

Confirmed on 22 April 2004.

MINUTES OF THE MEETING OF THE ELECTORAL COMMISSION HELD ON 11 MARCH 2004 IN BELFAST.

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

PG left the room during discussion of the substantive issues, including the response from the Boundary Committee, in item 3, but was present for the decision on the order.

In attendance: Roger Creedon (RC)
Jacqui Dixon (JD)
Roger Gough (RG)
Nicole Smith (NS)
Seamus Magee (SM)

1. Minutes of the meeting of 12 February 2004.

- 1.1 The Commissioners agreed the minutes of the meeting held on 12 February 2004.
- 1.2 In respect of paragraph 1.3, the Commission will reply to the Minister, proposing a protocol for the future.
- 1.3 The Commissioners recognised that, in relation to future boundary work in Wales, Scotland and Northern Ireland, the devolved offices needed to be involved in discussions and planning.

2. Minutes of the meeting of 26 February 2004.

- 2.1 The Commissioners agreed the minutes of the meeting held on 26 February 2004. (subject to any comment received by Monday 15 March).
- 2.2 The Commissioners noted that the party funding events held in London had been very successful and thanked Tabitha Cunniffe, Gemma Crosland and Mark Williams for their work.

3. Electoral Change Order: Borough of Trafford.

- 3.1 SY presented the report, and drew the attention of the Commissioners to the letter from the Secretary to the Commission to the Boundary Committee and the response from the Director on behalf of the Boundary Committee. JD added that the Boundary Committee had received 229 representations, of

which ten had referred to electoral figures. Two of these ten representations were from the council and the health trust.

- 3.2 The Commissioners discussed in depth the response from the Director on behalf of the Boundary Committee and were satisfied that it provided them with the further advice and information which they required.
- 3.3 The Commissioners did not consider that there was a case to re-examine the review. Had the response from the Boundary Committee raised the possibility that earlier knowledge of the revised electorate figures might have led it to consider changes to the recommendations, the Commissioners would have considered whether further consultation was a proportionate response.
- 3.4 **The Commissioners, being satisfied with the further advice and information received from the Boundary Committee, approved the electoral change order for the Borough of Trafford and authorised the affixation of the Commission's seal to the order.**

4. Electoral Change Order Amendment: City of Peterborough.

- 4.1 JD presented the amendment order, which rectified an error in the City of Peterborough (Electoral Changes) Order 2003 in relation to the date of elections for the parish of Eye.
- 4.2 **The Commissioners approved the Electoral Change Amendment Order for the City of Peterborough and authorised the affixation of the Commission's seal to the order.**

5. Code of conduct on the handling of postal voting applications and postal ballot papers: draft for consultation.

- 5.1 NS presented the report, the key documents of which were the draft consultation paper and the draft code of conduct. The policy check list showed the basis for the guidelines. The proposal was to make the code available for the June elections, and to finalise in the light of experience in those elections.
- 5.2 The Commissioners considered that the paper should not be distributed as a formal consultation paper to the political parties in advance of publishing the draft more widely. Instead, it was agreed to invite immediate comments from PPP members and to discuss again at the meeting on 25 March, with a view to publishing the draft in early April. A copy should also be sent to the ODPM Select Committee at that point. There would be an opportunity for further discussion at future PPP meetings before the draft is finalised later in the year. The intention is to pilot and test the code and to review as part of the pilots.
- 5.3 It was suggested that after the June elections, the security of the ballot should be considered by Commissioners in a meeting which should include the CPS and representatives of the police.

- 5.4 **The Commissioners agreed the draft Code of Conduct, and agreed the arrangements for inviting comments on the draft code before the next meeting of the Commission.**

6. Review of minimum voting and candidacy ages: draft final report.

- 6.1 GM presented the report. The Commissioners discussed amendments to the text, particularly in relation to a recommendation to Government to consider the general issue of the age of majority; they were invited to give any further textual amendments to NS as soon as possible.
- 6.2 The Commissioners considered the arrangements for the launch of the report. This would include private briefings for the Secretaries of State and Ministers, with copies of the report being available at 3pm. Briefings and copies would be available in the devolved offices at 3pm.
- 6.3 The Commissioners thanked GM and TB for their work on the report.
- 6.4 **The Commissioners approved the text of the final report for publication, subject to textual amendments, and agreed the arrangements for the launch as set out above.**

