DEMOCRACY VOLUNTEERS

SCOTTISH COUNCIL BY-ELECTIONS
OBSERVATIONS 2020- 2021
Final Report

Final Report on Scottish Council By-elections 2020/21

## Objectives of the Observation

1. To objectively observe the electoral process across the local council by-elections in Scotland taking place in autumn 2020 and spring 2021.
2. To advise the local councils and national electoral bodies on the results of the observation for the improvement of electoral practice in these geographies.
3. To support local councils and national election bodies with constructive feedback on areas of concern so that they may consider legislative change and/or remedial action.
4. To provide feedback to local councils and national election bodies on the successes/shortcomings of ameliorations put in place to hold the elections safely during the Covid-19 pandemic.

Methodology

This project comes at a critical and challenging time not only for elections and elections staff but for wider society, as restrictions on citizens' freedoms are in place to help prevent the spread of Covid-19. Due to this, our observation methodology was altered to reflect these health considerations to ensure the health of the wider community, observers, and elections staff.

A small selection of in-person observations were conducted across several council areas, alongside meetings which were conducted online with local elections staff. These meetings were with:

- Aberdeen City Council
- Aberdeenshire Council
- Argyll and Bute Council
- Comhairle nan Eilean Siar (Western Isles)
- City of Edinburgh Council
- Highland Council
- Midlothian Council
- Orkney Islands Council
- Perth & Kinross Council
- West Lothian Council
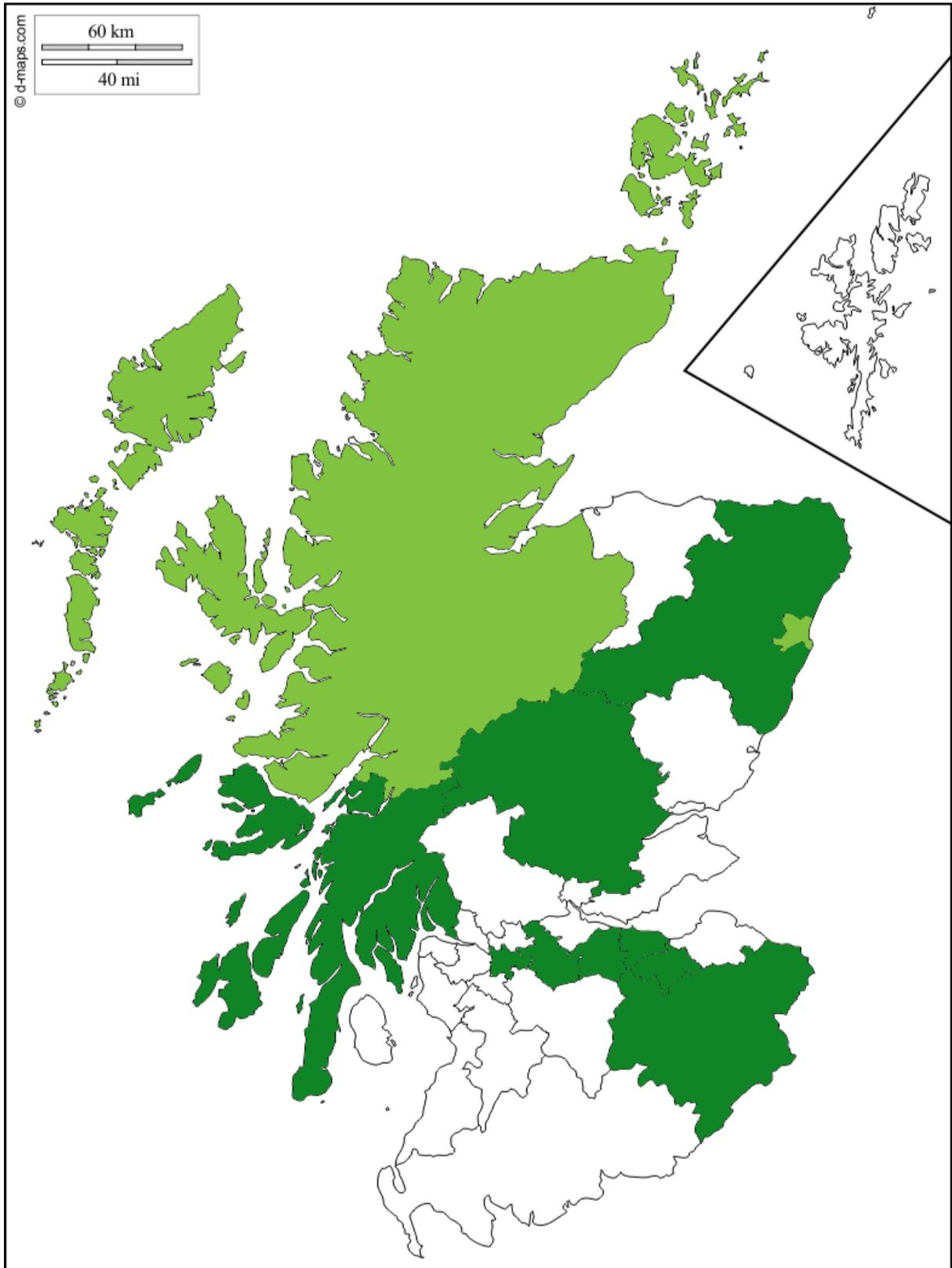
Figure 1 Our teams of observers attended polling stations across those areas identified in dark green and held meetings with other councils, coloured in light green.

