

**Draft as at 18 December 2002**

**MINUTES OF THE MEETING OF THE ELECTORAL COMMISSION HELD  
ON 12 DECEMBER 2002**

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

In attendance: Roger Creedon (RC)  
Jacqui Dixon (JD)  
Nicole Smith (NS)  
Anne Hinds (AH)  
Chris Welford (CW)  
Rael Zackon (RZ)  
Richard Jordan (RJ)

**1. Minutes of the meeting held on 14 November 2002.**

1.1 The minutes of the meeting held on 14 November 2002 were agreed.

**2. Minutes of the meeting held on 19 November 2002.**

2.1 The minutes of the meeting held on 19 November 2002 were agreed.

**3. Minutes of the meeting held on 2 December 2002.**

3.1 The minutes of the meeting held on 19 November 2002 were agreed.

**4. Minutes of the Remuneration Committee held on 14 November 2002.**

4.1 The minutes of the Remuneration Committee held on 14 November 2002 were agreed.

**5. Directors reports.**

5.1 The Directors reports were received and noted.

## 6. Devolved Offices report

6.1 The Devolved Offices report was received and noted.

## 7. Statutory consultation: Welsh Assembly Elections.

7.1 KJ presented the report.

7.2 **The Commissioners agreed to:**

- i) **welcome the intention of the Order to consolidate existing provisions governing the conduct of NAW elections and to update them in line with procedures now applying to other major elections, and**
- ii) **approve the submission of the detailed comments on the specific sections of the draft Order as set out in the report.**
- iii) **delegate to the Chief Executive authority to approve, in consultation with the relevant Commissioner, such Orders in the future where they are not of a controversial nature.**

## 8. Electoral Registration review: consultation paper.

8.1 NM and KJ presented the report and highlighted the key themes of the consultation paper. It was recognised that there was a link to the subject of entitlement cards, and that the questions related to voter identity should be separated from the questions relating to individual registration. A key issue for local authorities was data sharing, and it was noted that there was a range of views and interpretations of legislation. It had been agreed that legal advice would be sought and that this would be mentioned in the paper.

8.2 The Commissioners felt that there was benefit in the proposed timetable for the consultation papers. SY asked for a checklist of key questions from all the current consultation papers to be prepared. This would be combined with a response form, which could be published on the Commission website and used at meetings with outside organisations.

8.3 **The Commissioners approved the consultation paper, with amendments as discussed, and agreed that the consultation period should begin in the week commencing 16 December 2002 and conclude on 28 February 2003.**

## 9. Review of ballot paper design: consultation paper.

- 9.1 NS presented the report. It was proposed to include a reference to the issue of numbering candidates on the ballot paper. Reference would also be made to the issue of closed lists, in the section on strategic issues but the Commission would offer no comment on the issue at this stage citing the conclusions of the evaluation of the European Parliament 1999 elections and inviting views. Further comment was required with reference to including 'None of above' on the ballot paper.
- 9.2 The Commissioners agreed that the report was a comprehensive review of a wide range of issues. SY thanked AO'N for his work on the consultation paper.
- 9.3 **The Commissioners approved the consultation paper, with amendments as discussed, and agreed that the consultation period should begin on 13 January and conclude on 3 March 2002.**

## 10. Review of Nomination Procedures: consultation paper.

- 10.1 NS presented the report. There was a link with the review of PPERA and issues were addressed in both papers. PG referred to the proposals which were aimed at trying to make the position of independent candidates clearer to voters; whilst it was understood that local authorities would be concerned with workload, there was a need to remove unnecessary barriers to candidacy and ensure effective information for electors.
- 10.2 SY thanked SM for his work on the consultation paper.

**The Commissioners approved the consultation paper, with the amendments as discussed, and agreed that the consultation period should begin on 21 January and conclude on 4 March 2003.**

## 11. Funding Electoral Services review: final report.

- 11.1 NS presented the report. The two main options put forward in the earlier consultation paper and assessed in the final report were that funding of all election and electoral services should in future come either from the Consolidated Fund or from local authorities; an alternative principle which had emerged through the consultation was that funding for elections should be met by the elected body itself. It was agreed that the desirable position was for core costs to be funded from the Consolidated Fund through the Commission. However it was recognised that there were more difficult issues to be considered for

individual election costs and especially sub-UK elections. More work needed to be done in this area and this should be indicated in the recommendations but should not delay publication of the report.

