parliament Order).

²⁶ Article 89, Scottish Parliament Order; Section 199C, RPA 1983.

Issue, receipt and opening of postal votes

5.34 This is a critical area of activity in the delivery of any election.

5.35 The process of issuing postal ballot packs is increasingly being outsourced, creating new risks and management challenges. See Section 2, Managing contractors and suppliers.

5.36 Any venue used for the issue, receipt and opening of postal votes should be accessible to all those entitled to be present at and observe the process, which now includes representatives of the Electoral Commission and observers. There will need to be sufficient space to ensure that this process can be carried out efficiently and effectively.

Count venue

5.37 An effective count will rely on a suitable venue. The evaluation of the previous election should highlight any learning points as to the suitability of the venue used previously.

5.38 The introduction of electronic counting at the 2007 elections, however, will clearly present different requirements which any prospective count centre will have to meet. The venue for the count, the facilities required, and the arrangements for access to the count centre will need to be agreed with the electronic counting supplier.

5.39 There will need to be sufficient space in any count venue for all aspects of the count process, including space allocated for the opening of postal votes returned to the count by Presiding Officers.

5.40 Any venue used for the count should be accessible to all those entitled to be present at and observe the process, which now includes representatives of the Electoral Commission and observers.

5.41 Facilities for the media at the count are usually arranged on a local basis and Returning Officers may wish to consider providing a separate area for the media. While accommodating the media, it is essential that any media presence does not interfere with the effective conduct of the count.

Accessibility

5.42 Access issues should be taken into account when deciding on a count venue, as candidates, agents and observers may be disabled or have other access needs. The following factors should be taken into consideration when choosing a count venue:

- the location of the building
- parking facilities
- the entrance and how accessible it is
- any internal steps or barriers to those attending
- floor coverings

Getting equipment to the polling places and count venue

5.43 Any agency or contractor used to deliver polling booths or other election materials should be informed of the date of the election well in advance. Delivery schedules and comprehensive contract specifications will need to be worked out with the agency or contractor

in advance so that arrangements can be made to ensure that key-holders are able to be present to provide access to the premises.

Use of schools and rooms

5.44 Councils are required to maintain a list, which candidates and their agents (or the nominating officer or election agent of a registered political party in respect of a Scottish Parliamentary regional list) may inspect, of rooms in school premises and of other rooms maintained at the public expense which candidates (and registered political parties in respect of a Scottish Parliamentary regional election) are entitled to use for election meetings.²⁷

²⁷ Articles 65 and 66 and Schedule 7, Scottish Parliament Order; Section 96 and Schedule 5, RPA 1983.

6 Staffing

Returning Officer's staff

6.1 The Returning Officer will appoint staff to assist them in the conduct of specific election processes, such as the issue, receipt and opening of postal ballot papers, staffing the polling stations and working at the count, in addition to their core election team.

6.2 Returning Officers frequently employ council staff to carry out these functions and in this capacity they are under their direction and not that of the council. The council is required at Scottish Parliamentary elections to place at the disposal of the Returning Officer the services of staff employed by the council for the purposes of assisting the Returning Officer in the discharge of their functions.²⁸ There is no equivalent provision for local government elections but it is usual that the council would nevertheless make available its staff for the purpose of assisting the Returning Officer. All such arrangements will need to be agreed with the council.

6.3 It is a requirement that any member of the Returning Officer's staff must not be employed by or on behalf of a candidate in or about the election. This requirement should be highlighted at any sessions held for the briefing of polling station staff or staff to be engaged at the issue or receipt of postal votes or at the count. Many Returning Officers also secure a written confirmation of this from anyone they are intending to appoint.

6.4 On appointment, all staff should be provided with a formal notice, with a copy of the agreement or acceptance form for them to sign and return to indicate their acceptance.

This notice might usefully include the relevant secrecy provisions,²⁹ in addition to the confirmation referred to in the previous paragraph.

Effective recruitment and induction of staff

6.5 An early assessment of the performance of Presiding Officers and other key staff at the previous election may lead to the decision to schedule further recruitment and specific training activity at an early stage in preparation for the elections.

6.6 Additionally, this assessment should highlight the availability of staff on the date for the elections. Having staff in reserve is crucial to ensuring sufficient cover.

6.7 Returning Officers may wish to consider making early contact with people employed at previous elections in order to advise them of the changes that will be in place for the May 2007 elections. This will provide an early opportunity to identify whether there are any staff who no longer wish to be engaged in election work as a result of the changed circumstances, and ensures that there is still sufficient time to plan for the recruitment of replacements.

6.8 It is advisable to ensure that the methods used to identify, recruit and employ staff are robust and would withstand scrutiny by an auditor.

6.9 Well-trained and helpful staff are the most important resource at a polling station. Polling station staff are often recruited from council staff and retired staff members. Where appropriate, efforts should be made to employ polling staff who can communicate in one or

²⁸ Article 16, Scottish Parliament Order.

