

**1. 13 JAN 2021 UPDATE FOR CABINET SECRETARY FOR CONSTITUTION, EUROPE AND EXTERNAL AFFAIRS – 2021 SCOTTISH PARLIAMENT ELECTION. ALSO SENT TO CABINET SECRETARY FOR HEALTH AND SPORT ON 10 FEBRUARY**

Top lines

- As the First Minister has stated publically on several occasions we expect the election to go ahead on 6 May 2021.
- The Scottish General Election (Coronavirus) Bill, passed on 23 December, aims to ensure polling will go ahead with voters able to vote safely in person. It takes responsible action to provide contingency measures in response to COVID-19.

Background

The plan for the 2021 Scottish Parliament election is for a one day poll with protective measures to take account of the impact of coronavirus. A substantial increase in postal voting is expected. Electoral Registration Officers have been given additional funding to increase capacity to process postal votes of up to 50% of the electorate (current level is 18%).

The Electoral Commission conducted a survey of public attitudes to voting in the Scottish Parliament Election 2021 in the context of COVID-19 in August and repeated the survey in November. The latest survey found that 77% of all respondents would feel safe voting in person at a polling place with appropriate distancing and hygiene measures. 38% would prefer to vote by post if the election was held now. These figures were both the same in August. The latest report published on 26 November can be found [here](#).

EROs have also been given additional funding to write out to every household at the beginning of February advising of the options for voting and how to apply for a postal vote. The CMO has agreed to write to all of those on the shielding list, in consultation with the Electoral Commission, advising of their voting options.

It is expected that the count will take longer than usual due to the need for physical distancing, but exact timings for this have not yet been advised by the Convener of the Electoral Management Board (EMB). There was no need to amend legislation for the count to take longer as it is to be conducted 'as soon as practicable'. However a longer count period could have an impact on the timing of the first meeting of the Parliament,

the appointment of the Presiding Officer and the election of the First Minister, so provision was made in the Bill to take account of these issues.

### Scottish General Election (Coronavirus) Bill

The Bill was passed unanimously on 23 December 2020, with the following provisions:

- changes the deadline for postal vote applications to give more time to process an expected increase in applications to vote by post – brought forward from 20 April to 6 April.
- makes “dissolution” last 1 day, allowing Parliament to make decisions if the election needs to be postponed. Prior to this, Parliament was due to dissolve on 25/03/21 and could not have been able to be recalled after that date.
- gives the Scottish Ministers power to hold an all-postal election – this could not happen for May 2021 as it would require a postponement to give time for to process voters onto the postal voting system
- gives the Scottish Ministers power to hold polling over multiple days, if appropriate, subject to affirmative procedure and to be accompanied by a statement of reasons. This power is only to be used for reasons related to Coronavirus, and must be on the recommendation of the Convener of the EMB. The Convener, Malcolm Burr, currently advises that one day polling should be sufficient, based on recent analysis.
- requires Ministers to prepare a report setting out the number of persons registered to vote, those who have been granted a postal vote; the number of applications for a postal vote which have been received but not determined; and information on funding provided by Ministers to ensure EROs can deal with increased applications for a postal vote.
- allow flexible timing for the first meeting of the new Parliament and the election of a new Presiding Officer and First Minister - The Bill affords the Presiding Officer discretion to fix a day for the first meeting of the new Scottish Parliament, in consultation with the Electoral Commission and the Convener of the EMB. This is to be as soon as reasonably practicable after the poll.
- gives a reserve power to the current Presiding Officer to postpone the 2021 election by up to 6 months in certain circumstances – this is an adaptation of the

PO's power to postpone the election by up to one month which has been in place since the establishment of the Scottish Parliament. It is not expected that it will be used since MSPs should be able to meet to decide on a postponement if required.

### Upcoming Scottish local government by-elections

Eight local government by-elections have successfully taken place in Scotland over the past few months using guidance drawn up by the EMB with input from Public Health Scotland. All but one of these by-elections were postponed from their original scheduled dates using the provisions in the UK Covid Act, and they have provided invaluable experience of running elections in the context of the pandemic. Seven further by-elections are set for March 2021. The full lists are as follows:

<b>Table A - Completed LG By-elections 2020</b>			
<b>Council</b>	<b>Ward</b>	<b>Original Date</b>	<b>Date Held</b>
Orkney Islands Council	North Isles	09 July 2020	01 October 2020
Comhairle nan Eilean Siar	Na Hearadh agus Ceann a Deas nan Loch	08 October 2020	08 October 2020 (not postponed)
Aberdeenshire Council	Ellon and District	25 June 2020	15 October 2020
Aberdeen City Council	Kincorth/Nigg/Cove	14 May 2020	05 November 2020
City of Edinburgh Council	Craigentiny/Duddingston	21 May 2020	12 November 2020
Clackmannanshire Council	Clackmannanshire East	19 March 2020	19 November 2020
Perth and Kinross Council	Perth City South	14 May 2020	26 November 2020
Perth and Kinross Council	Perth City North	14 May 2020	26 November 2020