The council teams provided our team with key information concerning changes not only in the new procedures put in place for polling day but also levels of postal voting and other administrative alterations undertaken. These meetings also discussed the

administrative and logistical changes elections staff had made to ensure the voting process could be conducted in a safe manner, how these changes were decided upon, and challenges staff anticipated in advance of the wider scale elections to be held next May for the Scottish Parliament. A full list of the by-elections that took place can be seen in Appendix B. Two small teams of two observers made 85 separate observations of polling stations across the Scottish by-elections. They visited:

- Ellon & District (Aberdeenshire) – 15th October 2020
- Craigentinny/Duddingston (Edinburgh) – 12th November 2020
- Thorniewood (North Lanarkshire Council) - 4th March 2021
- Fortissat (North Lanarkshire Council) - 4th March 2021
- Livingston South (West Lothian) - 11th March 2021
- Leaderdale and Melrose (Scottish Borders) – 11th March 2021
- Helensburgh and Lomond South (Argyll and Bute) - 18th March 2021
- Ballieston (Glasgow) – 18th March 2021
- Partick East/Kelvindale (Glasgow) – 18th March 2021
- Almond & Earn (Perth & Kinross) – 25th March 2021
- Midlothian East (Midlothian) - 25th March 2021

Each observation was conducted with two observers to allow for objective observation and the observers then agreed their opinions of the electoral process before submitting data to the central team. The observations generally took between fifteen and thirty minutes per polling station as the observers were asked to ensure that they attempted to see the entire process, which included staff greeting electors on arrival at the polling station. As part of the process of exploring election observation in the present context we trialled shorter times in polling stations in Aberdeenshire.

The Observation Team

Dr John Ault FRSA FRGS is the Director of Democracy Volunteers and is leading the team of observers assessing the election process in the Scottish by-elections.

John has worked in elections throughout the UK and the United States since the 1980s. He has observed on behalf of the OSCE/ODIHR in parliamentary elections as far afield as Kazakhstan and is a former chair of the UK's Electoral Reform Society.

He has served as Head of Mission on numerous elections for Democracy Volunteers including the UK general elections in 2017 and 2019, and the Finnish presidential and Dutch elections in 2017, 2018 and 2019. He has also been a consultant on the subject of electoral and parliamentary reform in Moldova. He is an Honorary Research Fellow at the University of Exeter and has previously lectured at Canterbury Christ Church University and the University of Manchester.

Harry Busz is Democracy Volunteers' Head of Operations and has worked for the organisation since October 2019. He is a graduate, having gained a BSc in Human Geography at Cardiff University and an MA in International Relations from Exeter University.

He has participated in numerous domestic and international observations such as the 2019 local elections in Northern Ireland, the provincial and Water Board elections in The Netherlands, and national elections in Austria, Slovakia, Ireland, and Gibraltar. He was also the general election coordinator for the 2019 UK general election for Democracy Volunteers.

As well as the core team, four observers based in Scotland made in-person observations in polling stations.

Credits

We would like to thank the councils and staff who welcomed our observers and held meetings with our team, providing information on the practical running of the election during the pandemic and the ameliorations that had been put in place to protect the safety of voters.

Funding Declaration

Democracy Volunteers observers deployed for the observations in Scotland during October, November and March and did so at their own cost, or they were supported from the general funds of the organisation. This was arranged by Democracy Volunteers, and this covered their travel and any accommodation, if appropriate at the time. No other funds were sought, and no funding was received from Government or any party or campaigning organisation contesting the election.

