

Meeting of the Electoral Commission

9.30am Thursday 12 April 2001 at Trevelyan House

Present: Sam Younger, Chairman
Pamela Gordon
Glyn Mathias
Sir Neil McIntosh
Karamjit Singh
Professor Graham Zellick
Roger Creedon
Anne Hinds
Nicole Smith
Rael Zackon
Katie Kerr, Secretary

Apologies: Peter Hodgman
Chris Welford

Note: Sections appearing in ***italic bold*** denote action points or decisions

1 **Matters arising**

1.1 LGCE

- Report to the Electoral Commission on 10th May should cover a range of issues relating to the LGCE and not just accommodation
- The note regarding the transfer from the Chief Executives has been issued to staff
- The Commissioners agreed that holding the meeting at Dolphyn Court had been useful and KK to arrange for the meeting to be held there on 10 May 2001 and every 2 months there after.

1.2 The guest list for the presentation and reception in Wales will be sent to GM

1.3 The presentation and reception in Scotland went well. The feedback received indicated that it was valuable for the Commission to be seen in Scotland.

1.4 The Parliamentary Parties Panel meeting has been rescheduled for 2 pm on 24 April and will be attended by SY, PG and GZ. The next meeting is planned for the end of June [Secretary's note: 26 June at 11am].

2 Directors' Updates

2.1 Director of Registrations and Compliance

- 2.1.1 CW's note was circulated. A reminder regarding the quarterly donation returns had been issued to the registered parties.
- 2.1.2 The Democracy Movement is a registered third party that takes an Anti-Europe stance. The organisation is currently issuing publicity material that is disparaging of some sitting MPs who will be seeking re-election. Not all the material conforms to the imprint regulations. Their website indicates that they intend to spend £1500 in each constituency against a sitting MP. The main parties have asked the Commission to stop the Democracy Movement's activity.
- 2.1.3 Unlike that of a registered party the campaign spending of a registered 3rd party only counts against campaign spend once an election has been called. If the material is published after an election is called then it would be illegal. If the Democracy Movement spends as much as is proposed then the spending limits in the Representation of the People Act will be exceeded and other offences may be committed.
- 2.1.4 The legal position in relation to the current publicity material is unclear. Clarification is to be sought on this point prior to RC inviting the Democratic Movement's representatives to discuss the matter.

2.2 Director of Strategic Planning and Resources

- 2.2.1 A provisional out turn for the Commission showed an underspend of £1,022,978 attributable to the Commission being established later than had been anticipated and the failure of parties to claim grants to meet start up costs.

2.3 Director of Media and Public Affairs

- 2.3.1 A style guide for the Commission was being compiled by publishers so it will be possible to standardise publications and the web-site. A review of the website will be conducted after the election.
- 2.3.2 An initial meeting had occurred with Donna Walton of the LGCE. The LGCE do not use a logo but have a continuous theme of concepts and colours in their publications and website.
- 2.3.3 The impression given was that the LGCE anticipated the Boundary Committee operating as a separate entity with its own identity. It was agreed that there was a substantive point raised. The relationship is not straight forward as the Act states that the Commission will establish the Boundary Committee but indicates that in some ways it acts as a

separate entity. Some other organisations have separate review and adjudication functions but do not have a separate brand. It was proposed that while the overall branding should be consistent the issue is whether publications would say the Boundary Committee or Electoral Commission.

2.3.4 A member of staff is to visit the Home Office call centre in Cardiff to gather information in relation to its operation including copies of call logs.

2.4 **Director of Policy**

2.4.1 NS reported that recent efforts had concentrated on new staff. The website will be expanded to include information on how elections are run and on referendums.

2.4.2 Talks with the Home Office about the election pilots to be held in 2002 have commenced. It is important that the guidance is issued jointly as the Commission will have sole responsibility for evaluating them. The election pilots that were due to be conducted this year have been cancelled.

2.4.3 The Commission's first Parliamentary Question has been received from Nick Hawkins (Conservative) regarding the rules for the use of funds for voter education. The question may have been prompted by the Order authorising the expenditure ceiling on voter education. There may be a link to the debates during the passage of the Act that covered the Commission's role in promoting public awareness of the institutions of the European Union.

2.5 **Legal Advisor**

2.5.1 Work on questions raised by the parties continues, GZ is aware.

- The Left Alliance want to know the relationship between candidate spending and party spending at national level.
- A reply regarding donations made by standing order or direct debit has been formulated. The reply includes a reference to the possibility of a criminal offence being committed without specifically stating how.
- A query has been raised as to whether paying a candidate's salary during a campaign is a donation

2.5.2 A meeting was held with representatives of the CBI and the DTI to discuss the implications of Schedule 19.

2.5.3 Boundary Process sub-group that includes representatives of the LGCE and DETR met. Electoral Commission staff were at a disadvantage as they have not seen the draft Order which determines

the split between the Electoral Commission and the Boundary Committee. The LGCE and DETR have been in discussion regarding this since January and the DETR are reluctant to let the Commission have sight of the order until it has been fully drafted and reflects Ministers' intentions. RC stated that copies of the instructions to counsel drafting the order had been requested to allow the Commission to gain an understanding of the policy involved.