<b>Table B - Upcoming LG By-elections 2021</b>			
<b>Council</b>	<b>Ward</b>	<b>Original Date</b>	<b>Date to be held</b>
North Lanarkshire Council	Fortissat	07 April 2020	04 March 2021
North Lanarkshire Council	Thorniewood	07 May 2020	04 March 2021
Scottish Borders Council	Lauderdale and Melrose	21 May 2020	04 March 2021

West Lothian Council	Livingston South	03 July 2020	11 March 2021
Highland Council	Aird & Loch Ness	05 July 2020	11 March 2021
Argyll and Bute Council	Helensburgh and Lomond South	03 Jan 2021	18 March 2021
Argyll and Bute Council	Isle of Bute	15 Feb 2021	18 March 2020

### International Examples of Elections since March 2020

According to data collated by International IDEA, which can be found [here](#), since the beginning of the pandemic over one hundred countries and territories have held national or subnational elections. Of these, at least 79 have held national elections or referendums.

Some of the elections that have been held were initially postponed. At least 75 countries and territories decided to postpone national and subnational elections due to COVID-19 (out of which at least 40 were national elections and referendums). The durations of the postponements have varied (see examples below), and a majority of the postponed elections have now been held (49 countries and territories have held elections that were initially postponed, of which at least 27 were national elections or referendums).

Examples of elections that have taken place during the pandemic include:

- South Korea parliamentary elections - held on schedule on 15 April 2020
- Poland presidential elections - originally scheduled for 10 May 2020. Delayed by a month and a half to 28 June 2020 and 12 July 2020.
- Guernsey general election - originally planned for June 2020. Delayed by 4 months to 7 October 2020.
- Croatia parliamentary election – held on schedule on 5 July 2020.
- New Zealand general election - originally scheduled for 19 September 2020. Delayed by one month to 17 October 2020, following Covid-19 outbreak in Auckland.
- Italy national referendum - originally scheduled for 29 March 2020. Delayed by 6 months to 20/21 September 2020, in addition to numerous regional and local elections moved to 20/21 September 2020.

- US presidential and congressional elections – held on schedule on 3 November 2020. Georgia senate run-off elections took place on 5 January 2020.

Several elections are scheduled to take place over the next couple of months, including in: Portugal (Presidential elections, 24 January 2021); Spain (Catalonia regional elections, 14 February 2021); Netherlands (Parliament elections, 17 March 2021); Israel (Parliament elections, 23 March 2021); and Bulgaria (Parliament elections, 28 March 2021).

<b>Timetable for Scottish Parliament election on 6<sup>th</sup> May 2021</b>		
First day to publish the notice of election	-35	Not earlier than Monday 15 March 2021
Start of delivery of nomination papers	-34	Each working day between 10.00am and 4.00pm) from Tuesday 16 March 2021
First dispatch of polling cards		Tuesday 16 March and Wednesday 17 March 2021
Last day to publish notice of election	-28	Not later than Wednesday 24 March 2021
Start of candidacy period	-27	Thursday 25 March 2021
Deadline for the delivery of nomination papers	-23	Not later than 4.00pm on Wednesday 31 March 2021
Deadline for withdrawal of nomination	-23	
Deadline for notification of appointment of election agents	-23	
Publication of notice of poll	-23	As soon as practicable after 4.00pm on Wednesday 31 March 2021
Deadline for new postal vote applications and for changes to existing postal or proxy votes	-21	Not later than 5.00pm on Tuesday 6 April 2021
Registration deadline	-12	Midnight on Monday 19 April 2021
Deadline for new applications to vote by proxy (not postal proxy), except for medical emergencies	-6	Not later than 5.00pm on Tuesday 27 April 2021
Deadline for notification of appointment of polling and counting agents	-5	Wednesday 28 April 2021
First date that electors can apply for replacements for lost postal votes	-4	Thursday 29 April 2021
Parliament dissolves	-	Wednesday 5 May 2021
<b>POLLING DAY</b>	0	<b>7.00am – 10.00pm on Thursday 6 May 2021</b>
Last time for re-issue of spoilt and lost postal votes	0	Not later than 5.00pm on Thursday 6 May 2021
Deadline for emergency proxy applications	0	Not later than 5.00pm on Thursday 6 May 2021
Last time to alter the register due to clerical error or court appeal	0	Not later than 9.00pm on Thursday 6 May 2021
<b>COUNT</b>	-	As soon as practicable after 10.00pm on Thursday 6 May 2021
First meeting of the new Parliament		Fixed by Presiding Officer as soon as reasonably practicable after the poll.
Election of the new Presiding Officer		As soon as reasonably practicable after the poll

Nomination of First Minister	Within 28 days, excluding any relevant additional days, of the poll.
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**2. EMAIL 13-1-21 – CLEARANCE OF NEWS RELEASE**

From:

*Name and contact details redacted under s.38(1)(b)*

Sent: 13 January 2021 17:54

To: Cabinet Secretary for Constitution, Europe and External Affairs

<[CabSecCEAEA@gov.scot](mailto:CabSecCEAEA@gov.scot)>

Cc: Curtis PS (Penelope) <[Penelope.Curtis@gov.scot](mailto:Penelope.Curtis@gov.scot)>; Rogers D (David) (Constitution and Cabinet Director) <[David.Rogers@gov.scot](mailto:David.Rogers@gov.scot)>; *Name and contact details redacted under s.38(1)(b)*

Communications Brexit & Constitution

<[CommunicationsBrexit&Constitution@gov.scot](mailto:CommunicationsBrexit&Constitution@gov.scot)>;

Crawford E (Ewan) <[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)>

Subject: CLEARANCE - The Herald - election delay

Private Office,

We have prepared these lines with policy officials and spads following an online story in the Herald – pasted below - about a joint approach with Westminster on delaying the election. Officials have advised this is not the case.

Grateful for clearance.

A Scottish Government spokesperson said:

“UK Government officials have not approached Scottish Government with any proposal to postpone the Scottish Parliament elections.

“As the First Minister has said we expect the Scottish Parliament election to go ahead as planned on 6 May.”

Background

The Scottish General Election (Coronavirus) Bill, developed in partnership with the Electoral Management Board, the Electoral Commission, the Scottish Parliament and other political parties, includes measures to help ensure polling can go ahead and that voters will be able to vote safely in person in May as planned.

HeraldScotland

GOVERNMENT officials across the UK have discussed the nations “jumping together” to push the May 6 Super-Thursday elections back a month to June 3 because of the uncertainty over the rate of progress against the coronavirus. Whitehall sources have suggested that while no decision has yet been made, practical advantages were seen in shifting the date back a month in the hope that the UKwide vaccination programme would have had time to open up society more to allow some normal campaigning to take place and give better assurance to voters that it would be safe to visit polling stations.

This afternoon in the Commons, Labour’s Cat Smith has tabled an Urgent Question to Michael Gove, the Cabinet Office Minister, about the May 6 elections, which would be the first electoral test of the various administrations’ handling of the pandemic.

These polls include not only ones for the Scottish and Welsh Parliaments but also elections for local councils in England, local mayors and police commissioners south of the border as well as elections to the London Assembly and for the London Mayor.

Ms Smith’s Labour colleagues Andrew Gwynne accused the Conservatives of using coronavirus as a justification for “fixing the dates” of the Super-Thursday elections in England to benefit them.

“This isn’t about the pandemic, it is about Boris Johnson trying to get a vaccine bump at the next set of elections,” claimed the former Shadow Local Government Secretary.

One Government source pointed to the possibility of a month’s postponement, saying: “There was quite a bit of sympathy about all of us having the ability to jump together as officials in different parts of the country are facing the same issues. There has been quite a bit of contact on this across the nations but no decision has yet been made.”

Last week, Nicola Sturgeon said she could see “no reason” why the Scottish Parliamentary elections – under the control of Holyrood - “at this stage” should not go ahead as planned for May.

The First Minister pointed out that there had been “elections in many other countries over the course of the pandemic”.

However, Neil Findlay, the Scottish Labour MSP, said while it depressed him to think the Scottish poll could be delayed, he admitted he could “not see[how] it can possibly go ahead under the current circumstances”.

Opinion polls have repeatedly pointed to an SNP majority in Edinburgh and some Nationalist politicians are nervous about squandering an electoral window of opportunity.

Given that the local elections in England were postponed last year due to the pandemic, there is a deal of political pressure on the UK Government to hold them in May; however, a month’s delay might be regarded as acceptable. Yet what councils want is clarity. Boris Johnson has indicated that south of the border the May 6 elections were now “under review”.

Andy Burnham, the Greater Manchester Mayor, who is up for re-election, has made clear that, if the May 6 polls went ahead, they should be restricted to postal voting on safety grounds.



Tory MP Steve Brine, who made clear he had been talking to Conservative Central Office about a delay, has insisted the May 6 polls in England will “almost certainly” be postponed while Labour’s Meg Hillier, who chairs the Commons Public Accounts Committee, said she could not see “any option but for some delay”.

In Wales, Mark Drakeford, the First Minister, made clear he was “committed” to the May polling date but wanted to “allow some flexibility” with the prospect of a new law enable a postponement if one were needed.