Executive Summary

These elections have given elections staff in Scotland a very useful experience of conducting elections during the pandemic and building real world evidence of how to prepare and implement elections during these challenging times. We believe that this has been done in virtually all circumstances and staff have worked with impressive levels of commitment and diligence in these by-elections. Councils do not have large elections teams and a great deal of work falls on the shoulders of small teams. Despite this they were very giving of their time to assist us with our work and openly facilitated our observations.

Despite there being a great deal of discussion about the widespread use of postal votes, many councils did not report largescale uptake of this method of voting.

The enfranchisement of 16- and 17-year-olds did lead to some younger voters attending polling stations as this was evident in them being welcomed by staff after schools had closed. Family voting persists in being a challenge in UK elections and we would encourage those training polling station staff to focus on how to identify it and how to deal with it when voters are prevented from their secret ballot.

These elections were very well run by staff, but we would encourage Returning Officers and Depute Returning Officers and elections staff generally, to reinforce the 'trust' message concerning Covid security. We observed that only 3% of the public did not wear masks in polling stations, whereas we observed staff not wearing masks in 36% of polling stations, out of the 85 we observed. There may well have been good reasons for this, but we feel that building trust with voters, about this aspect of Covid security is essential to building trust with voters, on polling day as well as ahead of May 6th.

Evidence Collection

As well as our normal in-person observations of polling stations, we also conducted a series of interviews with local council officials charged with running the elections. These included councils which we could not visit as well as those we planned to observe. We advised all councils ahead of our observations that we intended to conduct observations and they were extremely welcoming of our work.

Figure 1 Polling stations reminded voters that Covid-19 procedures would be in place within polling stations.

A great deal of thought had gone into the planning of the elections, in terms of where polling could take place and how ameliorations could be deployed to ensure the safety of both voters and elections staff. We identified three clear areas for discussion. These were:

- Before the polls (nominations, postal voting etc.)
- Polling Day
- The Count

Our discussions were semi-structured to enquire on these three areas and to give our interviewees the capacity to also add anything they wished to in an open conversation. We conducted all these meetings under Chatham House Rules but informed interviewees that we would say who was in attendance but would not quote anyone directly.

Candidates and their party agents had been more than happy to comply with new rules concerning access to staff for the nomination process. Nominations is a point in the process where staff must potentially interact with numerous party officials and they, in turn, must interact with signatories for the election, as well as party representatives. This can be quite a large number. This year councils extended the

informal process of checking nomination papers by allowing this online, and this proved to be an effective way of limiting interaction between staff and party representatives.

Postal votes did appear to be something staff were keen to encourage, but as this process is separate from those running elections, being the preserve of the Electoral Registration Officers, in Scotland, this was not a lengthy aspect of the conversation.

As can be seen from our questions, polling day now has aspects which indicate that the election space is now more akin to what can be seen in a retail setting. There are markers on the ground for queuing, screens between voter and staff, hand sanitiser on entrance and exit, as well as extensive cleaning protocols being used, including giving every voter their own pencil to vote with. These protocols, put in place by the councils made the polling stations look much more secure from the perspective of Covid 19, and created a strong sense that those conducting the elections had conducted extensive risk assessments and done as much as possible to ensure public safety. Halls were invariably larger than normal polling stations we see. In some cases, multiple ballot boxes were used in several parts of the building, essentially becoming super-polling stations to combat Covid-19.

Figure 2 North Lanarkshire: Floor markings, closed polling booths, Perspex screens and routes around polling stations were made clear (Picture acquired with the permission of the presiding officer).

Councils did report some evidence that some small number of staff had been concerned about being involved due to the possibility of infection, but this was overcome by staff and there appeared to be no concern that polling would be well staffed. Indeed, staffing was higher than usual due to the use of 'information officers' at the entrance to polling stations to show voters how to vote in a safe manner.

There were some concerns that the extension of the use of emergency proxies was a novel answer to solving the challenge of those being asked to self-isolate not to lose their franchise. It was pointed out that proxies are usually a family member so that this might not be a perfect solution to this challenge created by the pandemic, especially in some areas with more limited communications on polling day

For the by-elections, we decided not to attend counting, but we were informed by council staff that those procedures we would see in polling stations would be similar to those at counts.

General recommendations

Those recommendations we made in our interim statement, made on 11th January, are now either enacted or no longer relevant as the May 6th Scottish Parliamentary elections are proceeding as planned. However, we wish to make several limited recommendations ahead of those elections to improve the process for voters and elections staff.

