



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Standards, Procedures and Public Appointments Committee

**Thursday 23 September 2021**

**Session 6**



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Pàrlamaid na h-Alba

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**Thursday 23 September 2021**

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**STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE**  
**3<sup>rd</sup> Meeting 2021, Session 6**

**CONVENER**

\*Martin Whitfield (South Scotland) (Lab)

**DEPUTY CONVENER**

\*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

**COMMITTEE MEMBERS**

\*Paul McLennan (East Lothian) (SNP)

\*Edward Mountain (Highlands and Islands) (Con)

\*Alexander Stewart (Mid Scotland and Fife) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Malcolm Burr (Electoral Management Board for Scotland)

Louise Edwards (Electoral Commission Scotland)

Chris Highcock (Electoral Management Board for Scotland)

Andy O'Neill (Electoral Commission Scotland)

Phil Thompson (Electoral Commission Scotland)

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Standards, Procedures and Public Appointments Committee

Thursday 23 September 2021

*[The Convener opened the meeting at 09:30]*

#### Decision on Taking Business in Private

**The Convener (Martin Whitfield):** Good morning and welcome to the Standards, Procedures and Public Appointments Committee's third meeting in session 6. Today, the committee will hear evidence on the 2021 election, but, first, there is a decision to be made. Do members agree to take in private item 3, which is consideration of the evidence that we will hear today?

**Members indicated agreement.**

## Scottish Parliament Election 2021

**The Convener:** I welcome Andy O'Neill, Phil Thompson and Louise Edwards from the Electoral Commission Scotland, along with Malcolm Burr and Chris Highcock from the Electoral Management Board for Scotland. Thank you for coming along this morning, whether you are appearing in person or online.

We have quite a tight timescale today, so, when we come to committee members' questions, we expect answers not from everybody but perhaps just from those who are best able to contribute evidence. Before we start the questioning, I invite Andy O'Neill and Malcolm Burr to give short opening statements.

**Andy O'Neill (Electoral Commission Scotland):** Thank you for inviting the Electoral Commission to give evidence on the Scottish Parliament election, which took place on 6 May, and on our recent publication "Report on the Scottish Parliament election on 6 May 2021", on the administration of the election. I am the head of the Electoral Commission Scotland, and I am joined by colleagues who are appearing virtually: Louise Edwards, who is our director of regulation, and Phil Thompson, who is our head of research.

In summing up the election, it is fair to say that, in late 2020, against the shifting backdrop of the global pandemic, it was not clear at times whether the election would take place or, if it did, what form it would take. It is testament to the hard work of everyone in the electoral community not only that the election took place but that it was well run and commanded the confidence of the voter.

The electoral community, by which I mean the Government, the political parties and the administrators, alongside us in the commission, worked collaboratively over a long period to agree and put in place changes for that election that helped to support and reassure voters.

Our post-poll surveys found that 95 per cent of voters were satisfied with the process of voting at the election, and 94 per cent said that they used their preferred method of voting. The majority of candidates—88 per cent—said that the election had been well run. Voters and candidates did not appear to have been deterred from participating in the poll, and we saw the highest-ever turnout, at 63.5 per cent, and the largest number of constituency candidates, at 357, since 2003. In general, we found—yet again—from our survey that voter confidence in the election remains high, with 85 per cent of voters saying that it was well run.

However, the experience of the polls has once again highlighted to the commission concerns about the resilience and capacity of electoral

administration services. I have no doubt that we will explore some of those issues during this session.

Although campaigners had confidence that the election was well run, many felt restricted in their ability to campaign as a result of the pandemic. Nonetheless, campaigners were able to communicate with voters during the campaign, and voters reported that they had enough information to enable them to decide whom to vote for. Campaigners also largely understood and complied with the new rules on digital imprints.

The context of the pandemic and its twists and turns meant that those who were running the election faced particular challenges in securing polling station venues and in finding and training staff to work on polling day. There was also a reliance on a small marketplace of expert suppliers for specialist election services, including ballot printing. That created risk, and it continues to do so.

We have repeatedly highlighted concerns about the resilience and capacity of electoral administration services in Scotland and more widely across the United Kingdom. That creates challenges for the future, which we all have to address. In addition, further legislative changes are potentially in the pipeline. It is crucial that those services and changes are properly resourced and funded in the future so that voters can continue to receive the support that they need to register and vote.

There were also some positives that came out of having an election in a pandemic context, and those legacies will likely be taken forward as we move towards the Scottish council elections, on 5 May 2022. We intend to continue working in partnership with the Electoral Management Board for Scotland, Governments and others in the electoral community to ensure that those elections are successful.

**Malcolm Burr (Electoral Management Board for Scotland):** Good morning. My colleague Chris Highcock, who is the secretary to the board, and I are pleased to have the opportunity to answer your questions and provide you with evidence as you reflect on the delivery of this remarkable event.

I will not reiterate what Andy O'Neill said—as we all know, the circumstances of the election involved the most extraordinary public health situation that any of us have encountered. The election itself was a challenging event, not just to run but to plan for, given that, at the very time of planning the election, there was considerable anxiety in the electoral and wider community about whether it could safely go ahead. I will shortly

come to some of the mitigating factors that we put in place to ensure that it did.

I am very pleased to see the excellent feedback from candidates, agents, the media and voters that, in those circumstances, the election was well delivered. We were also pleased with the feedback from public health colleagues, who confirmed that, with the measures that we were able to implement, it appeared that polling and count activities did not lead to any further spread of the virus.

The committee has before it the report from the Electoral Commission, which sets out the statistics. They are worth noting: we saw the largest-ever registered electorate in Scotland, and the largest number of postal voters that the system has ever supported in any democratic event, with an above-average turnout of 63 per cent. It was very encouraging, to say the least, that democracy was able to be supported and delivered even in the midst of the pandemic.

That success was possible only as a result of the immense efforts of the electoral community, with the backing and support of our many stakeholders. It is always invidious to single out names, but I mention local authorities, Police Scotland and Public Health Scotland in particular. It was the first Scottish Parliament election for which I have had oversight, as convener of the Electoral Management Board for Scotland, as a result of the Scottish Elections (Reform) Act 2020. I am very pleased, and encouraged, that the EMB was able to provide consistency of leadership and a robust structure to support the electoral community in delivering those polls.

I will briefly cover four points of detail, if I may. The first is an obvious one: the impact of Covid was total as regards the electoral process. Aspects such as registration, nominations, postal voting, polling and the count were all revised significantly in the light of public health guidance. As we all know, polling places looked very different—they had screens, one-way systems and extra staff, and even individual pencils. Some of those elements were addressed through guidance, while others—the main one being the need to limit the number of voters per station—were made the subject of legal direction.