*Name and contact details redacted under s.38(1)(b)*

### 3. **EMAIL 14 Jan 2021 – NEWS LINE**

**From:**

*Name and contact details redacted under s.38(1)(b)*

**Sent:** 14 January 2021 16:07

**To:** Minister for Parliamentary Business and Veterans

<[MinisterPBV@gov.scot](mailto:MinisterPBV@gov.scot)>

**Cc:** Crawford E (Ewan) <[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)>;

*Name and contact details redacted under s.38(1)(b)*

Nicolson S (Stuart) Special Adviser <[Stuart.Nicolson@gov.scot](mailto:Stuart.Nicolson@gov.scot)>;

Ingebrigtsen R (Ross) <[Ross.Ingebrigtsen@gov.scot](mailto:Ross.Ingebrigtsen@gov.scot)>; Curtis PS

(Penelope) <[Penelope.Curtis@gov.scot](mailto:Penelope.Curtis@gov.scot)>; Rogers D (David) (Constitution

and Cabinet Director) <[David.Rogers@gov.scot](mailto:David.Rogers@gov.scot)>; Communications Brexit &

Constitution <[CommunicationsBrexit&Constitution@gov.scot](mailto:CommunicationsBrexit&Constitution@gov.scot)>; >

**Subject:** RE: CLEARANCE - election delay - Scotsman poll

Hi,

Here are the amended lines as requested by Mr Dey - with the addition of a line on holding the election over more than one day.

Grateful for clearance.

**A Scottish Government spokesperson said:**

“As the First Minister has said we expect this year’s Scottish Parliament election to go ahead as scheduled.

“In December MSPs unanimously backed legislation to make sure the election on May 6 can take place fairly and safely during the coronavirus (COVID-19) pandemic.

“The Scottish General Election (Coronavirus) Bill contains contingency measures for in-person voting supported by appropriate physical distancing, the potential for the election poll to be held over more than one day and an increase in numbers of people voting by post.”

## **Background**

**The Bill was developed in partnership with the Electoral Management Board, the Electoral Commission, the Scottish Parliament and other political parties.**

**From:**

*Name and contact details redacted under s.38(1)(b)*

**4. EMAIL 22 JAN 2021**

**Email highlighting the approach of the UK Government to campaigning (as set out at [MCD letter to members of the Parliamentary Parties Panel.pdf \(publishing.service.gov.uk\)](#)). Remainder of email withheld under section 29(1)(a).**

**From:**

*Name and contact details redacted under s.38(1)(b)*

**Sent:** 22 January 2021 14:36

**To:** Minister for Parliamentary Business and Veterans <MinisterPBV@gov.scot>

**Cc:** Rogers D (David) (Constitution and Cabinet Director)

<David.Rogers@gov.scot>; Curtis PS (Penelope) <Penelope.Curtis@gov.scot>;

*Name and contact details redacted under s.38(1)(b)*

**Subject:** Lines on door to door campaigning

Mr Dey

As discussed, please see the lines which the UKG have prepared.

*Current National Lockdown restrictions in England, say 'You must not leave, or be outside of your home except where necessary'.*

*These restrictions do not support door to door campaigning or leafleting by individual political party activists.*

*It is widely accepted that voters can continue to get information about candidates and parties remotely. In order to reduce scope for transmissibility, door to door campaigning at this point in time is therefore not considered essential or necessary activity.*

*As we approach the local elections, the Government will provide further advice in due course on campaigning in the context of covid restrictions.*

Material redacted under s.29(1)(a) – formulation of government policy

*Name and contact details redacted under s.38(1)(b)*

## 5. EMAIL – 29 JAN 2021

**From:**

*Name and contact details redacted under s.38(1)(b)*

**Sent:** 29 January 2021 17:12

**To:** Minister for Parliamentary Business and Veterans <MinisterPBV@gov.scot>

**Cc:** Cabinet Secretary for Communities and Local Government  
<CabSecCLG@gov.scot>; Campbell J (Jeanette) (Special Adviser)  
<Jeanette.Campbell@gov.scot>; Crawford E (Ewan)  
<Ewan.Crawford@gov.scot>;

*Name and contact details redacted under s.38(1)(b)*

; Curtis PS (Penelope) <Penelope.Curtis@gov.scot>; Campbell B (Brenda)  
<Brenda.Campbell@gov.scot>; News Desk <Newsdesk@gov.scot>; Communications  
Brexit & Constitution <CommunicationsBrexit&Constitution@gov.scot>;  
Communications CSSE <CommunicationsCSSE@gov.scot>

**Subject:** CLEARANCE - Unison letter on election safety - Daily Record

Private office,

We have been approached for comment by the Daily Record on the attached letter from Unison to the Communities and Local Government Secretary raising the issue of election safety.

The letter refers to the safety of local government workers, but in essence the issue is about the wider safety of the Scottish election on May 6 and as such spads have recommended that this is for Mr Dey to clear.

Grateful for clearance of these draft lines agreed with policy and spads.

A Scottish Government spokesperson said:

“The safety of staff, voters, candidates and campaigners during this year’s Scottish Parliament election is absolutely paramount.

“The Scottish Budget, announced yesterday, includes £34.9 million to support Returning Officers in the safe running of the poll on 6 May.

“This includes an extra £14 million compared to the 2016 election for the expected increase in costs of postal voting and enhanced hygiene and physical distancing measures at polling stations and count centres.”

### **Background**

The Electoral Management Board and the Electoral Commission have produced guidance on how to conduct elections safely during the pandemic.

Returning Officers are responsible for the delivery of elections and are accountable to the Courts for these duties.