1. We would encourage legislators to allow nominations to be conducted digitally, as councils are accepting bank transfers for deposits for the May elections.

2. 16–17-year-old voters were seen voting as newly enfranchised Scottish voters. We would encourage polling staff to take longer explaining the process, especially the voting system, to these voters as we identified some confusion with this group which led to the opportunity for, and evidence of, family voting when they often asked their parent or relative for advice on how to cast their ballot once they had entered the polling booth.

3. Family voting continues to be a challenge and we recommend that staff are trained to identify it and to deal with it. We believe there is even more inhibition

to interrupt this practice, at the moment, as it could require staff to physically intervene at a polling booth which could conflict with social distancing.

Covid 19 related recommendations

1. Mask wearing is becoming commonplace in the public domain and the public were invariably seen to be wearing their masks in polling stations. We would recommend, to increase public trust, and to limit the spread of any virus, that polling station staff only remove their masks when outside the polling stations.

2. Screens were generally in use across all but one council. However, they were invariably circumvented by staff and voters so that they could converse. We recommend that staff are more rigorous in staying behind the screens which are provided.

3. Whilst information officers have been brought in specifically to advise voters presenting themselves at polling stations during the pandemic, we believe they would be an asset in all future elections, to assist voters in understanding the process from the moment they arrive.

4. We believe Returning Officers should remind polling staff that observers are legally allowed to enter the polling place and safe mechanisms for them to do so should be in place. In some council areas designated safe areas were set out for observation, distanced from others whereas in other councils our presence was very much questioned.

Results of the Observation

The observers answered the following questions in order as they progressed with each observation at each polling station:

Q1. Is the Polling Station clearly signposted from the pavement?
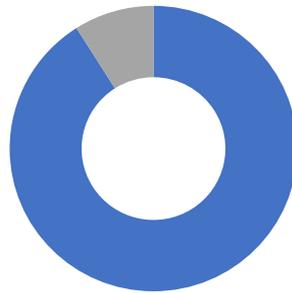
Yes ■ No ■
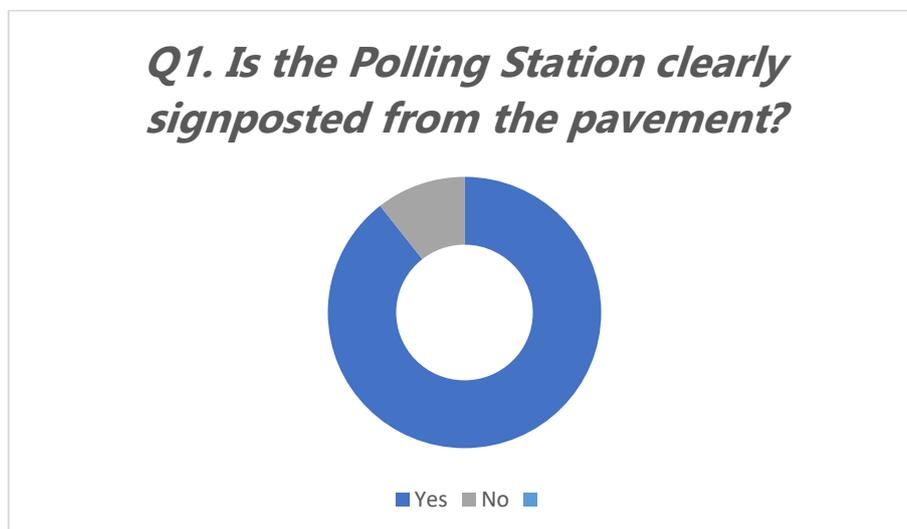
QUESTION 1: Signposting of the polling stations was generally very good. In addition to signage, most stations had an array of party representatives and the public outside also making them visible. (N.85)

Q2. On entering the Polling Station is it clear where the voter should report to?