2.6 Chief Executive

- 2.6.1 The legislation to resolve the problem with the imprints on party campaign literature, the Election Publications Act 2001, has been passed. During the debate Mike O'Brien indicated that the power to bring in the provisions within the Political Parties, Elections and Referendums Act would be exercised towards the end of the year. ***A letter will be sent to the parties regarding the imprints.***
- 2.6.2 The Elections Act which postpones the local elections and Northern Ireland elections to 7 June 2001 has been passed. The Act included provision for a 50% increase in expenses for candidates to pay for any loss relating to expenditure in anticipation of the elections on 3 May 2001. The Act also allows political parties to have copies of the updates to the full register created by the rolling registration process.
- 2.6.3 A letter regarding the common accounting year has been sent to all the parties. The Conservative Party have attended a meeting regarding this at the Commission.
- 2.6.4 The Labour Party have said that their legal advice indicates that the Commission must adopt a position in respect of the allocation of Party Political Broadcasts. The position of the Commission remains that the broadcasters' approach is not sufficiently unreasonable to justify a intervention at this time.
- 2.6.5 A letter seeking information regarding passes and the hire of stands at Party Conferences has gone to the parties. The Labour Party have stated that they do not make any money on these items. A meeting to discuss this with the Conservative Party is to be held after Easter. The issue will be an agenda item for the Parliamentary Parties Panel. There is a need to set the maximum amounts soon as stands for the Autumn conferences are currently being let.
- 2.6.6 The prospectus for the procurement exercise relating to the IDeA project on a national electoral register is available and the OJEC notice has been published. The Home Office announced the £12 million in 2002/3 funding for the project on 12 April during a law and order debate. AH is compiling the press release for the Commission and IDeA which will be sent to the Commissioners.

3 Commissioners' Points

3.1 Glyn Mathias

3.1.1 UNISON (a registered 3rd party) stated on the Today programme that their poster campaign 'Protect Public Services' will not be caught by the provisions of the Act because it does not mention the Labour Party or the election. ***AH is to obtain a tape of the programme and a letter will be sent to UNISON setting out the position.***

3.1.2 Other organisations may target groups of candidates e.g. those campaigning for or against fox hunting or abortion. Any groups identified by the Commission as possible 3rd parties are being advised in writing of the requirements of the legislation.

3.1.3 The timing of the 3rd party advertisements was discussed. Issuing the adverts now may give the impression the Commission has been told the election date. It will be important to publish quickly after the announcement of the election to ensure relevant groups are aware of the controls. The effectiveness of the campaign will need to be reviewed after the election.

3.1.4 A wholly owned subsidiary of a US company can donate money to a registered political party in the UK providing it is registered in the UK. Whether the money is declared at accounting unit level or national level is a matter for the party although different thresholds apply.

3.2 Sir Neil M^cIntosh CBE

3.2.1 ***A copy of a European White Paper on Governance 'Enhance Democracy' will be obtained.***

3.2.2 The Legislation has been amended to allow a Scottish Parliament by-election to be held at the time of a General Election.

3.2.3 Concerns had been raised regarding postal votes including the effectiveness of the Royal Mail at a local level, if the postal vote is delivered to a different polling area or if an ineligible person is use to deliver it to a polling station.

4 Review of the General Election

4.1 Update on Project Plan (EC33/01)

4.1.1 The postponement of the earliest date for the election to 7 June has allowed time for improving the questionnaire for electoral administrators and increased networking opportunities e.g.

presentation to COSLA/AEA in Glasgow. The time after the election is tight for producing the first report on the election before the summer recess.

4.2 Reporting Timetable (EC35/01)

- 4.2.1 Politicos have agreed to publish the 1st report including the results of the election. The results of the election, a synopsis of the detailed analysis and list of recommendations will be published on the website with a link to the sales site. The report would be priced accessibly at £20-£25 which is lower than the Times publication at £45-£65. Politicos will take 2 weeks to typeset and publish the report. The Commission may get Royalties that would be paid to the Consolidated fund. ***The possibility of using the royalties to fund the purchase of copies for public libraries would be investigated.***
- 4.2.2 Professors Rallings and Thrasher have indicated that they are willing to undertake the initial analysis of the data for the Commission. The questionnaire pack will be sent to the Commissioners for information.
- 4.2.3 The publication timetable for the 1st report precludes a seminar held in July 2001 being of value in relation to the 1st report. The Hansard Society seminar on 29 June will feed into the 1st report that would need to go to the publishers 7 to 10 days later. The seminar will provide an opportunity to test the Commission's proposed key issues and allow omissions to be corrected.
- 4.2.4 The seminar would be for around 30 delegates and be chaired by Professor David Butler at Nuffield College. SY would do a presentation regarding issues raised by the initial analysis.
- 4.2.5 The Commission may need to meet specifically to discuss the draft report after the seminar to meet the publication deadline. A draft outline of the report will be available prior to polling day so when Commissioners and staff are visiting constituencies they will be able to test ideas.
- 4.2.6 Third parties, national and regional political parties and other stakeholders will be canvassed. Regional meetings will be held and the June Parliamentary Parties Panel will provide an opportunity to seek the views of the Parliamentary Parties. The views of a selection of small parties will be sought.
- 4.2.7 Delays to the publication will be caused if completed questionnaires are not received from Returning Officers. The AEA have resisted the inclusion of questions that may result in additional work for their members. It will be important to phrase the questionnaire to reassure individuals that opinions stated will not be attributable.