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**From:**

*Name and contact details redacted under s.38(1)(b)*

**Sent:** 29 January 2021 09:57

**To:**

**Subject:** for online asap

Hi

Would the SG like to comment on this letter?

<https://twitter.com/UNISONScotLGvt/status/1355079089674137602?s=20>

*Name and contact details redacted under s.38(1)(b)*

Material redacted under s.29(1)(a) – formulation of government policy

**6. EMAIL 2-2-2021 – INTERMINISTERIAL GROUP ON ELECTIONS**

**From:** I ()

**Sent:** 02 February 2021 17:42

**To:** Minister for Parliamentary Business and Veterans

<MinisterPBV@gov.scot>

**Cc:** Curtis PS (Penelope) <Penelope.Curtis@gov.scot>;

*Name and contact details redacted under s.38(1)(b)*

**Subject:** RE: Briefing and papers - Interministerial Group on Elections - 3 February 2021 - 11am

**Apologies – we thought it might also be helpful to provide this updated timeline of events in the run up to the election.**

**SEE ANNEX A FOR UPDATED VERSION OF TIMELINE**

**Thanks**

*Name and contact details redacted under s.38(1)(b)*

**From:**

*Name and contact details redacted under s.38(1)(b)*

**Sent: 02 February 2021 16:20**

**To: Minister for Parliamentary Business and Veterans**

**<[MinisterPBV@gov.scot](mailto:MinisterPBV@gov.scot)>**

**Cc: Curtis PS (Penelope) <[Penelope.Curtis@gov.scot](mailto:Penelope.Curtis@gov.scot)>;**

*Name and contact details redacted under s.38(1)(b)*

**Subject: Briefing and papers - Interministerial Group on Elections - 3 February 2021 - 11am**

**Hi**

**Please find attached the briefing and papers for Mr Dey’s meeting, tomorrow at 11am, with Ministers from the UK Government, Welsh Government and the Northern Ireland Office - to discuss elections.**

**Very grateful if Private Office could add the teleconference details to the cover page of the briefing.**

**Many thanks,**

**ATTACHMENT WITH MATERIAL RELEVANT TO REQUEST:**

**BRIEFING FOR MINISTER FOR PARLIAMENTARY BUSINESS AND VETERANS, GRAEME DEY MSP**

<b>What</b>	<b>Meeting with UK, Welsh and Northern Ireland Ministers with responsibility for elections.</b>
<b>Where</b>	<b>[Private office to add teleconference details]</b>
<b>When</b>	<b>Wednesday 3 February, 11am (1h)</b>
<b>Key Message(s)</b>	<ul style="list-style-type: none"> <li>• <b>Expect election to proceed. Continuing to work with electoral professionals on preparations</b></li> <li>•</li> </ul>

<b>Who</b>	<ul style="list-style-type: none"> <li>• <b>Chloe Smith, Minister of State for the Constitution and Devolution (Cabinet Office)</b></li> <li>• <b>Julie James (Minister for Housing and Local Government, Welsh Government)</b></li> <li>• <b>Robin Walker (Minister of State for Northern Ireland, (Northern Ireland Office)</b></li> </ul>
<b>Why</b>	<b>A meeting to consider issues relating to elections and electoral registration policy across the UK</b>
<b>Supporting officials</b>	<i>Name and contact details redacted under s.38(1)(b)</i>
<b>Briefing contents</b>	<p><b>Annex A – Meeting Agenda</b></p> <p><b>Annex B - Agenda Item 3: Preparations for May 2021</b></p>

**AGENDA ITEM 3: PREPARATIONS FOR MAY 2021**

**Overview**

- We expect the Scottish Parliament election to go ahead on 6 May. We continue to work closely with the Electoral Management Board and the Electoral Commission on plans for running the election in the context of Covid-19.
- The Convener of the EMB is closely monitoring the ability to deliver the election on 6 May and has begun to issue directions to Returning Officers.
- A substantial increase in postal voting is expected and arrangements are being made. An additional £3 million has been allocated to EROs this year to support a substantial increase in postal voting.
- Physical distancing measures at polling stations and counts are expected and guidance reflects the experience of 8 local government by-elections held over October-November.
- The Convener of the EMB has directed that overnight counts will not be held. His current view is that only one day of polling will be required.

**Electoral Professionals are working hard to deliver the election**

- The Electoral Management Board has produced comprehensive guidance on running elections safely during the pandemic. Eight council by-elections have been held successfully, and learning has been incorporated into guidance. Eleven by-elections have been scheduled for March 2021.

- All polling places will undergo a risk assessment in consultation with the local council Health and Safety and Environmental Health officers.
- Returning Officers are aware of the possible need to change some polling places and are well-practised at ensuring that voters are aware of any change.
- The EMB Convener is considering a Direction limiting the number of voters allocated to each polling station to minimise the risk of queues.
- The EMB Convener issued a direction on 18 December requiring ROs to conduct full coronavirus-focused risk assessments ahead of publication of the notice of election on 15 March.
- The EMB is holding a Joint Seminar with the Electoral Commission for Returning Officers and EROs on 5 February to address election planning and delivery.