Yes ■ No ■ Other
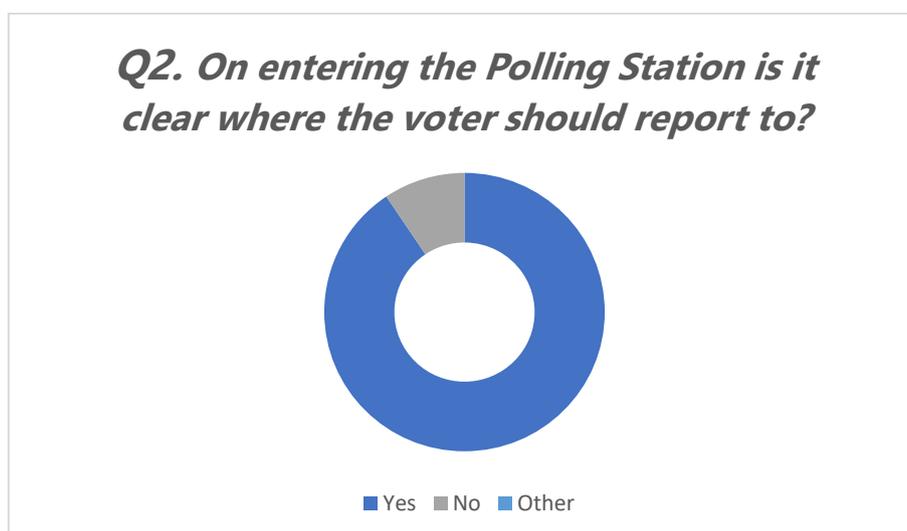
QUESTION 2: Observers identified some issues in terms of where voters should report to inside polling stations. This generally referred to polling stations where numerous ballot boxes were being deployed across larger buildings to ease access due to Covid restrictions. Invariably, there were 'information officers' in place to assist with accessing the correct part of these polling stations. (N.85)

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Q3. Was it clear how disabled voters would access the Polling Station?

Yes ■ No ■ Other

QUESTION 3: Disabled access was generally very good with over 90% of polling stations being easily entered by disabled citizens. This was done through wheelchair ramps and the selection of accessible buildings. However, a few buildings did have limited access due to step hazards on the entrance and exit from buildings. (N.85)

Q4. Did the polling staff ask to see your accreditation on arrival?
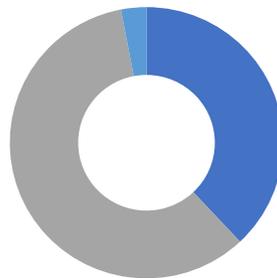
Yes ■ No ■ Other

QUESTION 4: Polling staff did seem aware that observers would be attending on polling day. Generally, the ID provided by the Electoral Commission was not routinely checked on arrival, but some presiding officers did so at some point in the observation. (N.85)

Q5. Did they record your ID number on an official form?
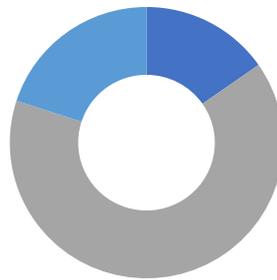
Yes ■ No ■ Other

QUESTION 5: During our observation neither of our teams were asked for their ID number in any polling stations. Some councils were prepared for the process and recorded them diligently on arrival. One council took details for Covid-19 contact tracing purposes, but this is not the same as recording the attendance of accredited observers in the polling station log. Some councils did note names but not the official accreditation details. (N.85)

Q6. How many staff are on duty in the polling station?


■ 2 ■ 3 ■ 4

QUESTION 6: Every polling station observed had between 2 (21%), 3 (71%) and 4 (7%) members of staff. This included one presiding officer with one poll clerk at a desk, as we as an 'information officer' who informed voters of the process on entry and asked them to follow Covid procedures. If there was more than one ballot box in the polling station, they also gave guidance on which to proceed to. (N.85)

Questions about Covid ameliorations

### Q7. Does each voter have access to their own pencil?

■ Yes ■ No
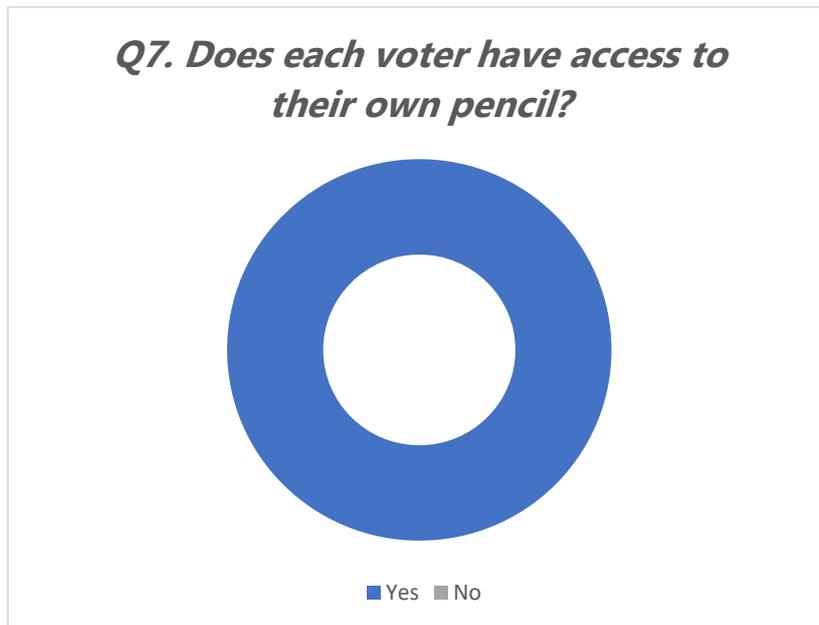
QUESTION 7: Every polling station was properly equipped with an individual pencil being offered to each voter and a specified place for them to dispose of it in due course. (N.85)