The second point is that the professional advice from Public Health Scotland was very valuable. We made early contact with Public Health Scotland, and then with individual directors of public health, to ensure that the supplementary guidance that we provided was current and was tailored to the electoral process. That partnership was a very good one, and it was reassuring to everyone in the electoral community.

My third point concerns the corporate responsibility on returning officers and electoral registration officers. There were concerns in the early part of 2020 about the wisdom of conducting the election at all, but the process showed that, with clear guidance and explicit directions, and with expert advice and a large element of personal support, there was reassurance to allow returning officers to conclude that the elections would be safely run in that regulated environment. The work by, and the place of, the EMB was a key element of that assurance.

Finally, with regard to the co-operation of the political process and the Scottish Government, we engaged with the Government from March 2020 to ensure that the legal framework for the elections reflected the specific circumstances of Covid. The result of that, of course, was the Scottish General Election (Coronavirus) Act 2021, the drafting of which was heavily based on the EMB's advice. The legislation effected a number of changes to the regulations that were necessary to mitigate public health effects. Thankfully, many of its provisions were not necessary, but the fact that they were there was absolutely essential and gave reassurance to the whole process.

We were able to offer further advice directly to the minister at the time, Graeme Dey, on specific matters such as there being no need for multiple polling days. I have to say that the co-operation that we had with ministers and, indeed, with all political parties—there were at least three meetings at which each party in the Parliament was represented, as well as meetings directly with the Government—was very valuable and a key element of the success of our preparation on the legislative side of things.

Thank you, convener. I hope that I did not speak for too long.

**The Convener:** Not in the slightest. Thank you for putting all of that on the record. I—and, I am sure, committee members—also want to thank the local authorities and all the almost unnoticed people who allow the elections to go ahead safely.

Our questions are grouped according to theme, just to make it easier to answer them, and I will kick off with the voter experience. Clearly the election went ahead successfully in incredibly challenging circumstances, but do you have any comments about the planning and the work that went on to make the poll safe for individual voters. Malcolm, do you want to kick off on that?

**Malcolm Burr:** I am happy to do so, convener.

One of our major concerns was that, despite the work on the legalities, the planning and the policy framework for the election, voters would simply be too nervous to come along or would take fright once there. We put a great deal of effort into

publicising how safe polling places and stations would be. It might be trite to say, "Well, at the time of the vote, people were already going to supermarkets or to work, or using public transport, so of course a polling place would have been safe." However, when people come to do something that they have not done for some time, they get nervous about it. We were very conscious of that.

I do not want to get into too much detail about the planning, but I certainly think that the appointment of the additional member of staff to intercept people at the door of the polling place and tell them what they had to do and why they had to do it was essential. It stopped people feeling that, by going into the polling station, they were committing to something that they could not get out of if they started to feel uncomfortable. There was room to ask questions and to get reassurance about how safe those places were. Of course, once people came into the polling stations, they saw the screens, the distancing, the individual pencils and the cleaning of the polling booths after use. That was an essential part of the process. It was not all about pre-publicity; somebody had to be there on the day to explain what was going to happen and what would be different.

I am sorry for focusing on polling places, but part of the issue is the publicity and the reassurance that was given—by the political parties, too—about the safety of the process. That support was critical.

**The Convener:** Has any thought been given to retaining any of the additional elements that were put in place? For example, a number of people told me that they were thankful for the meet-and-greet element, because it made them feel easier about going in.

09:45

**Malcolm Burr:** That is interesting and good to hear. Personally, I would certainly like to retain the funding for the extra member of staff. Next year's local government elections are likely to be conducted in a Covid-sensitive environment, so there will still be questions, and it involves, of course, a different means of voting. They are the only elections that use the single transferable vote—the more times that we emphasise that to the voters, the better.

In any case, I would like to keep that side of it. We will take advice from Public Health Scotland on the screens and everything, and we will see what is happening in other public health environments, but I would like to retain the possibility of having an extra member of staff.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** I echo the convener's comments about the excellent work that went into planning the election and making it safe, secure and credible. Those who worked on the day—certainly those at the count in my constituency—did exceptional work. I sure that that was the case in all members' experience. It seems a little churlish to scrutinise some of the aspects to see how we can improve things, but I just wanted to give the context that I firmly believe that the elections went incredibly well in hugely challenging circumstances.

It seems churlish to ask about why we did not do better in relation to postal votes. Twenty-four per cent of voters applied for a postal vote, whereas the previous figure was 18 per cent. However, 38 per cent of voters said that they wished to apply for a postal vote, although that did not happen. Why was there that difference between the numbers of those who indicated that they wished a postal vote and those who actually took the steps to apply for it?

**Andy O'Neill:** I will say a few things, then my colleague Phil Thompson might want to add something.

What you said is really interesting. We have to remember that the figures that you are quoting come from the research that we did in August and November 2020, and again in February. What the research showed remained largely consistent. The research took snapshots and showed that up to 38 or 40 per cent of ordinary voters might vote by post, but we always had a majority of people who wanted to vote at the polling place, which was why it was very important to have polling places that were safe as well as postal voting.

In my opening comments, I referred to the twists and turns of the pandemic. When we were doing the research in August, it was only at the latter end of it that there was a bit of an upsurge in the numbers regarding postal voting. We were getting snapshots of what people were thinking at the time.

You have to remember that, in the end, we and the electoral registration officers put a lot of effort into ensuring that people were aware of the voting methods that were available. That was particularly the case in February 2021, when we not only refreshed the register and made it more accurate, but made people aware of options—voting by proxy or postal vote, or in station—and we finished up with 24 per cent voting by postal vote.

That is a huge amount, given that we were starting with a figure of about—Phil Thompson will correct me if I am wrong—16.8 per cent in December. It is a 7 per cent increase. In a normal election period, the electoral registration officers

would expect to get a 1 per cent increase, so it was a massive increase.

I will stop there and ask Phil whether he wants to add anything.

**Phil Thompson (Electoral Commission Scotland):** The only thing that I would add is about the 38 per cent figure. As Andy O'Neill said, the figure came from some public opinion research that we did to inform planning for what might be needed at the polls. When we published it, we were clear that it was to be taken as an indicative number, in the sense that it showed that an increase in the number of people who wanted a postal vote was very likely, but it would not necessarily be 38 per cent. That is because, in such surveys, we always see a degree of overclaim in relation to any kind of turnout. We know, from the figures that we have, that if we ask people whether they have voted after the poll, more people tell us that they have voted than actually have done.

