

Draft as at 2 June 2003

**MINUTES OF THE MEETING OF THE ELECTORAL COMMISSION HELD ON 8
MAY 2003**

Present: Sam Younger (SY) (Chair)
Pamela Gordon (PG)
Glyn Mathias (GM)
Sir Neil McIntosh (NM)
Karamjit Singh (KS)
Professor Graham Zellick (GZ)

In attendance: Jacqui Dixon (JD)
Archie Gall (AG)
Anne Hinds (AH)
Nicole Smith (NS)
Chris Welford (CW)
Rael Zackon (RZ)
Kate Sullivan (KBS)
Stephen Judson (SJ)
Neil Sayers - for item 11
Simon Partlett - for item 11

1. Minutes of the meeting of 9 & 10 April 2003

- 1.1 The minutes of the meeting of the Electoral Commission held on 9 & 10 April 2003 were approved, subject to the addition of Seamus Magee (SM) to the attendance list.

**2. Minutes of the joint meeting of the Electoral Commissioners and the
Deputy Commissioners of 28 April 2003**

- 2.1 The minutes of the joint meeting of the Electoral Commissioners and the Deputy Commissioners held on 28 April 2003 were approved, subject to the addition of the following in paragraph 1.2.1:

It is essential to maintain a formal relationship between the Boundary Committee and the Electoral Commission in respect of reviews of electoral arrangements; the relationship should be formalised in an agreed, written protocol.

**3. Minutes of the private meeting of the Electoral Commissioners of 28 April
2003**

- 3.1 The minutes of the private meeting of the Electoral Commissioners held on 28 April 2003 were approved.

- 3.2 SY referred to the Electoral Law seminars on 3 June. A seminar would be arranged for Belfast, although it was recognised that the format and content may differ from the others being held that day. NS advised that Kay Jenkins and Andy O'Neill would be using the AEA meetings already organised for that day, for this purpose.
- 3.3 JD stated that the judgement of the House of Lords in the Pro-Life case against the BBC had not yet been published; copies would be sent to Commissioners as soon as it was available. NM and GM asked MPA to review the press cuttings facilities.

4. Elections in Northern Ireland: scheme of compensation

- 4.1 CW and RZ advised the Commissioners that a draft Bill had been published which would require the Commission to produce a scheme of compensation for election expenses for the NI Assembly elections which had been postponed from 1 May 2003. The NIO would pay the Commission £50,000 to carry out this work. The draft Bill provided for a ceiling on payments; it was intended that the Secretary of State would make the payments, in accordance with a scheme which would be shaped by the Commission. The Commission would consult the political parties. If an election were to be held in October 2003, a scheme would have to be agreed by the end of June. CW would aim to produce a report for the Commission meeting on 12 June 2003.
- 4.2 SY stressed the importance of the perception of the Commission as independent of government. This was potentially a problem given the growing number of tasks being undertaken by the Commission either at the request or the direction of government. He had asked RZ to draft a paper setting out the criteria which would enable the Commission to decide whether it would be appropriate for it to undertake certain work. The policy/criteria would be informed by the Commission's experience of the tasks it has been required to carry out. It was recognised that the Government could still require the Commission to carry out certain tasks.
- 4.3 **The Commissioners noted the information.**

5. Gibraltar: consultation paper

- 5.1 SJ presented the report and highlighted the two key issues, which were the two region options, and the handling of the matter in Gibraltar. The Commissioners thanked SJ for a good report.
- 5.2 The Commissioners considered that it should be more prominently recognised, especially in the Executive Summary, that electoral equality was not an appropriate criterion for deciding on a region because the Gibraltar electorate would be a tiny proportion of the electorate of even the smallest UK region.
- 5.3 SJ advised that it was proposed to hold a press launch in Gibraltar, with a press release in the UK, at the start of the consultation process. SY and two Commissioners would take part in the formal consultation in Gibraltar. SJ proposed carrying out the consultation with groups in the European Parliament at the same time as the consultation on the distribution of MEPs.