²⁹ Article 32, Scottish Parliament Order; Section 66, RPA 1983.

more appropriate languages used within a community. This can be helpful in providing assistance to electors who do not speak English. This may mean employing recruitment techniques designed to encourage applicants from a wide range of communities. Similarly, there may be disabled people who would welcome the chance to do polling duty.

Working Time Directives

6.10 The European Working Time and Young Workers Directives (The Working Time Regulations 1998) have the basic aim of ensuring that workers have a measure of protection to prevent the working of excessive hours. The Directives enable local agreements to be made by which provisions can be set aside or modified. The Returning Officer needs to reach an agreement with polling station staff and any other staff who may be affected to forego their rights under these Directives. One way of achieving this could be to include a waiver certificate in a document provided to all staff, such as an acceptance of appointment form.

Asylum and Immigration Act 1996

6.11 Returning Officers must ensure that all staff employed at the elections are entitled to work in the UK in accordance with the provisions of the Asylum and Immigration Act 1996. A practical way to ensure compliance is to obtain an individual's National Insurance number before employment commences. This will be needed in any event for the P528 payment form for HM Revenue and Customs.

National Insurance

6.12 The Social Security (Categorisation of Earners) Regulations 1978 (SI 1978/1689) provide that there is no liability for National Insurance contributions for employment as or

by the Returning Officer. Therefore, National Insurance should not be deducted.

Income tax

6.13 Income tax must be deducted at the basic rate of tax except where employees are able to complete a P527 'Certificate of taxable income'. In such cases, fees can be paid gross. In addition, employees may wish to have income tax deducted from their fees at the higher rate, if applicable. In order to ensure that the procedures adopted are acceptable, it is suggested that the local Inspector of Taxes for the relevant council be consulted.

Staff for receipt and opening of postal ballot papers

6.14 With the increase in take-up of postal voting, the Returning Officer may need to review previous staffing levels in order to ensure the success of dealing with the receipt and opening of postal ballots within the timescales. In order to assess the likely staffing levels required, Returning Officers should assume a reasonably high turnout and calculate the number of opening sessions likely to be needed and the number of staff required at each.

6.15 The effect of the requirement to produce a marked postal voters list will need to be assessed, as will the new facility for the Returning Officer to confirm to a postal voter whether or not their postal vote has been marked as received back by the Returning Officer and whether the number of the ballot paper issued to the elector has been recorded on either of the two lists that are required to be kept and used for matching up documents where either the postal voting statement or the ballot paper has been received without the

other, and the potential need to identify and remove cancelled postal votes.

6.16 Additionally, the number of postal ballots being returned to polling stations has increased, requiring additional staff (and space) to be allocated for opening these at the count. The new power which permits the Returning Officer to collect postal votes from polling stations during polling day³⁰ may impact on planning for dealing with postal votes at the count. If postal votes are collected during the day, they could be opened at a separate session prior to the count thus reducing the numbers to be opened at the count, or could be managed such that they are opened at the start of the count process thus assisting with keeping the workflow moving.

6.17 The Returning Officer must provide all such staff with a copy of the relevant secrecy provisions.³¹

Appointment of Presiding Officers and Poll Clerks

6.18 The Returning Officer must appoint and pay a Presiding Officer and such Poll Clerks as are required to staff each polling station.³²

6.19 The Returning Officer's overall requirement for polling staff is determined by the number of polling stations to be used on polling day on the basis of one Presiding Officer per polling station. At least one Poll Clerk should be appointed to each polling station, but additional clerks should be appointed

where the Returning Officer considers it necessary for the effective conduct of the election. Also, there will be provision made in the Scottish Parliamentary Fees and Charges Order allowing for the appointment of an Information Officer, who can act as a greeter at the entrance to the polling place and would be available to answer public enquiries with regard to the electoral systems and how to fill in the ballot papers validly.

6.20 The number of clerks per station is for the judgement of the Returning Officer and may well vary with the type of election and the level of interest anticipated.

6.21 Returning Officers should take into account the number of applications for postal votes when allocating staff as, in an area with a large number of postal voters, fewer electors will be attending the polling station.

6.22 Presiding Officers, Poll Clerks and Information Officers should be issued with the notice of requirement as to secrecy at the polling station.³³

6.23 For any polling staff who will not be able to vote at their own polling station because of their employment, the rules allow for the Returning Officer to authorise them to vote at any polling station within the ward in which they are registered by means of a 'certificate of employment'.

6.24 Alternatively, polling staff may choose to apply for a postal vote. Indeed, many Returning Officers provide an application form with the preliminary letter to potential polling staff with information as to the deadline for applications.

³⁰ Paragraph 17(3), Schedule 4, Scottish Parliament Order; Regulation 17(3), RP (PV) Regulations.