The effect was similar when we asked whether people would like to vote by post or at a polling station. We saw a degree of overclaim by people who told us that they would definitely vote and that they would like to do it by post. As Andy O'Neill said, even given the survey results, we thought that the 24 per cent figure that we saw in the end was the more realistic prospect.

**Andy O'Neill:** In our post-poll survey, 94 per cent of people who voted said that they used their preferred method of voting. People change their opinions.

**Bob Doris:** That is very helpful. I gave the caveat that there was a significant increase in reality, irrespective of what the Electoral Commission's snapshot survey showed.

Does anyone believe that bringing forward the deadline for applying for a postal vote might have slightly reduced the number of people who eventually applied for a postal vote? I am reminded that 4,000 postal vote applications were received after the new, earlier deadline. What work was done with individual voters who applied for a postal vote after the deadline to remind them that they could have a proxy vote and that there were other ways to ensure that their democratic mandate was exercised?

**Andy O'Neill:** You are right in saying that 4,072 people applied after 6 April, which was the new deadline for applying for a postal vote. There is always a deadline for everything, and my electoral registration officer colleagues tell me that 4,000 is not a huge number—it works out as 0.4 per cent of all postal voters. Ultimately, it was a decision for the Government, although other people gave advice.



We have to remember the reason why the Scottish Government moved the deadline forward. As you have mentioned, the evidence suggested that postal votes might account for up to 40 per cent of all votes. The fear was that, at the very end of the deadline, there would be a huge number of applications that the electoral registration officers would not be able to deal with, which would mean that people would not be able to use their chosen method of voting.

It is an interesting issue. We talk about barriers in the electoral process, and work is being considered and is on-going on online postal vote application. One of the last barriers to dealing with postal votes is enabling them when people want them at short notice, because it is quite a complicated process for the electoral registration officers.

On the 4,000 people who did not get a postal vote, we have to remember that it is down to the individual EROs to deal with that. My understanding is that EROs contact people and tell them that, although they do not have a postal vote, they can have a proxy vote. Those people had three weeks from 6 April to 27 April in which to apply for a proxy vote. Of course, they could also go to a polling place and vote in person. I am not being flippant about it, but people were not going on holiday—no one was going anywhere—which is a common reason for wanting a postal vote. However, I accept that people applied for postal votes for many reasons, including concern about the public health situation, but we were telling people at the time that polling places were safe.

**Bob Doris:** I accept what you have said, but I am not sure that you have told us whether there was a consistent approach across Scotland to contacting those who applied after the deadline for postal vote applications. Perhaps Malcolm Burr or Chris Highcock can say more about that.

**Chris Highcock (Electoral Management Board for Scotland):** As Andy O'Neill said, the general approach of the electoral registration officer in communicating with voters is to emphasise where they stand in the process and what the options are. We would have to check with our ERO colleagues, but I understand that there was a consistent approach and that people were told what their options were at that point.

**Bob Doris:** It would be quite helpful for the committee to get that information. There was increased provision for proxy voting in Scotland, particularly if people had Covid symptoms or the coronavirus. It was good that that was not used to a great extent, although that could have been because people were not aware of that option or because it was not required. Perhaps you could comment on the suggestion that I heard on the

doorstep, which was that carers should be able to apply for emergency proxy votes? For example, I had constituents who did not want to say that they had coronavirus symptoms to get an emergency proxy vote because that was not true, but they had caring responsibilities that prevented them from voting. It would be helpful to hear a little bit more about that.

**Andy O'Neill:** The commission has been calling for emergency proxy votes for carers for a number of years, and many EROs agree with us. It is particularly important in rural areas. For example, on the islands, if you suddenly have to take someone to hospital, they can get an emergency proxy vote but you cannot. That will continue to be an issue even beyond the pandemic.

The number of emergency proxy votes was higher than it was in 2016. There were 366 in 2016 and 1,310 in May. That was much lower than the number in the independence referendum in 2014, for which there were nearly 7,000 emergency proxy votes.

Phil Thompson might want to comment, but I think that proxy voting is not as well understood by the electorate as postal voting is. A person can cast a proxy vote only for close family members and up to two other people, so there are limits. The option is not as well known, although it is advertised. We make people aware of it on our website, and information is provided in our leaflets and suchlike. EROs do that, too. However, there seems to be a reluctance to use it.

**Bob Doris:** I do not know whether Phil Thompson wants to come in, but I want to roll in a final question—if there are time constraints, convener, I am happy to be written to in relation to it. Any further comments on emergency proxies would be helpful, but I had also been talking about postal vote applications. Is data held on those who applied for postal votes? I know that data is held on first-time applicants, but were our black and minority ethnic communities proportionally more likely or less likely to apply for a postal vote? What about those in low-income areas and areas of multiple deprivation? I am conscious that there will not have been a uniform uptake in the application for and casting of postal votes across Scotland; there might have been variations. I am quite keen to better understand that. I do not want to open that up to wider conversation this morning, but, if there is data on that, I think that the committee would find it helpful.

**Chris Highcock:** Some of that data would have to be collected through post-election surveys. Information on protected characteristics is not shown on applications, but we can certainly look at where the applications came from.

**Bob Doris:** Obviously, it is for the Electoral Management Board and the Electoral Commission to take a view on whether that would be a worthwhile exercise. I know that our convener will ask questions on turnout shortly. In relation to maximising turnout, as we know, if someone has a postal vote and does not need to turn up in person, they are much more likely to cast a vote. That is one way of making sure that turnout is maximised in areas in which there are low-income households, which are traditionally less likely to vote. Any data that can be provided would therefore be welcome. Alternatively, if such a data set does not exist, perhaps the Electoral Management Board or the Electoral Commission could think about ways of creating one.

**The Convener:** Once the witnesses have had time to consider that, it might be useful for them to write to the committee. As Bob Doris said, if there are gaps in the information, it would be useful to know that.

The turnout for the election was the highest of any Scottish Parliament election to date. Why was there that increase?

**Malcolm Burr:** I like to think that it was on account of both the publicity about the election and the reassurance not just about safety but about how it would be conducted from the perspective of everybody—not just the voters, but the candidates and the staff. I come back to the preparation that was done by all members of the electoral community.

Through that reassurance and publicity, once the decision was taken that the election would go ahead unless it needed to be postponed for emergency reasons, we were able to focus on how it would be different and on how campaigning would be different. I am sure that that was a difficult area for the political parties, but there was reassurance that all aspects of the election had been covered. The issues on which people vote also contributed to the higher turnout.