4.3 Constituency Visits (EC34/01)

- 4.3.1 The allocation of constituencies was discussed and agreed with the following points of note or amendment:
- Belfast constituencies in Northern Ireland are not typical so KS and TH will try to visit others
 - It was agreed that SY would go to Norwich as well as Huntingdon to ensure East Anglia is covered
 - CW will cover Gateshead and RC will cover Eastleigh
 - NM will cover Strathkelvin & Bearsden rather than Banff & Buchan to even the spread of the areas covered in Scotland.
 - The coverage in Wales was discussed and after the meeting it was agreed that GM would cover Rhondda with a Cardiff constituency as a second area rather than Swansea.
- 4.3.2 It was agreed that the focus would be on a single constituency even where there is a central count. It was not considered appropriate to specify a single constituency in Belfast.
- 4.3.3 Information gathered from other constituencies will be of value. It was agreed that NS would make the arrangements for visits to the nominated constituencies. Individuals who were able to cover 2 constituencies would make their own arrangements in respect of the second constituency and keep NS informed.
- 4.3.4 The Electoral Policy Section will develop a pack for use by those visiting constituencies

5 Code of Conduct for Commissioners (EC36/01)

- 5.1 The updated draft was noted. Commissioner liability and the Committees would be matters for consideration at later meetings.

6 Report on a Visit to the Indian Election Commission (EC37/01)

- 6.1 SY thanked KS for his report and recommendations which were discussed. The key differences between the Commission and the Indian Commission were noted as longevity, scale and the role the Indian Commission undertakes in administering elections. The use of IT to provide information at the Indian Commission was extensive.
- 6.2 The need to review the Commission's IT strategy in relation to its long term objectives was acknowledged. The Commissioners agreed that it was appropriate to pursue the IT strategy review after a fundamental review of the direction of the Commission was undertaken in the autumn. It was agreed that a weekend in the autumn would be identified for the Commissioners to look at the direction for the Commission in the long-term.

- 6.3 It was agreed that a strategy for systematically tapping into experience gained elsewhere was required. A programme should be in place for the autumn onwards.
- 6.4 ***A brief on the roles of other Electoral Commissions was requested.***
- 6.5 The possibility of an expansion of the website to include links to other sites and the possibility of individuals being able to identify factors such as their home constituency from their postcode.
- 6.6 It was noted that CMC the IT provider for the Indian Commission would be interested in making a presentation to the Commission.

7 Policy Development Grants (EC38/01)

- 7.1 A concern about consulting the parties during an election campaign was identified. ***A letter regarding the timetable would be written to the Home Office.***
- 7.2 Other examples of the distribution of monies to parties are available e.g. Short money. ***RC to obtain details of how the distribution of Short money is determined.***
- 7.3 The possibility of distribution on the basis of the following considerations were discussed:
- number of elections the parties contests out of a maximum of 6 (paragraph 14 of the paper)
 - on the basis of a basic allocation to each party (paragraph 17 of the paper)
 - electoral success (paragraph 11 of the paper)
 - a combination of one or more of these (paragraph 18 of the paper)
- 7.4 It was agreed that electoral success should not be the only factor considered and that this should be a basic allocation to all parties along the lines of paragraph 17 of the paper.
- 7.5 The grants are only available to parties with 2 or more sitting members in the House of Commons. A concern that this did not reflect the situation in the regions or European Parliament was expressed but a consensus was not reached on whether this should be raised when submitting the scheme to the Home Secretary. ***It was agreed that the debate in the House on this part of the Act would be looked at to inform thinking on this point.***

8 **Any other business**

8.1 There has been an influx of several new staff to the Commission. ***It was agreed that the Commissioners would try to attend at 12 noon on Thursday 26 April to meet the staff.***

8.2 ***The Commissioners agreed that after the meeting on 15 May 2001 they would invite the staff for refreshments at 5pm.***

9 **Date of the next meeting**

9.1 Thursday 26 April 2001 at Trevelyan House at 12.30pm, please see point 8.1.