³¹ Article 32(4) and (6), Scottish Parliament Order; Section 66(4) and (6), RPA 1983.

³² Rule 36(1), Scottish Parliament Order; Rule 22(1), Local Government Rules.

³³ Article 32(1), (3), (5) and (6), Scottish Parliament Order; Section 66(1), (3), (5) and (6), RPA 1983.

Count staff

6.25 All count staff must be provided with a copy of the requirements as to secrecy at the count.³⁴

Training

6.26 The training of election staff is an important ongoing function in the successful delivery of an election and should be an integral part of the planning process. Presiding Officers, Poll Clerks and Information Officers are the frontline staff who voters come into contact with; in many cases, they are the only members of the Returning Officer's staff whom the voters will meet in person. It is important, therefore, that staff are trained as fully as possible to perform their duties and are made aware of access issues. All polling station staff should receive training that includes information and briefing on access issues and procedures.

6.27 It is important that the Returning Officer and their staff formulate a training plan for all election staff who will need training for the election. Initial planning should identify who will need training and what their training needs are likely to be.

6.28 In order to support Returning Officers in providing training for election staff, the Commission is developing a range of support materials both for training staff and for staff to use as reference material in the delivery of key election processes. All of the following materials will be available for download from eXtra:

- an election planner and a risk register:
 - election planner (Word format)
 - generic risk register (Word format)

- material to support the training of polling station staff:
 - *Handbook for polling station staff* (printed copies will also be available to order)
 - lesson plans (downloadable)
 - PowerPoint presentation template
- material to support the counting of votes:
 - guidance on doubtful ballot papers (printed copies will also be available to order)

6.29 There will also be a frequently asked questions template for other staff involved in the electoral process, for example persons staffing any election helpline set up by the council, which will be available in a downloadable format.

6.30 The best way to maximise the use of the training materials and services provided for the elections is to ensure that key electoral staff are made aware of these and that the election team is fully conversant with them and capable of cascading the training.

6.31 Many councils have training personnel who could assist with this process, for example by providing more generic training on presentation skills to enable key election staff to provide training to polling and other staff more confidently.

6.32 Any training plan should include methods of evaluating the training sessions and materials in order to inform future planning. The Commission will provide model feedback forms with the above materials which Returning Officers may choose to use as part of their evaluation process.

³⁴ Article 32(2) and (6), Scottish Parliament Order; Section 66(2) and (6), RPA 1983.

6.33 Training for staff to be engaged at the count will also need to be carried out in order to ensure effective operation of the electronic counting equipment. Such training will be supported by the electronic counting provider.

Training on access issues for polling station staff

6.34 Some councils provide disability awareness training to all polling staff. This could be provided by the council's access officer or by local groups of disabled people who have the necessary expertise. As a minimum, all polling staff should be:

- trained in the use of the templates which enable blind or partially sighted electors to vote without assistance
- made aware of the large-print ballot papers to be displayed in the polling station, the hand-held enlarged sample copy of the ballot papers to be made available for issue to voters, and any translations of official notices into alternative formats that the Returning Officer has deemed appropriate and will be providing to polling stations
- made aware of the importance of the layout of the polling station, how to place notices and how to offer assistance to disabled people
- made aware of the provisions which allow disabled people to have a companion to assist them to vote or to require the Presiding Officer to assist them
- made aware of the importance of speaking clearly to people who have a learning disability or hearing difficulties
- given advice on dealing with voters with learning disabilities

- provided with guidance notes on access issues to refer to on polling day
- provided with a checklist for issues to consider when setting up a polling station

6.35 As part of the Returning Officer's election review process, Presiding Officers, Poll Clerks and Information Officers should be asked to complete a questionnaire to highlight any unforeseen access problems or other issues which occur on polling day, so that efforts can be made to prevent these happening again at future elections.

Briefing sessions

6.36 The Electoral Commission will be holding a series of briefing sessions for Returning Officers and electoral administrators in February 2007, dealing with the legislative changes arising out of the EAA, the LEARS Act and related secondary legislation, but with a specific focus on the 2007 Scottish Parliamentary and local government elections.