I had a sense that there was a wish to return to whatever normal aspects of civic life were possible, including participation in the electoral process. That is a purely unscientific comment, but we picked up that feeling from speaking to returning officers.

10:00

**The Convener:** I would like to drill down into that slightly. There was an increase in the amount of advertising about the election. You said that there was also a lot of advertising to instil confidence in the voters so that they would come out. If I was to ask you which of those two made the difference, which would you go with? Was it the fact that the advertising gave the voters the

confidence to come out, or was it just the advertising that the election was happening? Or was it—and I think that this might be the case—a combination of both?

**Malcolm Burr:** I genuinely think that it was the latter. Covid focused everybody's minds on how we undertake specific actions. Is it safe to do this? Is it safe to do that? Is it safe to do this to a certain extent or not at all? The publicity was total, and people were looking for that. The publicity mentioned the election, so people started thinking more about elections, and then all that effort was made and reassurances were given about how safe the process was. Perhaps that subconsciously increased people's feelings that they would participate in it. I genuinely think that it was a combination of the two.

**Andy O'Neill:** It would be nice to be able to say that electoral administration got 63.5 per cent of people to go and vote—or the 84 per cent or whatever it was in the independence referendum—but I do not think that electoral administrators can claim that, nor do I think that the Electoral Commission can claim it, sadly. It was down to you guys, the issues and the debate.

We had to ensure that there were no barriers to the process that would prevent people from registering or applying for a postal vote. It should all be easy and accessible. It should be easy to understand how to complete a ballot paper so that it reflects a person's views. We did that through lots of publicity, as Malcolm Burr said, and by supplying stuff to partner organisations for use from the autumn of 2020 onwards. That included our leaflets and all the other stuff that the committee knows that we do. However, at the end of the day, people are motivated by the politicians, the issues and the desire to express their views on those things.

I do not know whether Phil Thompson would like to add anything in relation to our post-poll opinion research.

**Phil Thompson:** I just want to support what Andy O'Neill said. Our post-poll public opinion research supports the idea that people vote because they think that it is important, because they think that it is their civic duty and because they simply want to have a say. The reasons that people gave for voting this year were consistent with the reasons that were given after the 2016 Scottish Parliament elections, for example. It is all about the additional focus on politics—or on politicians, from people seeing them on TV every day talking about coronavirus. Lots and lots of different factors are at play.

One perhaps slightly more administrative point is that more people took up postal voting and we know that postal voters are more likely to vote

once they have their vote. Of those who were issued with a postal vote, 87 per cent returned it. The increase in the number of postal voters might have played a bit of a part in driving up the overall level of turnout at the poll.

**The Convener:** Two thirds of voters had the view—“criticism” is too strong a word—that the voting process took longer. We heard about the measures that were put in place such as one-way systems, meet-and-greets and single-use pencils. What other options to make polling stations safe were considered but then discounted?

**Malcolm Burr:** The most significant one was limiting the number of voters who could attend. We cannot stipulate how voters turn out—for example, they could all turn out in the evening or in the morning. The weather on polling day was a factor in central Scotland and resulted in a disproportionately large number of voters appearing in the evening in many localities. That showed the wisdom of strictly limiting—we were stricter than many would have liked—the number of voters per station, so that queues did not form too much and there was time for everybody to vote. That was the most significant element of preparation.

**The Convener:** Were any ideas considered but then discounted? I know that there was the ability to hold the election over a few days, which you have explained, but was there anything else?

**Malcolm Burr:** Holding it over multiple days was the default option. If the process had had to be so slowed down as to be almost individual—just the voter and the polling staff being in the station at one time—we would have had to move to that option. All elections require a combination of speed, getting voters through and counting ballot papers in a way that is efficient and that produces a result, but, on this occasion, there were also heightened requirements for safety.

**Alexander Stewart (Mid Scotland and Fife) (Con):** I echo the comments of the convener and others about being impressed by the dedication of those who ensured that the elections took place—it would be hard not to be impressed. I commend and congratulate all who supported that.

This year was the first time that a Scottish Parliament election allowed qualifying foreign nationals and prisoners serving 12 months or less to vote. I will ask about qualifying foreign nationals first. How many were registered to vote? You have talked about barriers to accessibility and trying to remove those barriers. What are your reflections on how foreign nationals participated in the election and what lessons, if any, have you learned?

**Andy O'Neill:** I ask Phil Thompson to talk about the numbers, and I will talk about the barriers.

**Phil Thompson:** One challenge that we have in knowing how many new foreign nationals were registered is that, in effect, they appear on the electoral register in the same way as existing European Union citizens who are already registered, so it is not possible to easily count the additional foreign nationals registered. We know from looking at previous and current figures for the total number of foreign nationals on the register that there was an increase—it looks like an increase of around 26,000 since the last time that we had those figures. That is perhaps slightly offset by the fact that some EU citizens may have left Scotland since the previous count. It is difficult to be precise, but it looks as though there was a reasonably substantial increase in numbers registered.

**Alexander Stewart:** That is excellent. I ask Andy O'Neill to cover the barriers and how accessible voting was.

**Andy O'Neill:** To address barriers, we did a lot of general publicity work, which you will know about. We find it much more effective to work via partners to deliver tools, political literacy information and all that stuff, which partners can share with their members. From autumn last year, we worked with various partners—we worked with a network of consulates in Scotland to ensure that their nationals knew that they could now vote in Scottish Parliament elections. We worked with regional equality councils, the Scottish Refugee Council, the Convention of Scottish Local Authorities and the local authority resettlement officers network, which deals directly with new Scots.

The resources resulted in an uptick. We did 19 sessions with the Scottish Refugee Council to ensure that the people who work for it could relate information to others. We could have done more—we can always do that. One lesson that we have taken, which we will emphasise in 2022 and beyond, is that we must develop much more capacity to deliver political literacy via networks.

**Alexander Stewart:** What statistics and data do we have about prisoners who were serving sentences of 12 months or less? How many registered and how many participated? What barriers did you have to manage? That was a new dimension to the process. What lessons have been learned from that exercise?

**Andy O'Neill:** It was new for prisoners who are serving sentences of 12 months or less to be able to vote. We know that 38 such prisoners were registered for the election. We put in place processes so that eligible prisoners were informed of their right to register and could vote. After the Scottish Elections (Franchise and Representation) Act 2020 was passed, we worked with EROs to develop voter application forms and postal vote

application forms for prisoners. We worked with Scottish Government and Scottish Prison Service colleagues, and EROs worked locally with prisons to distribute all the information.