*REDACTED – S.30(b) – FREE AND FRANK PROVISION OF ADVICE*

**We are seeking to extend use of postal voting, including encouraging at risk persons to register for postal votes well in advance**

- Around 17% of voters are currently registered for a postal vote. Work is underway to increase this to around 40%.
- A TV advertising campaign by EROs to highlight that anyone wishing to switch to postal voting must apply by 6 April has launched this week.
- EROs have this week begun sending out letters to 2.5m households, setting out who is already registered and who already has a postal vote.
- The Electoral Commission’s public opinion surveys found that 38% of respondents wanted to vote by post if an election were held at the time of asking (in both July and November 2020).
- The CMO is planning to write to all shielding voters to highlight the deadline for applying to vote by post.
- We have relaxed arrangements for emergency proxy votes if a voter has to self-isolate. *REDACTED – S.30(b) – FREE AND FRANK PROVISION OF ADVICE*

**MSPs have unanimously backed legislation to make sure the election can take place fairly and safely during the pandemic.**

- The Scottish General Election (Coronavirus) Act came into force on 30 January. It supports arrangements for a physically distanced election and provides the framework for postponing the election if necessary.
- The Act was developed in partnership with the Electoral Management Board, the Electoral Commission, the Scottish Parliament and political parties.
- It delays dissolution to 5 May, allowing Parliament to be recalled to delay the election if needed and to ensure it can continue to meet in the event of a delay (MSP status would ordinarily cease at the ‘normal’ date for dissolution of Parliament in mid-March);

- It moves the deadline for new applications for a postal vote to 6 April in order to process the anticipated increased volume of postal vote applications;
- The Act also includes contingency plans in relation to: possible postponement; multiple day polling, an all-postal vote and the impact of a longer count.

## UK and Wales

- The UK Government has indicated that the local government and mayoral elections (England) and Police and Crime Commissioner elections (England and Wales) will go ahead on 6 May.
- The Welsh Elections (Coronavirus) Bill introduced on 27 January provides a mechanism to postpone the Senedd elections if it is needed. It shortens the dissolution period for the Senedd ahead of the day of the poll; makes arrangements for the first meeting after the election; allows the Llywydd, following a proposal from the First Minister, to postpone the election for up to 6 months if the Senedd agrees by a two-thirds vote; and makes provision to allow by-elections arising after 6 May to be postponed for up to 6 months. *REDACTED – S.30(b) – FREE AND FRANK PROVISION OF ADVICE*

## Electoral Commission findings on autumn by-elections (8 Jan 2021)

*REDACTED – SECTION 25 – OTHERWISE ACCESSIBLE AT:*

<https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/conducting-elections-under-coronavirus-restrictions>

*Name and contact details redacted under s.38(1)(b)*

**From:**

*Name and contact details redacted under s.38(1)(b)*

**On Behalf Of Minister for Parliamentary Business and Veterans**

**Sent: 02 February 2021 10:17**

**To:**

*Name and contact details redacted under s.38(1)(b)*

>

**Cc: Minister for Parliamentary Business and Veterans <[MinisterPBV@gov.scot](mailto:MinisterPBV@gov.scot)>**

**Subject: FW: [AGENDA AND PAPERS] Interministerial Group on Elections - 3 February 2021**

Hi ,

Please see below papers and agenda for tomorrow's meeting.



Thanks,

*Name and contact details redacted under s.38(1)(b)*

**Deputy Private Secretary to Minister for Parliamentary Business and Veterans|T4.21, Scottish Parliament|All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.**

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

**From:**

*Name and contact details redacted under s.38(1)(b)*

**On Behalf Of PS Chloe Smith Mailbox**

**Sent: 02 February 2021 08:00**

**To: Public Engagement Unit <[CorrespondenceUnit@gov.scot](mailto:CorrespondenceUnit@gov.scot)>; [DSMHLG@gov.wales](mailto:DSMHLG@gov.wales); [graeme.dey.msp@parliament.scot](mailto:graeme.dey.msp@parliament.scot); Min Walker <[min.walker@nio.gov.uk](mailto:min.walker@nio.gov.uk)>; Minister for Parliamentary Business and Veterans <[MinisterPBV@gov.scot](mailto:MinisterPBV@gov.scot)>**

**Cc:**

*Name and contact details redacted under s.38(1)(b)*

**Becca Crosier Subject: [AGENDA AND PAPERS] Interministerial Group on Elections - 3 February 2021**

Dear all,

Please find attached an agenda and papers for tomorrow's (11:00 - 12:00) first meeting of the Interministerial Group on Elections and Registration.

The only paper for this meeting is the draft Terms of Reference of the Group for clearance at the meeting under Item 2.

The meeting is being hosted on Google Meets. Joining details are in the calendar invite, and copied here for reference.