7 Electoral integrity

Secrecy provisions

7.1 Secret voting has been a feature of elections in the UK since 1872. The concept of a secret ballot is enshrined in the First Protocol to the European Convention on Human Rights, now part of UK law through the Human Rights Act 1998. At a practical level, the legislation makes it clear that:

- the poll shall be taken by ballot³⁵
- the official mark shall be kept secret and the same official mark shall not be used again at elections for the same Scottish Parliamentary election held in the same constituency for seven years, and for the same local government area for five years³⁶
- no person shall be required to state for whom they voted in any legal proceedings relating to the election³⁷
- the voter shall secretly mark their ballot paper³⁸

7.2 Legislation also provides for secrecy of voting and to that end requires that the various persons concerned with the conduct of the election shall not communicate:³⁹

- the names of persons who have or have not voted
- the elector numbers of voters
- the official mark

- the candidate or registered political party for whom a voter has voted
- the number or other unique identifying mark on the reverse of a ballot paper

7.3 All persons attending a polling station (other than for the purpose of voting or persons under the age of 18 years accompanying a voter), staff involved in the issue of postal votes and all persons attending the opening of postal votes and the count must be provided with a copy of the secrecy provisions as set out in the legislation.⁴⁰ This can conveniently be done by printing the relevant details on admission documentation issued to candidates, election agents, polling agents, counting agents, representatives of the Electoral Commission and observers. In the case of staff involved in the issue and receipt of postal votes, polling station staff and staff employed at the count, this could be incorporated into their appointment notification.

7.4 Contravention of the secrecy requirements is an offence and, on summary conviction, an individual found to be in breach is liable to a fine not exceeding the amount specified as level 5 on the standard scale, or imprisonment for a term not exceeding three months in respect of Scottish Parliamentary elections or six months in respect of local government elections.⁴¹

35 Rule 26, Scottish Parliament Order; Rule 13, Local Government Rules.

36 Rule 30, Scottish Parliament Order; Rule 16(2), Local Government Rules.

37 Rule 31, Scottish Parliament Order; Rule 17, Local Government Rules.

38 Rule 46(5), Scottish Parliament Order; Rule 32(4), Local Government Rules.

39 Article 32, Scottish Parliament Order; Section 66, RPA 1983.

40 Article 32, Scottish Parliament Order; Section 66, RPA 1983.

41 Article 32(6), Scottish Parliament Order; Section 66(6), RPA 1983.

Key electoral offences

7.5 There are a number of electoral offences specified in legislation, key among which are the following:



This is an overview only – for precise details of electoral offences, please refer to the appropriate legislation.

- **False information in relation to registration:** where an individual, for any purpose connected with the registration of electors, provides to the Electoral Registration Officer any false information, that person is guilty of an offence.⁴²
- **Undue influence:** where an individual, directly or indirectly, makes use of or threatens to make use of force, violence or restraint; or inflicts or threatens to inflict injury, damage or harm in order to induce or compel any voter to vote or refrain from voting.⁴³ This offence has been modified to extend the effect of it to include intention and not just where an act has taken place.⁴⁴ A person may be guilty of undue influence if they impede or prevent, or intend to impede or prevent, the free exercise of the franchise of an elector.
- **Bribery:** where any individual, directly or indirectly, gives any money or procures any office to or for any voter, in order to induce any voter to vote or refrain from voting.⁴⁵
- **Treating:** where either before, during or after an election, any person, directly or indirectly,

42 Section 13D(1), RPA 1983.

43 Article 78, Scottish Parliament Order; Section 115, RPA 1983.

44 Section 39, EAA; Section 14, LEARS Act.

45 Article 76, Scottish Parliament Order; Section 113, RPA 1983.

gives or provides (or pays wholly or in part the expense of giving or providing) any food, drink, entertainment or provision in order to influence corruptly any voter to vote or refrain from voting.⁴⁶

- **Personation:** where any individual votes as someone else (whether that other person is living or dead or is a fictitious person), either by post or in person at a polling station as an elector or as a proxy. Further, the individual voting can be deemed guilty of personation if they vote on behalf of a person they have reasonable grounds for supposing is dead or fictitious, or where they have reasonable grounds for supposing the proxy appointment is no longer in force.⁴⁷
- **Postal and proxy voting:** where an individual applies for a postal or proxy vote as some other person, otherwise makes a false statement in connection with an application for a postal or proxy vote, induces an Electoral Registration Officer or a Returning Officer to send a postal vote or associated communication to an address which has not been agreed by the person entitled to vote, or causes a postal or proxy voting communication not to be delivered to the intended recipient.⁴⁸
- **False information in nomination papers:** where a person gives false information in a nomination paper or in their consent to nomination, they are guilty of a corrupt practice.⁴⁹

46 Article 77, Scottish Parliament Order; Section 114, RPA 1983.

47 Article 26, Scottish Parliament Order; Section 60, RPA 1983.

48 Article 28, Scottish Parliament Order; Sections 13CA and 62B, RPA 1983.

49 Article 31, Scottish Parliament Order; Section 65B, RPA 1983.

- **Other voting offences:** these include when a person votes knowing that they are subject to a legal incapacity, and when a person votes as a proxy for more than two people for whom they are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.⁵⁰

7.6 Further information regarding these offences will be provided in the Commission's *Guidance for candidates and agents – Scottish Parliamentary elections on 3 May 2007* and *Guidance for candidates and agents – local government elections in Scotland on 3 May 2007*. These will be available for download from the Commission's website.