We provided voter information for the Scottish Prison Service on how to vote—how to fill in ballot papers. We worked with Citizens Advice Scotland to ensure that its workers who work with prisoners understood political literacy.

I accept that 38 is not a great number, but the provision is new. We are getting into it and we hope to work with the Scottish Prison Service's education service henceforward before the council elections next May.

**Alexander Stewart:** The commission's report shows that people with disabilities or long-term health conditions were slightly more dissatisfied and found it a bit more challenging to identify chosen candidates or parties on the regional ballot paper, for example. Those ballot papers were extensive—that is the best way to describe them—and were much more challenging for individuals in such categories. How were they supported to manage that? How are you reflecting on what can be done in the future? I do not see things changing dramatically at the next election or beyond, so a mechanism is needed to identify individuals with disabilities or long-term illnesses for support.

**Chris Highcock:** Supporting voters with disabilities is a huge part of the work that electoral administrators take on when they deliver elections. As Andy O'Neill said, we aim to ensure that every voter has the opportunity to participate in the election and that we minimise any barriers that exist.

All polling staff are trained to support voters with disabilities. This year, as we have discussed, the election was delivered in unique circumstances, which meant quite a turnover of staff. In some places, some of the more experienced staff might not have been on duty as normal. However, everyone was trained, and we certainly made sure that there were videos to explain how to deal with voters with sight loss or visual impairment, in particular.

10:15

That is always an issue. It is important that we do all that we can to ensure that voters with sight loss and visual impairment can vote secretly and independently, and we are continuing our work on that with disability organisations and the disability network. In fact, we have a meeting this afternoon with the Royal National Institute of Blind People Scotland and Sight Scotland on how we can improve the methods, and we are involved with the Scottish Government in a workstream on new

ways of increasing the accessibility of elections, potentially through the use of new devices in polling places.

Ultimately, though, this is all about the interaction between the polling staff and the voter, who needs to be able to trust that, when they come into a polling station, they will be supported to vote in a way that they feel comfortable with. They can get someone to help them or bring a companion with them, and there are also tactile voting devices that can be used, but our challenge is to ensure that our staff have the skills and the understanding to carry out that work. The commission supports us with training material in that respect. We are satisfied that we did it as well as we could, but there are ways in which we can improve, and, as I said, we are continuing to do that. Indeed, we are having meetings on the subject this afternoon.

**Alexander Stewart:** It would appear that one of the biggest barriers was the size and length of the ballot paper. Can that be looked at in the future?

**Chris Highcock:** The ballot paper is a document defined in law, and there is little that we can do to change it within the confines of the legislation. In some ways, the length of the paper reflects the success of the democratic process; an awful lot of parties were attracted to stand on the regional lists. Unfortunately, though, things become unwieldy when the list gets that big. Elements such as the paper's design, the colour, the font and so on can all be looked at to ensure that the paper can be understood and handled, but, while we are still dealing with paper and while so many people can stand, the length of the ballot paper is an issue that we will keep having to deal with.

**Andy O'Neill:** It is fair to say that people with disabilities found it slightly harder to fill in the ballot paper than people who are not disabled. Because of the pandemic, training had to be carried out online, many key presiding officers were lost and the level of experience was lowered. As you will see from our report, the disability representative bodies have reported that people did not have a great time in certain instances. ROs in general will accept that, and I think that we have to take the issue forward and improve on things for next May.

Work is being undertaken elsewhere on alternative ways of helping people with disabilities to fill in ballot papers. Things such as readers can help but, for the vast majority of people, the issue at the end of the day is having people in polling places, having good training and ensuring that good assistance is provided. I hope that we will be back on track with that by next May.

**The Convener:** Just to pursue that, I note that disability organisations have said that the

experience of disabled people over a number of elections now has been less favourable than that of other people. Perhaps I can put you on the spot. Will that situation change in May, or will the journey be longer than that? What assistance do you need to shorten the journey to ensure that the experience of disabled people is the same as—or, indeed, better than—that of others?

**Andy O'Neill:** I think that it will be a longer journey, but I also think that the situation will have improved for next May's council elections. I have known returning officers as a body for a long time now, and some of them are very disappointed with their efforts. We are putting an emphasis on training, and we will work with the EMB to ensure that ROs have the facilities and training tools that they need. Moreover, the convener of the EMB will put greater emphasis on disability issues.

In the longer term, I know that the Scottish Government and the Cabinet Office are looking at technology to make voting easier for people with disabilities. However, I suspect that it is very unlikely that that will come in before next May.

**The Convener:** As you have said, it is all about the relationship with people in the polling station.

**Edward Mountain (Highlands and Islands) (Con):** My question is about campaigning. The election was extremely different from any other that I have taken part in. I will not go back to the one in 1979, which was my first. Do you think that the rules regarding campaign activity were clear enough for candidates and campaigners?

**Malcolm Burr:** Before I answer that, I will just add, in relation to the previous question, that the experience for disabled voters will form a particular element of the training and support session that the commission and the EMB jointly organise in each January or February before an election. We will pick up on all those specific points.

On Edward Mountain's question, I think that the guidance was well received. I have to say that the political parties did very well. It is not really for me to comment on that, but the high percentage of voters who felt that they had been communicated with by political parties was commendable, given the circumstances. Guidance was needed, but it was well received. It certainly seemed proportionate to us, from a neutral perspective.

**Edward Mountain:** Having been on the doorsteps, I know that the issue was very much just about delivering leaflets. Candidates were not encouraged to engage with people on doorsteps until the very last part of the campaign, when a lot of the postal votes had already been sent. There were certainly no public meetings or hustings, which was difficult for candidates.

Taking it to the next level, I understand why candidates were restricted but, if that is to happen again, should we consider whether there should be an increased budget for candidates to get their message out? For example, the budget for a candidate in a constituency remained the same in 2021 as it was in 2016. It went up in 2011, but the constituency limit for party spending has remained the same since 2011 and the figure is very little. If candidates are to be restricted in how we can get our message out on the doorsteps, surely we should have an increased ability to use media and postal systems to get our message out. That was probably the safest way to do it.

**Andy O'Neill:** I will make a brief comment and then bring in Louise Edwards. Mr Mountain is right that the public health rules around the election meant that candidates could not leaflet until 15 March and could not canvass until 12 April. Our post-poll opinion research with the candidates returned the view that they felt restricted in what they could and could not do. However, the other side was that 76 per cent of the voters—your customers, as it were—felt that they had received enough information to make choices. It is swings and roundabouts. One hopes that next May we will not have pandemic restrictions, but who knows?

At that, I will be quiet and ask whether Louise wants to add anything.

