

Confirmed on 14 April 2005

Minutes of the meeting of the Electoral Commission held on 10 March 2005 in London.

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

In attendance: Peter Wardle (PW)
Jacqui Dixon (JD)
Kay Jenkins (KJ)
Angela Salt (AS)
Kate Sullivan (KBS)
Chris Welford (CW)
Rael Zackon (RZ)
Ann Devine (AD)
Mike Harold (MH)
Tom Hawthorn (TH)
Jane Harris (JH)
Mark Williams (MW)
Emma Fisher (EF)
Karen Quintmere (KQ)

1. Minutes of the meeting of 1 February 2005 (EC43/05)

- 1.1 The minutes of the meeting held on 1 February 2005 were agreed, subject to the following amendments:

Paragraph 4.1: replace 'matter' with 'age for voting'.

Paragraph 5: title should read 'report on the cycle of local government elections'.

- 1.2 SY advised that there would be a further meeting of the IMIE steering committee in New York in the week beginning 14 March. PW would be attending, and a further report would be available for the meeting on 14 April. SY referred to the possibility of federal elections in Canada and the effect that may have on the role of Elections Canada, but it remained the case that it was felt inappropriate for the committee to be chaired by Electoral Commission representatives from the UK or Australia.

2. Minutes of the meeting of 10 February 2005 (EC44/05).

- 2.1 The minutes of the meeting held on 10 February 2005 in Belfast were agreed, subject to the following amendments:

To note that PG left the meeting while a decision was taken on item 2 (FER direction).

Paragraph 6.1: replace 'delegate' with 'leave'.

- 2.2 JD and CW advised that the BNP had made a request under the Freedom of Information Act 2000 for information relating to their statement of accounts.

3. Minutes of the meeting of 16 February 2005 (EC45/05).

- 3.1 The minutes of the meeting held on 16 February 2005 were agreed.

4. Electoral change amendment order: Stockton-on-Tees (EC46/05).

- 4.1 An amendment order was required to give effect to the Commission's decision made on 27 June 2003, for an out-of-term whole council election in 2005.
- 4.2 **The Commissioners approved the electoral change amendment Order for the borough of Stockton-on-Tees, and authorised the affixation of the Commission's seal to the Order.**

5. Broadcasting: codes of practice (EC47/05).

- 5.1 JH presented the report; there would be a revised version of the code for S4C available soon, but there would be no changes of substance. The draft response was consistent with the format of responses in the past. An amendment was proposed to paragraph 17 of the response to Ofcom, to clarify the distinction between permitted participants and designated participants, with a footnote quoting PPERA.
- 5.2 The Commissioners expressed some concern that Ofcom were not responding to the Commission's views. The Commission considers that it is the intention of the legislation that Ofcom should consult the Commission. SY would reiterate the Commission's views in the covering letter.
- 5.3 **The Commissioners approved:**

- **The response to the BBC in relation to candidates items at a forthcoming general election**
- **The response to S4C in relation to candidates items at a forthcoming general election**
- **The response to Ofcom in relation to section 6 of the proposed Broadcasting Code on election and referendum broadcasting, intended to be implemented following a general election, subject to the amendment in paragraph 17**
- **The inclusion in the covering letter to Ofcom of the Commission's concerns on the lack of consultation with the Commission**

6. Party election broadcasts, General Election 2005: response to proposed allocations (EC48/05).

- 6.1 JH presented the report; the proposed response was consistent with that given in 2001.
- 6.2 The Commissioners were impressed with the work of the Broadcasting Liaison Group, which had made every effort to consult widely, and considered that this should be reflected in the covering letter, together with a statement that the Commission would welcome a BBC decision to carry PEBs on channels other than those listed.
- 6.3 **The Commissioners approved the responses to the BBC and S4C.**

7. Statutory report on the General Election 2005/6 (EC54/05).

- 7.1 KJ presented the report, which included a project initiation document. The Commission should maximise the opportunities provided:
- Immediately after the election. If the election is held in May 2005, this would be the last opportunity to insert provisions into the Electoral Administration Reform Bill.
 - At the time of party conferences in the autumn. A short executive summary including public opinion research findings could be the subject of fringe meetings.
 - By publishing the statutory report in November/December 2005, in the same year as the election, and avoiding the possible run-up to a national referendum.
- 7.2 SY reminded the meeting that the statutory obligation is to report, not to produce a report, and therefore the Commission should be flexible about how the information was published. The sequence for producing information would be:

- Official election results published on Commission website within two weeks of the election
 - Foundation Model in public domain as soon as possible after the General Election (possibly mid-June), given the need to take account of feedback from the election period
 - Public opinion research published as soon as the Commission has it and preferably in time for the party conference season
 - Other reporting by the end of the year
 - Campaign expenditure report in early 2006
- 7.3 The Commissioners noted the arrangements for the stakeholder seminars and administrator meetings. Five seminars (one in each nation and two in England) would be held on the second half of May. The Commissioners also noted the arrangements for Commissioners and Deputy Commissioners to undertake observations during the election period.
- 7.4 PW advised that a seminar was being arranged for international observers and embassy representatives on 3 May.
- 7.5 **The Commissioners approved the project initiation document, with the amendments discussed, and the arrangements for the Project Board set out in the report.**