Non-electoral offences

7.7 In addition to contravention of the secrecy requirements and the other offences outlined above, there are a number of non-electoral offences that may also be relevant in an election context. Such examples include:

- making a false statement (Perjury Act 1911)
- forgery and using a false instrument (Forgery and Counterfeiting Act 1981)

Dealing with allegations of offences

7.8 Returning Officers should promptly report allegations of electoral fraud or malpractice to the police.

7.9 The police will make an assessment as to the level of investigation required and ensure that it is proportionate to the allegation and to the potential effect of the alleged offence in the election process. The nature and scope of any investigation will be at the discretion of the

Chief Constable. Where possible, the police will keep the Returning Officer informed of progress with any investigation.

7.10 If deemed appropriate, the police will carry out the necessary investigations into the alleged offence with a view to submitting a report for consideration by the Procurator Fiscal. The Procurator Fiscal will consider the evidence and all of the circumstances of the case in order to reach a decision as to whether criminal proceedings are appropriate. Where possible, the police will keep the relevant Returning Officer informed of progress.

7.11 The Commission is planning to produce a number of guides covering integrity issues in time for the Scottish Parliamentary and local government elections. These are:

- a revised Code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers
- revised guidance to police, including a pocket guide for beat officers

Security

7.12 It is recommended that previous arrangements in respect of security issues are reviewed with the local police, to enable proper consideration of risk management options. This will provide a firm basis for clear communication lines should any incidents occur during the election period. This will normally include making specific arrangements for police officers to attend at polling stations, or to call in during polling day, and discussing any security issues relating to the count. Polling station staff should be given contact numbers for use in the event of problems, which should include a point of contact with the police.

⁵⁰ Article 27, Scottish Parliament Order; Section 61, RPA 1983.

Election observers

7.13 Section 29 of the EAA amended PPERA to allow for the observation of electoral proceedings at Scottish Parliamentary elections by representatives of the Electoral Commission and by observers accredited by the Commission. Sections 8–11 of the LEARS Act introduced parallel provisions allowing observers to attend specific election proceedings at local government elections.

7.14 Representatives of the Commission are entitled to observe the working practices of the Electoral Registration Officer and the Returning Officer, as well as the proceedings at the issue and receipt of postal ballot papers, the poll and the counting of the votes at Scottish Parliamentary elections.

7.15 Other individuals or organisations may apply to either the Commission in respect of Scottish Parliamentary elections or directly to the Returning Officer in respect of local government elections, to be permitted to observe the proceedings at the issue and receipt of postal ballot papers, the poll and the counting of votes.

7.16 Electoral observation is a legitimate and valuable part of the electoral process, and care should be taken not to hinder or obstruct the conduct of the observation. Although Electoral Registration Officers and Returning Officers are entitled to limit the number of observers who may be present at the proceedings,⁵¹ the Commission advises that caution should be used in the exercise of this power. It is important to note that no officer is entitled to bar all observers from the entire process, only to limit

the number of observers present at any one time. Careful consideration therefore needs to be given to the locations used for the various electoral processes and to ensuring that sufficient space is made available for observers.

7.17 In all instances, the relevant officers should only seek to limit the number of observers if their presence is hindering the conduct of the proceedings or jeopardising the secrecy of the ballot.

7.18 The Commission has recently consulted on the required Code of practice for observers⁵² which will apply at Scottish Parliamentary elections. A copy of this code will be available for download from the Commission's website. The Code of practice for observers at local government elections is being prepared by Scottish Ministers⁵³ and will be laid in the Scottish Parliament and published ahead of the May 2007 elections. It is expected that, as far as possible, the content of the local government code will mirror that of the code produced by the Commission.

51 Section 6E, PPERA; Section 10, LEARS Act.

52 Section 6F, PPERA.

53 Section 11, LEARS Act.

8 Publicity and the media

Duty/power to encourage electoral participation

8.1 Section 69 of the EAA introduces a new duty on Electoral Registration Officers and Returning Officers to take such steps as they think appropriate to encourage the participation of electors in the electoral process. This provision does not extend to local government elections in Scotland.

8.2 Section 26 of the LEARS Act, however, introduces a power for Returning Officers to encourage the participation of electors in local government elections in Scotland.

Planning communication activities

8.3 Having a coherent communications strategy as part of the planning process is essential, and it should include internal as well as external communications. Good communications between electoral staff at all levels are a prerequisite for a successful and well-coordinated poll. Communicating with other council staff with expertise in working with the media or specific groups such as young people or disabled people is also valuable, although this is beyond the scope of this section, which addresses external communication activities.

8.4 The elections will likely attract considerable interest and will certainly involve many different kinds of communication activities – from statutory notices and distribution of poll cards, to the provision of information and briefings for candidates and agents and dealing with public enquiries. In addition, there is a need to manage media relations.