**Link to join:**

*contact details redacted under s.38(1)(b)*

**Please do let me know if you have any queries,**

*Name and contact details redacted under s.38(1)(b)*

## **7. EMAIL 02 FEBRUARY 2021 – LETTER TO UNISON**

**From:**

*Name and contact details redacted under s.38(1)(b)*

**Sent: 02 February 2021 13:09**

**To: Minister for Parliamentary Business and Veterans**

**<MinisterPBV@gov.scot>; Cabinet Secretary for Communities and Local Government <CabSecCLG@gov.scot>**

**Cc:**

*Name and contact details redacted under s.38(1)(b)*

**Campbell B (Brenda) <Brenda.Campbell@gov.scot>; ; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Curtis PS (Penelope) <Penelope.Curtis@gov.scot>;; Communications CSSE <CommunicationsCSSE@gov.scot>; Crawford E (Ewan) <Ewan.Crawford@gov.scot>; Subject: RE: Correspondence from UNISON re Scottish Parliamentary Elections**

**Hi**

**Many thanks. Here are the email addresses:**

**Reply to**

*Name and contact details redacted under s.38(1)(b)*

**There were 2 email addresses for Gail in the original email so adding both.**

**Kind regards**

*Name and contact details redacted under s.38(1)(b)*

**SEE SEPARATE ANNEXES B AND C FOR LETTERS FROM AND TO UNISON**

**From:**

*Name and contact details redacted under s.38(1)(b)*

**On Behalf Of Minister for Parliamentary Business and Veterans**

**Sent: 02 February 2021 11:49**

**To:**

*Name and contact details redacted under s.38(1)(b)*

**>; Minister for Parliamentary Business and Veterans**

**<[MinisterPBV@gov.scot](mailto:MinisterPBV@gov.scot)>; Cabinet Secretary for Communities and Local Government <[CabSecCLG@gov.scot](mailto:CabSecCLG@gov.scot)>**

**Cc:**

*Name and contact details redacted under s.38(1)(b)*

**Campbell B (Brenda) <[Brenda.Campbell@gov.scot](mailto:Brenda.Campbell@gov.scot)>; Rogers D (David) (Constitution and Cabinet Director) <[David.Rogers@gov.scot](mailto:David.Rogers@gov.scot)>; Curtis PS (Penelope) <[Penelope.Curtis@gov.scot](mailto:Penelope.Curtis@gov.scot)>; Communications CSSE <[CommunicationsCSSE@gov.scot](mailto:CommunicationsCSSE@gov.scot)>; Crawford E (Ewan) <[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)>**

**Subject: RE: Correspondence from UNISON re Scottish Parliamentary Elections**

Hi ,

Please see attached slightly revised version with changes made by Mr Dey.

Grateful if you can confirm the addresses to which this is to be sent/copied to.

Thanks,

*Name and contact details redacted under s.38(1)(b)*

**| Deputy Private Secretary to Minister for Parliamentary Business and Veterans| All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.**

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

**From:**

*Name and contact details redacted under s.38(1)(b)*

**Sent: 01 February 2021 18:15**

**To: Minister for Parliamentary Business and Veterans  
<[MinisterPBV@gov.scot](mailto:MinisterPBV@gov.scot)>; Cabinet Secretary for Communities and Local Government <[CabSecCLG@gov.scot](mailto:CabSecCLG@gov.scot)>**

**Cc:**

*Name and contact details redacted under s.38(1)(b)*

**>; Campbell B (Brenda) <[Brenda.Campbell@gov.scot](mailto:Brenda.Campbell@gov.scot)>; Rogers D (David) (Constitution and Cabinet Director) <[David.Rogers@gov.scot](mailto:David.Rogers@gov.scot)>; Curtis PS (Penelope) <[Penelope.Curtis@gov.scot](mailto:Penelope.Curtis@gov.scot)>; ; Communications CSSE <[CommunicationsCSSE@gov.scot](mailto:CommunicationsCSSE@gov.scot)>; Crawford E (Ewan) <[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)>**

**Subject: RE: Correspondence from UNISON re Scottish Parliamentary Elections**

Hi

Please use this version. I had the wrong name for the Act in one place, changed now!

Many thanks

Kind regards

*Name and contact details redacted under s.38(1)(b)*

**From:**

*Name and contact details redacted under s.38(1)(b)*

**Sent: 01 February 2021 18:03**

**To: Minister for Parliamentary Business and Veterans  
<[MinisterPBV@gov.scot](mailto:MinisterPBV@gov.scot)>; Cabinet Secretary for Communities and Local  
Government <[CabSecCLG@gov.scot](mailto:CabSecCLG@gov.scot)>**