- 11.2 The Commissioners discussed the varying practices of local authorities in allowing leave for working on elections. The Commissioners agreed that there should be consistency across local government, and that local authorities should give paid leave and fees. It was also agreed that no such provisions could be applied to other employers.
- 11.3 **The Commissioners approved the draft final report, subject to the amendments suggested.**

## **12. Draft Response to the Government White Paper on Entitlement Cards.**

- 12.1 NS presented the report. The Commission was not taking a view that identity cards should be compulsory nor on the general principle of entitlement cards. It was agreed that the report needed to be clear on these two issues, and that any potential implication otherwise should be amended. However the Commission should be positive about the usefulness of cards for people who would have them, including the ability to use such cards as identifiers at polling stations.
- 12.2 **The Commissioners approved the draft response, subject to the amendments suggested.**

## **13. New Initiatives Fund.**

- 13.1 NS presented the report and referred to the eligibility criteria for state-funded bodies. It was agreed that public bodies should not be able to apply for projects which were within their statutory obligations, and that there should be evidence of partnership with community groups. Applications from public bodies which included match-funding, or support in kind, should also be encouraged.
- 13.2 The Commissioners expressed concern about the possible reduction of the Fund to enable the Commission to balance the budget. RC stated that it was clear that not all the £250,000 would be spent in the current financial year and the surplus funds had been re-allocated to meet pressures elsewhere. However any demands on the fund would be met. SY advised that it would be legitimate to say that the Commission would be unlikely to spend £250,000 in the current financial year as most projects approved in the next few months would run into 2003/4.
- 13.3 **The Commissioners approved the following grants:**

- **Electoral Education Ltd (02/03 – 001) subject to the exclusions recommended in the report and provided that the terms and conditions imposed a requirement that the content of the website should be impartial and unbiased. There should also be clear sanctions for breach.**

**13.4 The Commissioners refused the following grants:**

- **West Devon Environmental Network (02/03 – 007) for the reasons set out in the report but agreed that a revised bid should be solicited which provided clearer evidence of support from the Council or Returning Officer and support from other local organisations (to avoid the potential bias towards environmental issues) and clarification of the ‘new’ elements of the proposal.**
- **Age Concern Lancashire (02/03 – 008) for the reasons set out in the report. However the Commissioners did not wish to invite Age Concern to submit a revised bid as recommended, although this course of action would be open to the applicants.**

**13.5 The Commissioners agreed that the criteria for applications from state-funded organisations should require that:**

- **The project is not a statutory obligation**
- **Public bodies should work in partnership with at least one community organisation**

**The Commissioners would consider more favourably schemes which provided match-funding, which could be funding in kind.**

**14. Pilot applications.**

14.1 RJ presented the report, which outlined the 65 applications received from local authorities to run pilot schemes at the local elections in May 2003. The following issues were discussed:

**14.1.1 Marked register:**

While the Commissioners recognised that there may be arguments for the production of a marked register of returned postal ballots after the close of polls, they saw difficulties, both legal and policy, in providing access to such data beforehand, other than to electoral administrators. The Commission was not in a position to come to a view on the legality of this proposal. The Government needed to satisfy itself on the legal position.

**14.1.2 Application no. 36 – Mid Suffolk:**

The Commissioners were content for this one to proceed on the basis that it was a rural area, and the local authority was piloting more than one innovative system, despite reservations about it only applying to three wards. They believed that the Council could do more.

**14.1.3 Application no. 48 – South Oxfordshire:**

This pilot involved opening polling stations at 7am for commuters. Of itself, this was not a substantial innovation but coupled with another bid using an e-counting ballot box in one ward, it was acceptable. The pilot was showing flexibility to local needs. The local authority should be asked to canvas those who had voted before 8am to ascertain the level of take-up.

**14.1.4 Application no. 24 – Broxbourne:**

The Commissioners considered that this pilot was for administrative efficiency, as the local authority had already invested in scanning equipment, and were minded to reject the application unless it was amended to include a more innovative approach.

**14.1.5 Application no. 52 – St Edmundsbury:**

This pilot offered comparative, post-election checks on the effectiveness of the declaration of identity, and included a proposal for post-election fraud check. The Commissioners considered that this was acceptable.

**14.1.6 Application no. 40 – Nottingham City:**

The Commissioners considered that this pilot did not offer anything of benefit to the voter, and pose considerable risks. It was suggested that the application may be acceptable if it were changed to either an all – postal ballot or an e-voting bid but not both. The Commissioners noted the similarity of this bid to no. 27 (Chorley) and no. 49 ( South Somerset).