8.5 Electoral Registration Officers and Returning Officers should ensure that they are

aware of any possible political sensitivity around any work they initiate.

8.6 Publicity and voter education can be a costly item, particularly if not planned with care and delivered in a cost-effective manner. The Commission and Scottish Ministers will be issuing guidance on the steps that Electoral Registration Officers and Returning Officers may wish to pursue in fulfilling their duty and power to encourage electoral participation. The Commission is currently developing an online resource centre which will contain practical materials, advice and guidance for practitioners aiming to increase voter awareness. Available from early 2007, all materials will be free to access and will include case studies, event plans, campaign techniques and templates for communication materials.

8.7 Electoral Registration Officers and Returning Officers may wish to consider the feasibility of undertaking joint awareness-raising campaigns with colleagues from adjacent areas. Such an approach may lead to a more effective use of limited resources and allow for the use of media such as radio and television that may not otherwise have been available. It will also assist in the delivery of a consistent message across a much wider area.

Specific voter awareness issues

8.8 The Commission and the Scottish Executive are working together on VoteScotland, a public awareness and information campaign in the run-up to the 2007 elections, which aims to encourage people to register to vote, raise awareness and understanding of the registration process, educate the public about the electoral systems,

raise awareness of the elections, and encourage people to vote.

8.9 It is hoped that this work which is largely being carried out a national level can be supported by activities carried out at a local level by, among others, Electoral Registration Officers and Returning Officers.

8.10 Adopting the theme and tone of the national VoteScotland campaign for local activities will help to ensure wider public recognition of the publicity campaign and will save Electoral Registration Officers and Returning Officers the costs associated with developing their own branding for publicity. The Commission and the Scottish Executive will make national campaign materials available to election staff in both print and electronic formats. Such electronic materials will be accessible through a password-protected area of the votescotland.com website from early 2007.

Electoral registration

8.11 Electoral Registration Officers may decide to target those electors who have not responded to the canvass and cannot be carried forward for a second year. Such a course of action would, of course, have cost implications that may need budget approval.

Electoral systems

8.12 There will be two different electoral systems in use on 3 May 2007 – the Additional Member System (AMS) for Scottish Parliamentary elections and, for the first time, the Single Transferable Vote (STV) system for the local government elections.

8.13 Of particular importance is the need for the electorate to know how to fill in the ballot papers in order to cast a valid and effective vote. This is

not only relevant to local government elections conducted for the first time under STV but is in fact equally important for the Scottish Parliamentary elections and AMS.

Electoral areas

8.14 As a result of the move to STV for local government elections, all ward boundaries will be different from at previous elections and this, coupled with the fact that voters will now be electing councillors to represent multi-member wards, will need to be communicated to electors.

Changes to polling places and stations

8.15 In addition to the statutory notice, it is advisable to inform electors clearly of any changes to polling place locations. This can be done by including additional information with the poll card for voters entitled to vote in person at the polling station such as a simple map drawing the voters' attention to the changes. The statutory wording for poll cards must, however, still remain.

Access issues

8.16 Any facilities or provisions for disabled voters, those with low levels of literacy or those for whom English is a second language need to be publicised if people are to know that they are available. Any such publicity will also need to be in a format that is accessible to its intended audience.

8.17 The Electoral Commission has published independent research into the range of activities undertaken by UK local councils to promote electoral issues. This report, *Making an impact*,⁵⁴ recommends that

⁵⁴ The Electoral Commission, *Making an impact* (2002), www.electoralcommission.org.uk/templates/search/document.cfm/6608.

good promotional materials should aim to achieve the following:

- be clear at whom they are aimed
- use language that is appropriate for the audience
- be produced in a format that is accessible to the audience
- convey a clear message
- be attractive or eye-catching
- encourage action on the part of the audience

8.18 It is important to remember that different localities and communities retain distinct characteristics, which means that the same promotional activities or materials can work well in some areas and with some groups and not so well in or with others.

8.19 The following are some examples of how to provide useful and practical information on access:

- Information could be provided on the council's website about electoral services and the facilities that are available to assist disabled people.
- An elections helpline could be established, with a dedicated number and an email address.
- Information on alternative methods of voting, i.e. postal and proxy voting, could be provided for people who may prefer to vote in this way.
- Leaflets, posters and articles for newspapers could be distributed to a variety of organisations who work with specific groups of the community and can effectively disseminate information through their networks – for example, Age Concern, Talking

Newspapers, and groups for people from minority ethnic communities.

- A simple, plain English guide on the completion of postal votes could be developed, which may contain symbols to explain how to complete and collate the necessary paperwork.
- Publicity and advertising strategies should take account of the range of local communities. Publicity through the spoken word has been found to be highly effective, with local radio and local television popular options. Particularly with the advent of digital and cable broadcasting, there may be minority language radio or television stations in areas with large minority ethnic communities.
- Articles in local newspapers, including free and community newspapers, and translated advertisements in the minority ethnic press may be useful.