**The Convener:** I welcome Louise Edwards.

**Louise Edwards (Electoral Commission Scotland):** Thank you. Andy O'Neill's comments cut out a little for me just then, so I apologise if I repeat things that he has already said.

Because campaigning is such a fundamental part of democracy, we cannot really have an election without people who are willing to campaign in it and people who are willing to put themselves forward as candidates. In the unique situation of the public health backdrop to this particular election, restrictions were in place on campaigning that we hope will not be there in any future elections.

One key issue, which came through in some of our post-poll research, is the need to ensure that there are a variety of ways in which candidates and other campaigners can communicate with voters, so that, if one route is restricted—for a public health reason, for example—there are other routes that people can take. Those include being able to go and canvass, drop leaflets, hold hustings and use digital online campaigning, which we know increased, as it has for many elections, although it is still not the number 1 way that people want to communicate with voters. Overwhelmingly, candidates for the election in Scotland wanted to communicate in person. That is a significant trend

that we see, even if digital campaigning is getting bigger.

On the points about the spending limit, a bit of research and consideration of data would have to be done to see whether the upper limit is reached before deciding whether to go beyond it. One key issue for me is that there has to be a level playing field for independent candidates or those who do not have the support of a big party machinery. A spending limit ensures that people who do not have large financial resources behind them can still afford to put themselves forward and, ultimately, perhaps become an independent candidate or a candidate for a smaller party.

We have to think about many factors when considering the spending limit for campaigning. Crucially, any restriction that is in place needs to be proportionate and for a good reason, such as a public health issue, but it also has to allow broad participation in campaigning and communication with voters. It comes through that that happened on this occasion.

**The Convener:** Is an investigation into how parties or individuals approached the spend taking place or planned? That would seem to be a prerequisite to the discussion that Edward Mountain has raised about raising the spend.

**Louise Edwards:** We have considered investigating that on a UK level, and we would want to be able to break it down by parts, but I cannot tell you that I will have the results with you next week. As and when we get to the point at which we have something sensible to share, we can do so.

**Edward Mountain:** I just briefly want to observe that, if the spending limits were correct and proportionate before the rules and regulations about canvassing and campaigning changed, those limits surely need to be reviewed after the change. It is as simple as that—the limits cannot be right both in a pandemic and outwith one.

**The Convener:** Thank you for putting that on the record.

**Paul McLennan (East Lothian) (SNP):** I want to expand on the point that Edward Mountain made. The report on the Scottish Parliament election mentions that, although

“43 per cent of candidates agreed that they were able to get their message across, the same proportion disagreed”

and that

“86 per cent of candidates said that the reduced opportunities for face to face campaigning as a result of the pandemic affected their campaigning ‘a lot.’”

I go back to the point about financing limits. Is further consultation taking place about them, with the next election coming up in May? Louise

mentioned the work that Electoral Commission Scotland is considering. Is there an opportunity for consultation with political parties and the Scottish Government in that regard? Since campaigns can be short or long, what timescales would we consider? When would new limits need to be in place if we were to work back from May?

Andy O’Neill said, and we have already mentioned, that the election is likely to take part in a Covid-restricted way. Although restrictions might not be as severe as they were last May, it could still be a Covid election. If a review were needed, as Edward Mountain mentioned, what would the timescales be, even if it were just a one-off project to be reviewed afterwards, depending on the situation with public health? I just want to take a deeper dive into some of the answers.

**The Convener:** Would Louise Edwards like to take that question on time limits?

**Louise Edwards:** Yes, I am happy to. The limits are set out in statute, so the situation would depend on whether the matter was a priority for the Government to consider. Then we would have to work back from when the Government decided to consult or gather evidence from us or other bodies in order to inform that process.

Our general principle in those situations is that any changes to the campaign finance rules should really be made a minimum of six months before the rules kick in. If we were considering a spending limit over any kind of regulated period—long, short, party or whatever—we would want the changes to be in place six months before that period began.

**Andy O’Neill:** With regard to the Scottish Parliament, the next election is in 2026, so it is still a long way away. A long period only takes place at a general election of the Scottish Parliament and the by-election limits are set in statute anyway, so we would have to change them. However, we have time to think about the matter.

10:30

**Paul McLennan:** My question around the restrictions that candidates felt has already been answered, so I will move on to digital imprints. Obviously, this was the first time that they were required. Will you tell us about compliance with the new rules and whether it was felt that they were beneficial to voters?

I put the first question to Andy O’Neill. The second one—about whether they were beneficial, what evidence we have looked at in that regard and whether there has been any feedback, particularly from voters—is probably for Phil Thompson.

**Andy O'Neill:** I will pass that first question to Louise Edwards.

**Louise Edwards:** I am happy to answer. Digital imprints have two fundamental purposes. One is to enable a voter who is looking at a particular piece of material online to see who has given it to them and therefore to make a choice about whether to let it influence their vote. The other important purpose is that they help us—as the regulator—to track spending and make sure that campaigners, candidates and parties are complying with the campaign finance rules.

Obviously, this is a new law that we think is important to the system and to resolving known concerns among voters about digital campaigning and its transparency. In Scotland, we saw that the majority of those who campaigned in the election wanted to—and did—comply. In fact, many parties, candidates and campaigners put digital imprints on their material even before it was a legal requirement.

We have a highly compliant campaigner community, and we can be confident that voters will have seen a difference in the material that they saw online. However, it is a little bit too early to say what impact that has had, primarily because that was simply one election and we want to let it bed in a little bit longer, but also because all the spending data has not yet come in from parties. The deadline for that has not yet passed, so we are not yet in a position to look at how it worked in relation to the transparency angle.

Our experience during the campaign was usually positive in relation to working with campaigners who did not have an imprint on their material. If they did not, it was usually simply because they were not aware, and they moved quickly to comply when we told them what the rules were about.

However, one of the real difficulties is that, if there is no imprint on the material, it is very difficult to find out who should have put an imprint on it. The imprint is the way that we find out whose material it is. Without an imprint, it is difficult to find out whose material it is. Although that is not unique to digital imprints—it is also an issue with print imprints—one area that the Government might want to think about is enabling us to get information out of social media companies about who is behind accounts and material in order to help us to find out who it is and bring them into compliance.

**The Convener:** Are you aware of any examples of your being unable to trace where the slogan, picture or whatever had come from during the most recent election?

**Louise Edwards:** There were a couple of small examples. However, they are still being looked at,

so I will not go into detail, if the committee will forgive me.

We have a very good relationship with the social media companies. We can speak to them and work with them on that slightly more informal basis to find out who is behind platforms. However, without a clear power to be able to get information from them, we are hindered.