### Q8. Were polling booths restricted to one user at any one time?

■ Yes ■ No
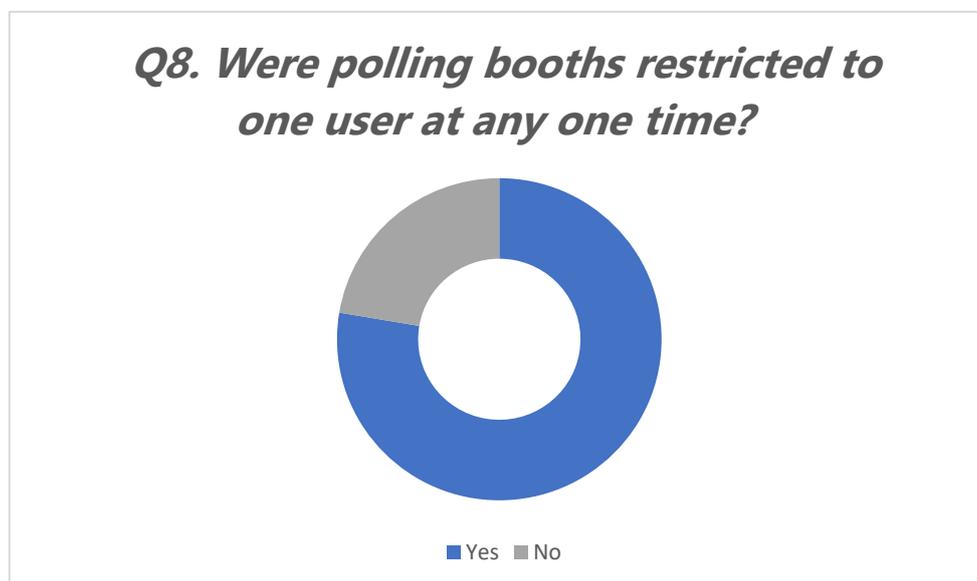
QUESTION 8: Different polling stations had differing configurations of polling booths. Some used the traditional polling booth (like a cubicle) and others used the cross formed plastic pop-up versions which allow four people to vote at once. In 22% of cases polling booths were not limited to just one user at a time. (N.85)

## Q9. Were polling booths wiped down during your observation?

Yes ■ No ■
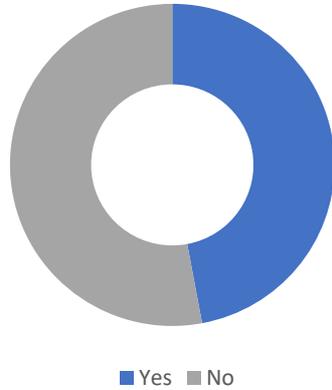
QUESTION 9: During the pandemic, the maintenance of cleaning of polling booths is considered a high priority to avoid the transmission of the virus between voters using polling booths. Some councils had impressive innovations to clean polling booths including fog cleaning in one case. However, bearing in mind our observations are now restricted to approximately 20 to 30 minutes, we saw no cleaning at all in 53% of the polling stations we observed. In others, the cleaning was extremely diligent. (N.85)

Q10. Were plastic screens in place between voters and staff?