7. Response to the Local Authorities (Conduct of Referendums) (Wales) Order 2004.

- 7.1 NS presented the report, together with the additional paper and the letters received in relation to Ceredigion County Council.
- 7.2 The draft response on the order proposed that the 28 day rule should be maintained; it was noted that the Commission could intervene if there was a risk that voters were not being provided with information.
- 7.3 The Commissioners were concerned about the potential inconsistency of approach between this issue and previously published position in relation to mayoral referendums. However, it was recognised that there was consistency with the Commission's powers in relation to the local government options at the regional referendums, although it would be undesirable to highlight this in any response. The argumentation in the response needed to be very clear and the Commissioners asked NS and KJ to liaise on the final wording. The response should also contain reference to the Commission's powers to provide information to voters.
- 7.4 The Commissioners considered that the proposed referendum question was difficult to read and understand, and that an alternative, clearer question which complied with the Commission's guidelines should be offered to the National Assembly.
- 7.5 The additional paper referred to the date of the election. The Commissioners agreed that the request should not be acceded to as there was insufficient grounds to change the date of the election.

- 7.6 **The Commissioners approved the terms of the response to the Welsh National Assembly, subject to the amendments discussed and the recommendation of an alternative question.**

8. Statutory report on the Northern Ireland Assembly Election 2003.

- 8.1 SM presented the report, and outlined the key findings and recommendations. This was the first independent and public report on an election in Northern Ireland, which set an agenda for change. There was a need to sustain the relationship with EONI by sharing the report and providing positive comments and constructive solutions to the issues raised. This would be done after 25 March when the Commissioners would discuss the report in more detail. The Commissioners agreed that the report should be published on 4 May or in the previous week if possible. This however would require the EONI to respond quickly on matters of factual accuracy after 25 March.
- 8.2 The Commissioners were conscious of the need to plan the publication of the report carefully in the light of the impending elections in June. There were practical issues to consider in view of the fact that the Northern Ireland Assembly had been suspended; it was proposed to hold a reception on the evening of publication at Stormont, with the Clerk of the Assembly being invited to host the event as a neutral Assembly figure. Briefings for the press and NIO would take place in the morning.
- 8.3 **The Commissioners commented on the recommendations in the draft report, which would be considered further on 25 March, and approved in outline the arrangements for the launch.**

9. Statutory consultation: European Parliamentary Elections (Northern Ireland) Regulations 2004.

- 9.1 NS presented the report. There had been no previous consultation with the Commission. There was some concern that the consultation had not met the requirements; there were important sections missing. The Commission should reserve its position.
- 9.2 **The Commissioners agreed to reserve their position on the consultation, and to ask that a further full draft be submitted for consideration at a later meeting.**

10. Party Election Broadcasts, June 2004: response to BBC proposals.

- 10.1 NS presented the report, and advised the Commissioners that Ofcom had stated that they did not consider that they were obliged to consult the Commission on their proposals for the European Parliament elections. However, Ofcom would be putting forward a similar policy to that of the BBC. Sy would write to Ofcom to ask for an early meeting with them to discuss this and other issues.
- 10.2 GM stated that S4C were an authority in their own right, but would probably follow the guidelines of BBC Wales.

- 10.2 The Commissioners approved the draft response set out in the report, and agreed that upon receipt of a policy from Sianel Pedwar Cymru (provided the policy corresponded with those of the BBC), a similar response be sent without further consideration by the Commissioners.**

11. Response to European Parliamentary and Local Elections (Pilots) Bill: policy paper

- 11.1 NS presented the report and highlighted that the Government were trying to follow the Commission's recommendations. The differences were set out in paragraph 8 of the report.
- 11.2 NS drew particular attention to the matter of delivery points in paragraph 8(b). The Government had advised that there would be no upper limit and that delivery points would be open for ten days. This was different to the arrangements for the regional referendums in October 2004. The Commissioners considered a revised draft text.
- 11.3 The Commissioners agreed the draft response, subject to the revised text and the further amendments discussed.**

11. Matters for information.

- 11.1 The Commissioners received the following items for information:
- NIF quarterly report
 - Research projects: an update. BM gave a presentation on the Audit of Political Engagement.
 - Schedule of meetings and events
- 11.2 SY advised the Commissioners that the Speaker's Committee had agreed the budget bid for 2004/5. There remained some queries to be resolved before the Corporate Plan could be approved.