**14.1.7 Application no.17 – Rotherham:**

The Commissioners considered this pilot to be acceptable despite proposing more than a minimum number of hand-in points (22). It was seen as a useful test. The local authority would need to do further work on anti-fraud measures.

#### 14.1.8 Inclusion of 'None of the above' on ballot paper:

The bids from no. 16 (Kerrier) and no.47 (Shrewsbury) both offered a good range of innovations. However both proposed to include a 'none of the above' option on the ballot paper. The Commissioners thought that this aspect clouded the message and raised wider constitutional implications. The Commissioners were prepared to accept both applications but without this proposal.

#### 14.1.9 Application no. 30 – advance bid by East Riding of Yorkshire:

The Commissioners noted this bid to run a pilot scheme at any by-election occurring after May 2003 in line with the approach encouraged by the Commission in Scotland. While the Commissioners agreed that this bid needed to be more specific, they welcomed the initiative by the Council to put a scheme in place in advance of any by-election.

#### 14.2 The Commissioners agreed that:

- i) they were prepared to accept applications which proposed the production of a marked register of returned ballot papers for release to candidates provided that the Government had satisfied itself on the legality of this proposal
- ii) that the application from Nottingham City Council should not be allowed to go forward as submitted
- iii) subject to the comments set out above and in the report, the applications should be supported
- iv) the Chair of the Commission be authorised to respond to the ODPM on any late applications, draft orders and on any application where there is a difference of opinion between the Commission, the LGA and the ODPM.

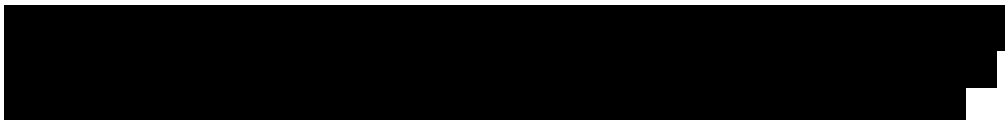
#### 15. Pilot evaluations: Hackney, Stoke and Aberdeenshire.

15.1 The Commissioners considered the evaluation reports on the pilots for Hackney LBC, City of Stoke-on-Trent and Aberdeenshire UA.

15.2 **The Commissioners agreed the reports for circulation to the local authorities concerned, and agreed that the Chair of the Commission should approve the final reports.**

#### 16. Complaint against the Labour Party in Scotland.

16.1



[REDACTED]

16.2

[REDACTED]

16.3 **The Commissioners approved the issue of a notice under section 146 of PPERA in respect of the Motherwell and Wishaw CLP.**

### **17. Non-reporting of donations.**

17.1 CW presented the reports concerning the Labour and Green parties, and advised that similar matters had now been raised in respect of the Conservative Party. It was essential that the Commission should be seen to be taking action, and that all parties should be treated equally.

17.2 The Commissioners proposed that SY and GZ should meet the parties concerned, separately, in the New Year, and that separate statements should be prepared for publication at the end of each investigation. The Commissioners also agreed that as a matter of principle, the Commission would issue statements only after conclusion of an investigation.

17.3 It was agreed that the subject of reporting donations would be raised that the next meeting of the PPP on 18 February 2003.

17.3 **The Commissioners agreed that SY and GZ would meet representatives of the three parties, separately, early in 2003 and that a public statement should be prepared for issue when the investigation in respect of each party had been concluded.**

### **18. Distribution of start-up grants.**

18.1 The Commissioners considered the report. RC added that there was an issue for NI parties in that they were not presently subject to donation controls. Those parties which had not claimed all their entitlement might seek to do so if and when donation controls were introduced. However it was not felt that that was sufficient grounds for maintaining the scheme.

18.2 **The Commissioners agreed that the scheme should be wound up and that the balance of the funding of £63,279 should not be allocated.**

**19. Sponsorship.**

19.1 **The Commissioners agreed to defer this item to a future meeting.**

**20. Principal Area Boundary Reviews.**

20.1 The Commissioners considered the report on a possible programme of PABRs.

20.2 **The Commissioners agreed the report.**

**21. Signing of Orders**

21.1 **The Commissioners agreed to defer this item to a future meeting.**

**22. Information items:**

22.1 The Commissioners received the following items:

Parish Reviews  
Schedule of meetings and events