

Confirmed on 10 March 2005

Minutes of the meeting of the Electoral Commission held on 1 February 2005 in London

Present: Sam Younger (SY) - Chair
Pamela Gordon (PG)
Glyn Mathias (GM)
Sir Neil MacIntosh (NM)
Karamjit Singh (KS)

Attending: Peter Wardle (PW)
Angela Salt (AS)
Kate Sullivan (KS)
Doug Stewart (DS)
Rael Zackon (RZ)
Tabitha Cunniffe (TC)
Andrew Fraser (AF)
Ann Devine (AD)

1. Minutes of the meeting of 20 January 2005

1.1 The minutes of the meeting held on 20 January, paragraphs 1 – 5 only, were agreed, subject to some minor amendments.

2. Electoral change orders

2.1 AD presented the report, which set out the electoral change orders for:

- County of Buckinghamshire
- County of Cambridgeshire
- County of Cornwall
- County of Durham
- County of Lancashire
- County of Leicestershire
- County of Norfolk
- County of North Yorkshire
- County of West Sussex
- County of Worcestershire

2.2 **The Commissioners approved the electoral change Orders for the counties of Buckinghamshire, Cambridgeshire, Cornwall, Durham, Lancashire, Leicestershire, Norfolk, North Yorkshire, West Sussex and Worcestershire and authorised the affixation of the Commission’s seal to the Orders.**

3. The European Union Bill – intelligibility of the question

3.1 DS gave an introduction noting that the second reading of the Bill would be on 9 February. He pointed out that the Bill contained the question, the franchise and a clause permitting the Commission to encourage participation in the referendum. He also thanked the Welsh Office for their work in translating and commenting on the Welsh language question. He ended by noting that the question was similar to the one proposed by Lord Blackwell and that the public seemed fairly comfortable with the wording of it.

3.2 SY gave a brief introduction to the Commissioners and invited GM to outline his initial views.

3.3 GM stated that he thought the question was fair and intelligible. He noted that it was important to be clear that the Commissioners did not, as a matter of policy, think that the name of the Treaty should necessarily be in the question. It depended on the wording of the question and the treaty.

3.4 PG agreed that it was entirely intelligible. She stated that she did not think that it was necessary to mention the exact name of the treaty in the question.

3.5 NM suggested that the statement on the intelligibility of the question note the difference in wording from the actual treaty, but say that it does not detract from the intelligibility of the question.

3.6 SY led the Commissioners through each guideline and the Commissioners agreed that the question met each guideline. A single amendment to paragraph 9 was proposed by SY and agreed by the other Commissioners. This paragraph stated:

‘The Commission believes that it is appropriate to refer to the name of the treaty in the referendum question. The Commission notes that the proposed question uses a modification of the treaty title, rather than the exact title, which is “A Treaty establishing a Constitution for Europe”. The Commission does not, however, believe that this detracts from the overall intelligibility of the question.’

- 3.7 GM led the other Commissioners through analysis of the Welsh language question. He stated that the Welsh Office had used several sources to analyse the question and, although they thought the question was intelligible, they suggested two amendments.
- 3.8 GM stated that the first proposed amendment was to change the verb 'derbyn' to 'cymeradwyo' as the former is potentially ambiguous and can be translated as both 'receive' and 'accept'. 'Cymeradwyo' is preferred as it is direct translation of 'approve' and is therefore less likely to lead to voter confusion.
- 3.9 Replacing the noun 'Cytuniad' with 'Cytundeb'. Although 'cytuniad' is an accurate translation of 'treaty' (and is often used in a legal context), the word is not commonly used in everyday language and could potentially lead to voter confusion. GM recommended using 'cytundeb' as it is commonly used, easily understood and is the standard term used by the Welsh language media when referring to other Treaties. GM stressed that the Commission must make it clear that it is recommending these changes on the basis of information provided to it, rather than from its own judgement. It was also noted that the Commission's recommendations were being made on the basis of the Welsh and English version of the question being put on the same ballot paper.
- 3.10 SY and GM agreed to check the text in the Commission's statement on the Welsh language question before the Commission's statement was published.
- 3.11 Commissioners agreed to send a copy of the statement to the Foreign Secretary, copying it to the Speaker, the Lord Chancellor, the Secretary of State for Wales, the foreign affairs spokesmen for the three major political parties and leaders of the other Parliamentary parties. DS reminded the Commissioners that the statement is usually published on the website and via a press release. Commissioners concurred with this approach. PW reminded the Commissioners that Parliament is the main audience for the statement so the statement needs to reach the Houses of Parliament before Parliament rises on Thursday.
- 3.12 **Commissioners agreed the draft statement, subject to the amendment to paragraph 9, and agreed that SY and GM would approve the final draft.**
4. The age of candidacy
- 4.1 SY advised the Commissioners that, following the Government's announcement that they will accept the Commission's recommendation on the age of candidacy, he has received a letter from Chris Leslie MP

confirming this, and declaring that the Government will keep the age for voting under review.

4.2 The Commissioners noted the information.

5. Report on the cycle of local government elections

5.1 SY advised the Commissioners that he had had indications of a response from Nick Raynsford MP ahead of the announcement on Monday 31 January 2005. He told Commissioners that Nick Raynsford wrote to him stating that he was:

'minded to agree to the principal recommendation that all council elections should be every four years.'

5.2 SY stated that he would reply, welcoming the Government's response and pledging to work with the Government further on this issue.

5.3 The Commissioners noted the information.

6. Update on the IMIE conference

6.1 SY stated that he had attended a meeting of the IMIE (international Mission on Iraqi Elections), chaired by Elections Canada on Saturday 29 January 2005. He reminded Commissioners that this meeting was a follow-up to the steering meeting in London earlier in January. He noted that the UN and Iraq's electoral commission had asked international organisations to monitor the elections in Iraq. SY told Commissioners that it was unlikely that any Commission staff would be sent to the region.

6.2 SY stated that he expected the initial statement by the IMIE would focus on the legal underpinnings of the elections and comment on their soundness. The IMIE's full report on the elections would not go on the IMIE's website until the Iraq electoral commission has reviewed the report. SY stated that the IMIE will be writing to the Iraq electoral commission to ask if they would like to continue this relationship with the international electoral commissions. SY also stated that the second report is the report on out-of-country voting that will be sent to Elections Canada by the end of the week.

6.3 Commissioners considered that the Electoral Commission should reserve the right to reach an independent decision on whether to send observers to Iraq. Commissioners took the view that it was inadvisable for the Electoral Commission to take a lead role in the IMIE.

6.4 The Commissioners noted the information.