8. PPERA: revised penalty scheme (EC51/05).

- 8.1 MW presented the report, which outlined the proposed scheme which could be incorporated into the Electoral Administration Reform Bill. The proposed scheme would enable the Commission to engage in proportionate and appropriate enforcement action. There would be a broader range of fixed and civil penalties; criminal penalties for more serious breaches would not be changed. The Commissioners considered the following issues:
- Limiting the fixed penalties to non-submission of returns
 - Civil penalties for organisations, not individuals
 - Sensitivity to volunteers in parties
 - Consultation with the parties, and whether this should be undertaken by the Commission or by DCA
 - Presentational issues
 - Administration of penalties
 - The need for an appeal process
 - The ability to deregister parties
 - DCA timescale for input into the EAR Bill
- 8.2 **The Commissioners agreed the principles set out in the report, and agreed the proposals for a revised scheme subject to the issues discussed. The Commissioners also agreed that there**

should be discussion with the DCA on consultation with the political parties.

9. Reappointment of Deputy Commissioner (EC49/05).

- 9.1 SY presented the report, which recommended that Professor Colin Mellors be reappointed as a Deputy Commissioner for a further four years.
- 9.2 **The Commissioners agreed that Professor Colin Mellors be reappointed as a Deputy Commissioners for a period of four years with effect from 1 April 2004.**

10.1 Spanish Referendum: European Constitution

- 10.1 KBS gave a presentation on the Spanish Referendum on the European Constitution held on 2005. The key points noted were:
- Information flows to the count centre
 - Counting in the polling stations
 - Impact of ballot papers which do not identify the voter
 - The use for identity cards as the control mechanism
 - Destruction of ballot papers within 12 hours
- 10.2 **The Commissioners welcomed the presentation and asked that copies of the slides be circulated.**

11. Canadian federal election 2004 (EC52/05).

- 11.1 KQ gave a presentation on the Canadian federal election in 2004, and the programme of international study which she attended. The presentation provided an overview of the programme and highlighted a number of specific aspects in relation to the management of the election.
- 11.2 **The Commissioners welcomed the presentation, and noted the important leadership role which Elections Canada was playing in the international community.**

12. Foundation model of voting

- 12.1 TH gave an oral report on the current situation. The papers for the meeting on 21 March would be circulated at the beginning of next

week. DCA and ODPM officials, and AEA representatives, had been advised of the delay in publishing the report until after the May elections. There was a need also to inform the PPPs and the devolved legislatures and agreed lines for briefing against enquiries. The Commissioners noted that ODPM were seeking tenderers for e-voting suppliers in 2006.

12.2 The Commissioners noted the oral report on the current position.

13. Application to register a party: None of the Above

13.1 CW advised that an application to register NOTA as a political party had been received and approved. The DCA had been advised. The Commissioners requested that they be informed of similar situations where there had been previous discussion on an application.

13.2 The Commissioners noted that the application has been agreed, and asked that they be advised of applications made in similar situations in the future.

14. Electoral Administration Reform Bill (EC50/05).

14.1 MW presented the report, which set out the current input of the Commission in the drafting of the Bill. The Bill was due to be drafted by April, with the intention that it should be presented immediately after a General Election. Beyond the issues identified in Voting for Change and related policy reports, a number of other issues had been identified for inclusion in the Bill, including a revised penalties scheme, age of candidacy, PDGs, and criteria for party registration. The Commission had established liaison with the DCA Bill team, and the process was working well.

14.2 The Commissioners noted the report.

15. Commonwealth Conference

15.1 SY gave an oral report on the Commonwealth Conference held in India. There had been an opportunity to visit a village polling station. The use of electronic ballot boxes had been noted. The key issues addressed by the conference were:

- The nature of the election management body
- Codes of conduct in elections
- Challenges of technology
- Trust and confidence in the political parties.

15.2 **The Commissioners noted the oral report.**

16. Birmingham election petitions.

16.1 KBS gave an oral report on the elections petitions in Birmingham, and outlined the issues being raised in the hearings. There was a need to agree handling arrangements for after the decision is published. It was important to note that Birmingham was not a proxy for everywhere in the UK, and that voters should be reassured about this. Important issue had been raised in the hearings which the Commission had already addressed, which it trusted the Government would endorse.

16.2 **The Commissioners noted the oral report.**

17. Information items

17.1 The Commissioners received the following additional items for information:

i) Schedule of meetings 2005/6: the Business Planning meeting in June will be held in the Marriott St Pierre in Chepstow

ii) AS reported that the media had publicised the 11 March deadline for voter registration. The call centre was receiving about 100 calls per day. More PQs had been received concerning overseas and service voters.

iii) CORE: PW reported that the project board was reconvening on 11 March, and would be prioritising the production of data standards.

iv) SY and PG had given evidence to the ODPM Select Committee on boundaries on 7 March

v) GM and Heulyn Gwyn had given evidence to a meeting of the Local Government Committee of the National Assembly for Wales on 9 March on the Commission's report on local elections in Wales.

vi) SY, NM, PW and AO'N had had a series of meetings in Scotland with party leaders and the electoral administrators.

vii) Pay guidance had now been received from HM Treasury and it is intended to have a report ready for discussion on 21 March, before the Commission meeting on the Foundation Model.