**The Convener:** That challenge also occurs in other jurisdictions that require imprints.

**Paul McLennan:** My last questions are about the administrative challenges.

We have heard about the great job that administrators did in extremely difficult circumstances. Has there been any feedback from them, primarily about any difficulties that they faced and any additional support that they felt could have been provided?

The report mentions that around three quarters of returning officers referred to difficulty in recruiting polling station staff. However, that might have been a one-off with regard to the Covid situation. Has that been a difficulty before, and is it seen as a difficulty going forward?

**Malcolm Burr:** I am happy to lead off on that one. I am sure that Chris Highcock will also be able to contribute some detail.

There were particular difficulties with the latest election on account of staff nervousness. However, at the end of the day, we did not have difficulties because we had contingency plans involving support from other sectors, but it is undoubtedly useful for people to work with staff whom they know and have some experience of.

It is inevitable that the ageing workforce in the public sector, of which I am part, is a factor. The third officers—the information officers—that were used in many areas in the election were younger people. That is an important point. I took some time to encourage them, and they seemed to be interested in the process, so I hope that many of them will become polling clerks and then the presiding officers of the future, because we need to do succession planning as best we can. As I said, the age profile of the public sector workforce is not helpful in that regard.

The electoral process is of interest to many people. It can be difficult to get people into the process for the first time, but people often come back once they have tried it and have realised that it involves meeting people and public relations and social elements and is not just an administrative process. We undoubtedly have to keep a close eye on that.

**Chris Highcock:** Malcolm Burr is right. In our review of the conduct and delivery of the election,

we received feedback from returning officers right across Scotland that there were significant difficulties in recruiting and retaining staff. There were some late call-offs from staff, who had to be replaced. All staff have to be trained, because it is important that they understand the job. As Malcolm Burr said, it is very much a face-to-face and social job. The delivery of Scottish elections is a peer-to-peer process in which citizens help one another to vote. It is not really a case of engagement with the state; we help one another to run democracy. It is important that staff understand the process, but it is also a customer-facing role.

One of our learning points is that we need to have a good, growing, reliable and robust pool of staff on whom we can draw in the future. We need to explain what the job involves so that people can help one another to deliver democracy.

**Andy O'Neill:** I will add a comment about electoral registration officers and resources. Our research indicated that a large number of people wanted to use postal voting or other options rather than polling places. On request, the Scottish Government provided funding to allow EROs to recruit extra staff to deal with the massive increase in the number of postal vote applications. As well as recruiting the staff to do the work, a TV advert was made and shown across Scotland to help people to understand the voting options. EROs used the PR tools that we provided last autumn.

Household notifications were also provided. That is really important because it not only tells people about the voting options but refreshes the register before an electoral event, which is a very good thing and is done quite a lot in England. In our report, we recommend that that should continue to be done and should be funded.

**Paul McLennan:** I have a supplementary question about recruiting polling station staff. Does the training tend to be done local authority by local authority? My local authority has said that, two or three months before an election, it tries to recruit people. Does training take place on an on-going basis? Is that left to local authorities, or do you monitor that? That goes back to the issue about recruitment. We could encourage people to come into the process earlier, because they might not be aware of the process and what they need to do.

**Andy O'Neill:** I will let Chris Highcock answer that question. We provide consistency by providing training materials, but it is then over to the ROs.

**Chris Highcock:** It is the responsibility of each of the 32 returning officers to recruit, train and employ the staff who will deliver the election in the polling places. As Andy O'Neill said, the Electoral Commission provides a consistent set of training

materials. This year, the challenge was to deliver the training primarily over Teams and Zoom and by other online means. We would normally ensure that there are face-to-face training sessions, but we could not do that this time. The training worked successfully, but that was a different challenge.

**Bob Doris:** Elections are now almost everyday business for local authorities—they are more likely to be having an election than not—and chief executives become returning officers almost by default. I looked at the role of chief executives as returning officers in another committee. I am not going down that road, but something that came out of that other committee's inquiry was that some local authorities have standing election offices that do the work day by day, irrespective of whether an election is scheduled, whereas other local authorities do not have the capacity or resources to do that. I do not know whether they cluster together to run election offices across local authority boundaries.

I am putting that on the record because resourcing is an issue. Capacity, time and forward planning are vital. What is the picture across Scotland's local authorities regarding having standing election offices that look ahead not just one year but two, three or five years? Those would be offices that do not only think about writing out in the February before a May poll to gauge the uptake of postal voting applications, but that think more generally about their longer-term strategies. That would help in the organisation and smooth running of elections.

**Chris Highcock:** Malcolm Burr leads on elections for the chief executives in Scotland, so he is best placed to answer that.

**Malcolm Burr:** That is an important question because it is absolutely correct to say that the volume and complexity of elections have increased in recent years. There will be no local authority in Scotland that does not have dedicated middle and senior management staff with responsibility for elections. An authority might not have a standing election office all the time, but elections will now be part of the permanent workload of more than one member of staff.

Much of that is about communication and keeping processes under review. It is about supporting the voter during fallow periods as well as during elections.

We come together from time to time. The Scottish Parliament election always brings us together at a regional level, for obvious reasons. The key role of the EMB is about more than sharing good practice: it is about keeping a supportive eye on the electoral process and on the capacity of returning officers and electoral registration officers to support the process when



that is required. That is a supportive function but it is also an interventionist one when we are able to bring the expertise of others to support those who may have lost key members of staff. We do some of that under the radar. It is an important role for the board.

**The Convener:** Following on from what you have said, and without naming names, are you confident in the capacity across Scotland? If you were to use a red, amber, green rating, which colour would you choose?

**Malcolm Burr:** Electoral administrator capacity is always at amber across Scotland. Many experienced practitioners have served as returning officers, deputies or EROs for many years. When they go, it is not that the job will not be done but that the added value of that person's experience is lost.

We keep that constantly under review, and, working with Electoral Commission colleagues, we flag up any areas where we think that additional support will be welcomed. Such support has always been welcomed and appreciated; there is no question of our imposing or pushing ourselves in when we are not wanted. Strictly speaking, it is not a specific function of the EMB, but, if we were not doing it, there would be a gap.

10:45

**Alexander Stewart:** I have a comment on that last question. We all understand that being able to observe a count is very important. There was some criticism in the report about how administrators, candidates and agents felt that there was a barrier to doing that, because of the restrictions. I spoke to people at my count and they felt that there were difficulties in observing the count.

If restrictions are still in place when we hold the council elections in a few months' time, what will be done to address that issue?