Yes ■ No ■
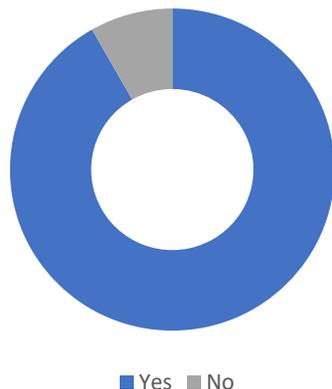
QUESTION 10: All but one council deployed plastic screening between polling staff and those voters attending the polling station. These varied from pop-up stands similar to conference banners to bespoke barriers which had been manufactured for the purpose, similar to those seen increasingly in retail contexts. However, because of the decreased sound quality, especially in larger venues, we noticed that a great deal

of these barriers are often circumvented by both staff and voter so that they can hear each other when they communicate, whether when the voter is giving their name and address, or when the polling staff are explaining the voting methodology, both of which are required as part of the process of issuing a ballot paper. (N.85)

Q11. Were plastic screens in place between staff?

Yes ■ No ■
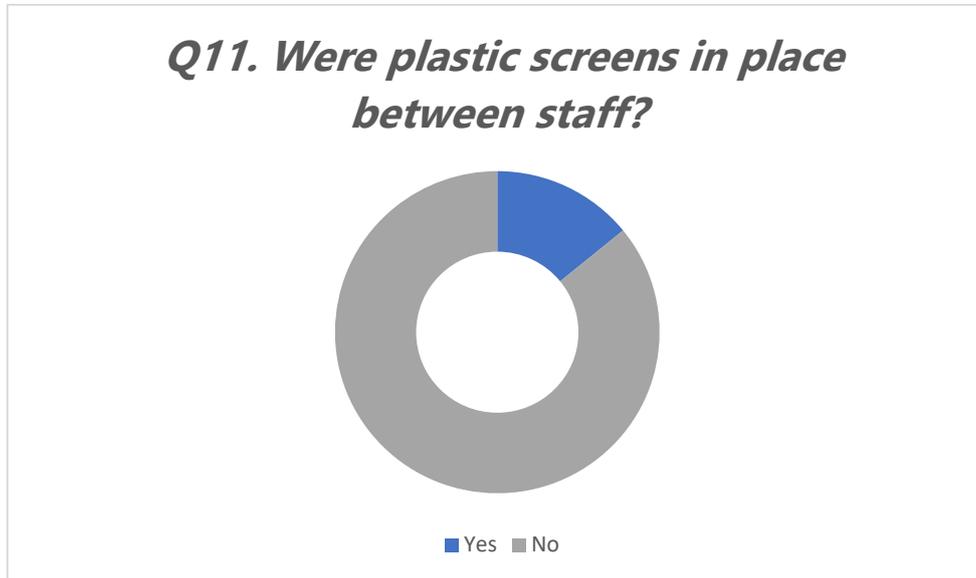
QUESTION 11: Virtually no councils had constructed barriers between polling staff for their safety. (N.85)

Q12. Were the staff wearing masks?

Yes ■ No ■

QUESTION 12: As mask wearing is becoming an increasingly accepted part of indoor interaction, such as in retail settings, we also asked our observers to assess if staff were wearing masks during their duties. We exclude any staff sitting out of the process for lunch etc. 64% of staff were wearing masks during our observations and 36% were not.

Q13. Did any voters not wear masks?

Yes No
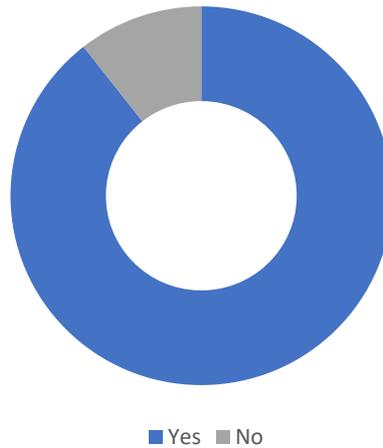
QUESTION 13: Similarly, we asked our observers to assess if any members of the public did not wear masks, which is of course, lawful if they have a medical reason to do so. We saw voters not wearing masks in 11% of polling stations. This constituted 3% of all the voters observed. (N.85)

Q14. Was there evidence of 'family voting' in the polling station?

Yes No
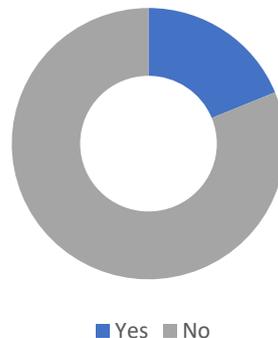
QUESTION 14: In 19% of polling stations (16 of the 85), our observer team identified so-called 'family voting'. We regularly check for family voting as part of our routine checks at polling stations and had discussed whether we would still see it bearing in mind the physical limitations caused by social distancing. This meant that approximately 6% of those we observed voting were involved in family voting. Family voting occurs when one member of a family oversees the voting of another or directs them how to vote. In these cases, we observed: 4 cases of 'clear direction by one member of the family to another' and 3 cases of 'one family member overseeing how another family member was voting' as well as other cases of family oversight whether

active or casual. The OSCE/ODIHR describes 'family voting' as an 'unacceptable practice'.[1] (N.85)

Q15. Overall how would you rate this polling station?