**Cc:**

*Name and contact details redacted under s.38(1)(b)*

**; Campbell B (Brenda) <[Brenda.Campbell@gov.scot](mailto:Brenda.Campbell@gov.scot)>;**

*Name and contact details redacted under s.38(1)(b)*

**; Rogers D (David) (Constitution and Cabinet Director)**

**<[David.Rogers@gov.scot](mailto:David.Rogers@gov.scot)>; Curtis PS (Penelope)**

**<[Penelope.Curtis@gov.scot](mailto:Penelope.Curtis@gov.scot)>; Communications CSSE**

**<[CommunicationsCSSE@gov.scot](mailto:CommunicationsCSSE@gov.scot)>; Crawford E (Ewan)**

**<[Ewan.Crawford@gov.scot](mailto:Ewan.Crawford@gov.scot)>**

**Subject: RE: Correspondence from UNISON re Scottish Parliamentary  
Elections**

**Hi**

**Please find attached a copy of a letter from Unison together with a draft  
reply. The letter from Unison was addressed to Ms Campbell but since it  
was entirely about the Scottish Parliament Election 2021 it was agreed with  
Ms Campbell's office that it made sense for the reply to come from Mr Dey.**

***Name redacted under s.38(1)(b)***

**has kindly advised that he is content for their interests.**

**Hope this is helpful.**

**Kind regards**

*Name and contact details redacted under s.38(1)(b)*

**8. EMB ADVICE FOLLOWING FURTHER ASSESSMENT OF THE NEED TO  
HOLD POLLING OVER MULTIPLE DAYS 3-2-21**

*SECTION 25 FOISA – INFORMATION OTHERWISE ACCESSIBLE. This advice  
was submitted to the Minister for Parliamentary Business by the Convener of the  
Electoral Management Board for Scotland in the terms reproduced on the EMB  
website at:*

**[https://www.emb.scot/news/article/8/advice-following-further-assessment-  
of-the-need-for-multiple-days-of-poll-28-january-2021](https://www.emb.scot/news/article/8/advice-following-further-assessment-of-the-need-for-multiple-days-of-poll-28-january-2021)**

## **9. BRIEFING NOTE – 5 FEB 2021**

*REDACTIONS – S.30(b) – FREE AND FRANK PROVISION OF ADVICE*

We expect the next Scottish Parliament election to go ahead on 6 May. We are working with representatives from other political parties, Scottish Parliament officials, the Electoral Management Board (EMB) and the Electoral Commission on contingency plans for running the election in the context of Covid-19.

An increase in postal voting is expected and arrangements are being made. An additional £3 million has been allocated to EROs this year to support a substantial increase in postal voting. We will discuss any additional funding with EROs.

Physical distancing measures at polling stations and counts are expected and guidance builds on 8 local government by-elections held successfully over October-November.

The Convener of the EMB has directed that overnight counts will not be held and that no more than 800 electors should be allocated to a single polling station.

In December MSPs unanimously backed legislation to make sure the election can take place fairly and safely during the pandemic.

The Scottish General Election (Coronavirus) Act came into force on 30 January and supports arrangements for a physically distanced election and provides the framework for postponing the election if necessary.

The Act was developed in partnership with the Electoral Management Board, the Electoral Commission, the Scottish Parliament and political parties.

It delays dissolution to 5 May, allowing Parliament to be recalled to delay the election if needed and to ensure it can continue to meet in the event of a delay (MSP status would ordinarily cease at the 'normal' date for dissolution of Parliament in mid-March);

It moves the deadline for new applications for a postal vote to 6 April in order to process the anticipated increased volume of postal vote applications;

The Act also includes contingency plans in relation to: possible postponement; multiple day polling, an all-postal vote and the impact of a longer count

A TV advertising campaign by EROs to highlight that anyone wishing to switch to postal voting must apply by 6 April has launched this week.

EROs are now sending out letters to 2.5m households, setting out who is already registered and who already has a postal vote.

The Electoral Commission has conducted opinion polling on the election. In both July and November, 38% of respondents wanted to vote by post in an election were held at the time of asking.

Around 17% of voters are currently registered for a postal vote. Work is underway to increase this to 40-50%.

The Electoral Management Board has produced comprehensive guidance on running elections safely during the pandemic. Eight council by-elections have been held successfully, and learning has been incorporated into guidance. Seven by-elections have been scheduled for March 2021.

All polling places will undergo a risk assessment in consultation with the local council Health and Safety and Environmental Health officers.

Returning Officers are aware of the possible need to change some polling places and are well-practiced at ensuring that voters are aware of any change.

The EMB Convener is considering a Direction limiting the number of voters allocated to each polling station to minimise the risk of queues.

The EMB is holding a Joint Seminar with the Electoral Commission for Returning Officers and EROs on 5 February to address election planning and delivery.

UKG has confirmed the local, mayoral and police commissioner elections will proceed on 6 May and has announced a package of financial support for local authorities to make the elections Covid-safe. (SG has already committed to providing resources necessary).

Welsh Government has introduced emergency legislation similar to Scottish Act.

Andy O'Neill, Electoral Commission, Stage 1 oral evidence to Standards Committee, 26 November:

“The principle of the bill, which we support, is in-person voting plus lots of postal voting, which we expect. We need to remember that 77 per cent of people feel that polling places are safe and 54 per cent told us in our research that they want to vote in person...If people want a postal vote, they should apply early.”