8.20 Direct contact should be made with community groups, including those for older people and disabled people. There may be existing networks of publicity and assistance within the communities that could be built upon.

8.21 Returning Officers should be aware of the different communities and languages in their area. Clearly, there is no point in producing information in languages that are not spoken in your area.

Postal and proxy voting

8.22 Although many people, including disabled people, prefer to vote in person, others find it more convenient to vote by post or to appoint a proxy to vote on their behalf. This being the case, there should be adequate publicity surrounding postal and proxy voting, so that people are aware of these provisions and know

how to apply. Application forms can be left in a variety of places so that people have easy access to them. Absent voting forms can also be produced in a variety of formats, making it easier for people to apply.

8.23 The Commission produces postal voting application forms. The leaflets containing these forms have been produced in a number of languages and formats, including audio tape, Braille and large print, and are available free of charge. All foreign language leaflets are bilingual. Postal voting leaflets and application forms are available to download from the Commission's website or to order in hard copy format.

8.24 An increasing number of people now vote by post, due to the fact that anyone can apply. In addition to the ballot papers, postal voting statement and envelopes, Returning Officers may include such information as they think appropriate about how to obtain directions and guidance in alternative formats. Providing information in a pictorial format is particularly useful for all voters, including those with low levels of literacy.

Statutory and other notices

8.25 Giving public notice requires the Returning Officer to post the notice in some conspicuous place or places in the electoral area. It is advisable to review all locations previously used for statutory and other election notices in order to ensure that they are placed in sufficiently accessible locations for the public.

8.26 The Returning Officer may also decide to give notice in any such other manner as they think fit. In addition to more traditional locations, official notices could also be posted on the council's website.

Managing public enquiries

8.27 The days leading up to the election and on polling day itself are notable for the considerable volume of enquiries from voters, both in person and by telephone. The Scottish Parliamentary and local government elections will likely generate a large number of enquiries within a relatively short timescale and setting up a dedicated team (or retraining front reception staff) to deal with these can bring real benefits both to the public and the election staff.

8.28 Such provision needs to be planned carefully and, if delivered effectively, will ensure that voter enquiries are dealt with promptly and escalated to more experienced staff when necessary, while taking the pressure of routine enquiries away from the electoral services office.



The Commission will be producing a frequently asked questions template for staff involved in dealing with enquiries from electors, such as persons staffing any election helpline set up by the council, which will be available for download from eXtra.

Managing media relations

8.29 Prior to any election, Electoral Registration Officers, Returning Officers and electoral administrators should decide how their media relations are to be handled and put the necessary arrangements in place. The Returning Officer should clarify in advance who within their staff is authorised to speak to the press and broadcasting media and ensure that all staff are aware of this information. Risk management issues can be addressed through rigorous procedures for the accurate and appropriate release of information relating to the election.

8.30 It is important, also, that the media know whom they should contact for information and are accurately directed to that contact by council staff. Returning Officers may wish to consider using the council press office as the election press office for the duration of the election. This means that the media are dealt with by media-trained people, allows administrators to get on with administering the election, and also ensures consistency of message on behalf of the Returning Officer to all press enquiries received.

8.31 The media can assist in the administration of the election in many ways, for example by promoting awareness of the election and seeking to engage the electorate. The media can be extremely helpful in getting a message out to voters in the event of any incident requiring new or revised arrangements to be communicated, or informing specific community groups of arrangements which may benefit them – for example, accessibility information. Prior consideration of any media strategy is important in order to identify all of the key dates in the election administration process that could be used to highlight the election itself.

8.32 Returning Officers will find it helpful to have current contact details of all the relevant media in their area.

Briefing packs

8.33 Providing the media with a briefing pack, which gives useful information and contacts, will save election teams and Returning Officers time in the long term. It also aids the media in doing their job. It is suggested that any briefing pack include the following:

- an election timetable

- election press office contact details
- media access arrangements for the verification of votes and the count
- information on the counting arrangements and, in particular, information about the electronic counting system to be used, and the implications for the counting process
- general information concerning the electoral systems being used at the particular election
- previous relevant election results
- lists of candidates and political parties and details of the agents

8.34 Press briefing packs should be prepared well in advance so that they can be made available at the beginning of the electoral process.

Polling stations

8.35 The media have no rights to enter a polling station except as voters. They must not be allowed to film or interview voters in the polling station. If a film crew has been given permission by the Returning Officer to film outside the polling station but within the polling place, Presiding Officers must be instructed to make sure that the film crew does not hinder or harass voters on their way to vote, or obstruct the entrance to the polling station.