■ Very Good ■ Good ■ Bad ■ Very Bad
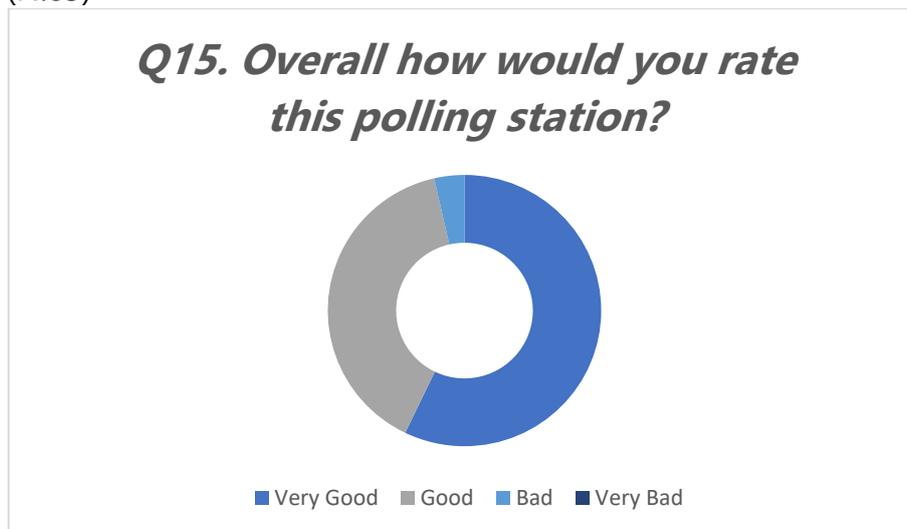
QUESTION 15: All but 3% of polling stations were judged to be Very Good or Good with only 3 being described as Bad, with none being Very Bad. (N.85)

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[1] http://www.osce.org/

Appendix A – List of Interlocutors

Aberdeen City Council
David Gow (Depute Returning Officer)

Aberdeenshire Council
Martin Ingram (Temporary Elections Coordinator & Senior Solicitor)

Argyll & Bute Council
David Logan (Depute Returning Officer)
Shirley MacLeod (Committee Manager)

City of Edinburgh Council
Chris Highcock (Depute Returning Officer)
Scott Russell (Elections Team Staff)

Comhairle nan Eilean Siar (Western Isles Council)
Derek MacKay (Depute Returning Officer)

Highland Council
David Sutherland (Elections Manager)

Midlothian Council
Alan Turpie (Depute Returning Officer)
Gill Smith (Depute Returning Officer)

Orkney Islands Council
John Mundell (Returning Officer and Acting Chief Executive)
Karen Greaves (Head of Executive Support)

Perth & Kinross Council
Scott Walker (Depute Returning Officer)
Christine Grant (Elections Team Staff)
Pam Rogalski (Elections Officer)

West Lothian Council
Alan Colquhoun (Depute Returning Officer)

Appendix B – List of By-elections[2]

Aberdeen City
Kincorth/Nigg/Cove, 5 November 2020

Aberdeenshire
Ellon and District, 15 October 2020

Argyll and Bute
Helensburgh and Lomond South, 11 March 2021
Isle of Bute, 11 March 2021

City of Edinburgh Council
Craigentinny/Duddingston, 12 November 2020

Clackmannanshire
Clackmannanshire East, 19 November 2020

Comhairle nan Eilean Siar
Na Hearadh agus Ceann a Deas nan Loch, 8 October 2020

Glasgow
Ballieston, 18th March 2021
Partick East/Kelvindale,18th March 2021

Highland
Aird and Loch Ness is postponed, 11 March 2021

Orkney
North Isles, 1 October 2020

Midlothian
Midlothian East, 25 March 2021

North Lanarkshire[3]
Thorniewood, 4 March 2021
Fortissat, 4 March 2021

Perth and Kinross
Perth City North Ward, 26 November 2020
Perth City South Ward, 26 November 2020
Almond & Earn Ward, 25 March 2021

Scottish Borders
Leaderdale and Melrose, 11 March 2021

West Lothian
Livingston South postponed, 11 March 2021