**Andy O'Neill:** You are right that the pandemic led to there being fewer than normal counting agents available in the building, because of public health rules. That was not well received in certain places, whereas other people took the view that that was the sort of thing that happens in a pandemic and we have to put up with it. Everyone in the electoral community hopes that we will not be in the same situation next year.

We are working with the EMB to come up with a process and a formula to ensure transparency in the count centres for council elections. Remember that the council elections are e-counted, so what people can see there is limited. The orientation tables are a great opportunity to see stuff, but there are also the added benefits of all the reports

afterwards, which political parties and anoraks love.

The particular circumstances led to that situation. There are plans to try to ensure that it gets better or back to normal.

**Edward Mountain:** My question relates to the Highlands specifically. We have heard that it was a great election because lots of people stood: 16 parties stood on the regional list. When it came to the count, we were all allowed four people to hover around the few counting stations. However, we could not go from one region to another, which effectively rendered watching the count impossible. I have absolute confidence in the staff having done an excellent job, but I have no way of proving it. Do you think that that is satisfactory? Where there are big regional lists, do you take a different view to that of Highland Council on how to count the votes and how the count can be watched?

**Andy O'Neill:** I do not have the exact details in front of me on the arrangements for the Highland count, although I know it was over two sites—technically, it was three sites.

Transparency in the count is really important—we all accept that. We also all accept that, because of the pandemic, it was not as transparent as it should have been. There were observers at counts, and I know for certain that there were observers in the Highland count centre. It was a particular time and place. We need to improve it and we have plans to ensure that it is improved for next time.

**Malcolm Burr:** I do not have much to add to that. The EMB, along with the Electoral Commission, conducted an in-depth reflection with each returning officer about the particular issues. Many of those issues are locality-based, although I am not speaking about the Highlands in particular. During a pandemic, how many people can safely be there depends on practicalities such as the size of the hall.

Much guidance was given to returning officers on the practicalities of making different arrangements. For example, recognising that each individual paper could not be scrutinised, officers could hold up the bundles of 50 or whatever votes for a quick run through, so that agents could see that all the crosses were in the one line.

However, we have to remember the rules of the count. The agents are there to ensure that the process is conducted correctly and that there is adequate scrutiny, not that every ballot paper is seen. Like Andy O'Neill, I acknowledge that it was the most difficult aspect of the process for returning officers, whose wish is to ensure as much transparency as possible.

There also has to be a balance between speed and the level of transparency that would exist in a non-Covid environment. By that, I mean that every ballot paper could have been passed under a camera for agents to see, but the length of the count, which was already more than two days, would have been excessive. Therefore, a balance was struck and, inevitably, it did not satisfy all.

**Andy O'Neill:** In May, the counting agents had to ensure the acceptance of the process and accept the transparency. In effect, that meant that the agents from the SNP, the Conservative party or whatever party could not do tallies for their parties as they normally would. In some places, tallies are shared—they certainly do that in southern Ireland. However, what was going to occur was not unknown. I know that it caused upset in certain areas but, via the political parties panel, all the parties in the Scottish Parliament knew that it was going to happen. It was just part of the consequences of the pandemic.

That was then. Next May, I hope that we will be able to get back to much fuller transparency so that people can feel much more confident.

**Chris Highcock:** We mentioned legacy issues—things that we learned from the election that we will try to apply in future elections, such as some of the technology and methods that we used to increase transparency because of the limited number of people in a room and the physical distancing that was required.

One of the issues is about holding up doubtful ballot papers so that people can see the decisions that are being taken on them. Many returning officers used large projector screens so that the ballot paper could be seen. That was well received, and the idea is that that approach will be used in future elections even if it is not necessary because of physical distancing or a limit on the number of people at a count.

**Bob Doris:** The Glasgow experience—with which I have no issue, I should point out—was that candidates and agents did not get to see doubtful or spoiled ballot papers; they got to see only a sample of ballot papers to show the type of decisions that staff were making. That was fine, but was it standard throughout the country or does each returning officer take a different view? Is there a standardised way of reviewing such papers?

**Andy O'Neill:** Malcolm, would you like to comment? Then I will come in.

**The Convener:** Malcolm, I do not know whether you heard the question, but there are a number of surprised faces around the table.

**Malcolm Burr:** I did.

**The Convener:** Do you want to take the question away and write back?

**Malcolm Burr:** Yes, I am happy to do that.

**Bob Doris:** Mr Burr, I will drop you an email after the meeting to clarify the point that I made so that it is not misinterpreted or in case I have not articulated it properly.

**Malcolm Burr:** That would be helpful. Thank you.

**Edward Mountain:** Overnight counting was not the norm as it has been in the past. Is that a good thing? Are there lessons to be learned from it regarding staffing and speeding up getting the results out, rather than delivering ballot boxes on slippery roads throughout Scotland in May? Should we do overnight counting or should we just delay it until the next day and make it easier and safer for staff and counters?

**Malcolm Burr:** It has been interesting to see candidates' and agents' reactions to the next-day count. They have generally been positive, which tells us something. As a matter of logic, it is unusual to start an important event at midnight when everyone has had a full day. I acknowledge the atmosphere and enjoyment of the overnight count for many, but we are aware of limited negative reaction to the count being done the next day, even though that was partly because of Covid circumstances.

I have a wholly personal view that it is unreasonable to commence overnight counts where there is no reasonable prospect of their finishing within a few hours, by which I mean by 4 o'clock or 5 o'clock in the morning. If a returning officer has to think about changes of staff and halting the count at, say 6 o'clock or 7 o'clock in the morning, that is inefficient. It is going too far and putting too much strain on people. If your circumstances are such that you can finish it quickly—single-constituency returning officers can still do that—there is an argument for an overnight count, but, if it goes on beyond the early hours, we should reflect on whether that is optimal for anyone, not least for the process itself.

We are taking the feedback and considering it. It was instructive to see that there was not a huge negative reaction to the next-day count.

**Chris Highcock:** It is also worth noting that the counts for local government elections in Scotland are generally held on the following day. The reasons for that relate to the technology that is involved and the fact that the resilience of the service is enhanced when we have people on call and everyone is awake and able to operate.

**Edward Mountain:** If a count is planned for the next day, it allows everyone to get their ducks in a row, so it can happen quickly. I have known an

overnight count take until 11 o'clock the next morning in Highland. That is just dangerous for people who want to get home after at least 36 hours up and about.

**The Convener:** I thank all the witnesses who have attended in person and online for their evidence.

As the next item is to be taken in private, I call an end to the public element of the meeting.

10:57

*Meeting continued in private until 11:20.*



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