8.36 To avoid having to turn down requests for access to polling stations on polling day, it may prove helpful if Returning Officers consider making a polling station available to the media prior to the opening of polls, generally the day before polling day. This allows television crews and photographers to get their footage prior to polling day, and this may often be run on the eve of the poll.

Count

8.37 Where interest is expressed by radio and/or television in broadcasting from the count, it is good practice to meet at an early stage with the media representatives to discuss the Returning Officer's intentions as to how the count will proceed and also to ascertain the media's likely requirements.

8.38 The following should be considered when planning media facilities at a count:

- Contact principal broadcasting organisations well in advance.
- Outline the press facilities available. Remember it is the Returning Officer and not the media who has the final say as to what is allowable at the count centre.
- Media representatives may well wish to check the count centre in advance, particularly if they intend to carry out filming on the night.
- Provide an opportunity for media representatives to inspect the count centre to identify space for interview purposes and also for parking vehicles, and to identify cable routes, assess power supplies and highlight communication requirements (such as telephone or ISDN lines).
- Make arrangements for indicating completion of the count and declaration procedures.
- Arrange for sound systems to be used for the announcement and live feed.
- Make accreditation arrangements for journalists, technicians and photographers attending.
- Designate an area of the count location for media use.
- Provide media passes.

- Make those attending aware of the secrecy provisions.
- Ensure that there is a nominated media spokesperson in place for the count, that everyone is aware who this is and that all questions should be directed to that person.
- Make sure that the media are aware of any restricted areas and procedures – for example, encourage the media to stay clear of the scanners and PCs and ensure that camera operators are aware that they must not overview sensitive information (such as close-ups of ballot papers) or obstruct count staff.

8.39 Any briefing pack prepared for media representatives attending the count should give details of what facilities will be made available for them at the count, and should also include information on the election, the area, the candidates (including photographs if available) and plain English information on the count itself, incorporating explanations of the electronic counting process in order to prepare the media for what they will be faced with at the count.

8.40 The Returning Officer may also wish to indicate in the briefing pack the likely timetable of events on the night, with an estimate as to the possible declaration times. This will be of particular importance on this occasion to ensure that media representatives have realistic expectations as to the likely timings associated with an electronic count. It is advisable that Returning Officers take a few moments to discuss with producers and reporters on the night how they will indicate when an announcement is to be made. This will allow news desks to be informed, so that live feeds can be set up at short notice if desired.

9 Resources

Key contacts

Name/organisation	Contact details
The Electoral Commission 28 Thistle Street Edinburgh EH2 1EN	www.electoralcommission.org.uk www.aboutmyvote.co.uk www.votescotland.com 0131 225 0200
Ailsa Irvine Senior Electoral Practice and Performance Officer	airvine@electoralcommission.org.uk 0131 225 0203
Iain Kearton Senior Officer (Political Parties Liaison)	ikearton@electoralcommission.org.uk 0131 225 0202
Sarah Mackie Senior Communications Officer	smackie@electoralcommission.org.uk 0131 225 0204
Andy O'Neill Head of Office Scotland	aoneill@electoralcommission.org.uk 0131 225 0201
The Scottish Executive Local Democracy Team Local Government and Licensing Division The Scottish Executive Victoria Quay Edinburgh EH6 6QQ	www.scotland.gov.uk www.votescotland.com 0131 244 7041
The Scotland Office 1 Melville Crescent Edinburgh EH3 7HW	www.scotlandoffice.gov.uk Election policy: 0131 244 9005 Election accounts: 0131 244 9011
The Scottish Parliament Edinburgh EH99 1SP	www.scottish.parliament.uk 0131 348 5000
Capability Scotland Head Office Westerlea 11 Ellersly Road Edinburgh EH12 6HY	www.capability-scotland.org.uk 0131 313 5510
Commission for Racial Equality The Tun 12 Jacksons Entry Off Holyrood Road Edinburgh EH8 8PJ	www.cre.gov.uk/scotland 0131 524 2000

DRS Data and Research Services Plc
1 Danbury Court
Linford Wood
Milton Keynes MK14 6LR

www.drs.co.uk
01908 666088

Disability Rights Commission
Riverside House
502 Gorgie Road
Edinburgh EH11 3AF

www.drc-gb.org.uk
08457 622 633

Equal Opportunities Commission
St Stephens House
279 Bath Street,
Glasgow G2 4JL

www.eoc.org.uk
0141 248 5834

Plain English Campaign

www.plainenglish.co.uk

Royal Mail

www.royalmail.com

RNIB (Royal National Institute of the Blind)
Dunedin House
25 Ravelston Terrace
Edinburgh EH4 3TP

www.rnib.org.uk/scotland
0131 311 8500

RNID (Royal National Institute for Deaf People)
Empire House
131 West Nile Street
Glasgow G1 2RX

www.rnid.org.uk
0141 341 5330

Scottish Courts

www.scotcourts.gov.uk