- 5.4 **The Commissioners approved the consultation paper, subject to the amendments discussed, and agreed the proposals for the launch and consultation events.**

6. Marked register: PID

- 6.1 NS presented the report and drew attention to the timescale which was required in order to meet the timetable for legislation. Information was required on the use made of the marked register by the political parties, although it was clear that any recommendations made should not be based on the convenience of the parties. There was a fundamental question to be considered about the meaning of a secret ballot. Public attitudes to the use of the marked register could be raised with the focus groups planned as part of the pilot programme evaluation.
- 6.2 GM agreed to chair the project board for this review.
- 6.3 **The Commissioners agreed the PID for the review of the marked register.**

7. Making electoral arrangements orders

- 7.1 RZ and GZ presented the issues concerning the two models set out in the note from RZ. It was recognised that corporate decisions are normally made under seal. Statutory Instruments were usually made by signing, although it was unusual for SIs to be made by a group, as in the case of the Commissioners.
- 7.2 The Commissioners agreed that SIs should be made by sealing, and arrangements would be made to acquire a corporate seal. A further report would consider arrangements for sealing documents. The Commissioners confirmed that the quorum for considering the report of the Implementation Team on a PER should remain at three, and agreed that the number of Commissioners agreeing the order should be four (which could include the Chair of the Boundary Committee).
- 7.3 **It was agreed that the number of Commissioners required to agree the electoral arrangement orders and to agree that a seal be affixed should be at least four.**

8. Scottish Parliament and Welsh Assembly elections

- 8.1 The Commissioners discussed the arrangements for the elections held on 1 May 2003. The following matters were discussed in relation to Scotland:
- The variable practices apparent in different areas
 - Concerns of overseas observers about the numbers on the ballot papers
 - The laborious paper-handling processes
 - High level of rejected votes

- The confusion caused in some areas by having two sets of guidance
- The use made of the training video
- Wide interest in e-voting

8.2 In relation to Wales, many of the same points were made about the process and the differing practices. GM referred in particular to the different levels of promotion of postal voting, which could have differential effects on results. The delivery of leaflets was also patchy. KS added that in Monmouth where he was observing, there was a large number of postal votes without the necessary documentation, and complaints about Royal Mail failing to deliver leaflets.

8.3 **The Commissioners noted the comments.**

9. Local election pilots

- 9.1 KBS gave an oral report on the pilot schemes on 1 May in England which appeared to have gone well with very few administrative problems reported. The turnout in the postal voting pilots was high; however the declaration remained a problem, with a high percentage of postal votes being rejected on this ground. This was a key issue to be discussed with the pilot authorities on 9 May.
- 9.2 There were some complaints about the marked register, and many calls and letters about the verification process for postal votes. Those with complaints were encouraged by evaluators to refer them to the police or CPS, but there appeared to be only a very small number of substantiated allegations of fraud under investigation by the CPS.
- 9.3 The participation rate for e-pilots was not as high as hoped, but there had been no reported security problems to date. The technology worked well, except for an initial hitch with the online registers on polling day in Sheffield and St Albans, which emphasised the need to have back-up access to the register.
- 9.4 **The Commissioners noted the comments, and agreed that no interim statement should be made on the conclusions from the pilot schemes.**

10. Matters for information

- 10.1 The Commissioners noted:
- Schedule of meetings and events, subject to the inclusion of a private meeting of the Commissioners in the afternoon of 31 July to discuss the pilot schemes and the marked register review.
 - Elections 2003: public opinion research
- 10.2 SY, GZ, PG and GM would attend the PPP meeting on 20 May 2003. The pre-meeting would be at 11am in SY's office.
- 10.3 SY and PG would attend the LGA Liaison meeting on 21 May at 3.30pm in the LGA's offices, Smith Square. The pre-meeting would be held at 2.30pm in SY's office.

11. Electoral Reviews: report from Boundary Committee on 2002-3

- 11.1 Neil Sayers and Simon Partlett presented the report. PG referred to the fact that wards were getting larger and expressed disappointment that local authorities were not actively reviewing the size of their councils, particularly in relation to new executive arrangements. This, together with the review of electoral cycles, would justify further work.
- 11.2 Reference was also made to:
- A thorough review of the whole process when the County Council reviews had been completed
 - A link from the Annual Report of the Commission to the Boundary Committee website for a more detailed report on this work
 - The need to have a more proactive approach to publicity
 - The content and clarity of review reports
 - The need to send information direct to Town and Parish Councils
- 11.3 The Commissioners thanked Neil Sayers and Simon Partlett for an illuminating presentation and thanked PG for her work in maintaining the standards of reviews during the transition from the LGCE and during a period of high staff turnover.