

**MINUTES OF THE PRIVATE MEETING OF THE ELECTORAL COMMISSIONERS
HELD ON 2 SEPTEMBER 2003.**

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)
Roger Gough (RG)
Nicole Smith (NS)
Chris Welford (CW)
Rael Zackon (for item 6)
Kay Jenkins (KJ)
Andy O'Neill (AO'N)
Doug Stewart (for item 5)

Boundary Committee: Pamela Gordon (PG) (for item 2)

PG left the meeting while the decision was taken on item 2.

Implementation Team: Derek Little (DL) for item 2
Ann Devine (AD) for item 2

1. Risk Management

- 1.1 The Commissioners received a report from the Commission's risk management consultants, who stated that they has appreciated the cooperation and enthusiastic response from the Commissioners and staff. The consultants stated that much progress had already been made in putting in place the arrangements for handling risk. A paper prepared by SMT was circulated, which aimed to bring together the key risks identified by the Commissioners and SMT. The consultants indicated that it would be appropriate to use this paper as the basis for risk management, as it would be subject to review as an on-going process. The report would now be finalised with the revised schedule.
- 1.2 SY proposed that the risk management schedule should be reviewed at six-month intervals by the Commissioners, in October and in the first half of April in any year.
- 1.3 **The Commissioners accepted the report and revised risk schedule as the basis for future work on risk management.**

2. Periodic Electoral Review: Borough of Wolverhampton

- 2.1 AD presented the report, which explained a technical mapping modification. The Boundary Committee had indicated that there was no objection to this modification.
- 2.2 **The Commissioners agreed to the boundary modification set out in the report.**

3. Executive summary of the statutory report: Scottish Parliament elections 2003

- 3.1 NS, KJ and AO'N gave a joint presentation on the draft executive summaries of the statutory reports on the Welsh and Scottish elections in May 2003, and the draft recommendations contained in the reports. The full reports would be considered at the Commission meeting on 11 September 2003.
- 3.2 AO'N reminded the meeting that the report on the elections in Scotland covered both elections for the Scottish Parliament and local elections. The key issues raised in the report were:
 - 49.4% turnout
 - evidence of confusion about how to complete the ballot paper
 - public awareness
 - media campaign
 - greatly improved access to polling stations
 - need for a body of evidence from Scottish local elections in relation to the modernisation
- 3.3 The key recommendations were:
 - the continuation of the Working Group model
 - best practice for ROs
 - formalising arrangements for the 'rummage' process
 - descriptions for independent candidates
 - timing of the count
 - recounts for regional list seats

A revised summary of the recommendations in the report on the Scottish elections was circulated.

- 3.4 The Commissioners welcomed the comprehensive reports, and the fact that the two reports were able to reflect the national context of each. The Commissioners asked that the reports should highlight areas of work currently being undertaken.
- 3.5 SY requested that areas of similarity and difference should be highlighted in the introductions by GM and NM.
- 3.6 The Commissioners agreed that the reports should be published in the first week of November, or the following week if an election is held in Northern

Ireland on 6 November. Launch events would be arranged to coincide with the publication.

- 3.7 **The Commissioners agreed the draft executive summary of the statutory report on the Scottish elections 2003, and the proposals for publication of the full report.**

4. Executive summary of the statutory report: Welsh Assembly elections 2003

- 4.1 As part of the presentation outlined in paragraph 3 above, KJ advised that the report on the elections for the Welsh Assembly in 2003, did not propose any large scale policy reviews. The specific issues highlighted by the report were:

- devolution and the process for introducing electoral legislation
- information deficit about the Welsh Assembly

KJ also identified the following points:

- turnout of 32.8%
- need for more convenient voting methods
- inconsistent promotion of registration and postal voting by Ros
- inconsistent decision-making between ROs on matters affecting the political parties
- need for modernisation of the count
- need for improved access to polling station

- 4.2 The key solutions suggested in the report in relation to the legislative issues were:

- devolved responsibility to the Assembly for secondary electoral legislation
- changes to the process for introducing UK-wide legislation so that can be implemented consistently and simultaneously

- 4.3 The Commissioners accepted that there was an issue relating to the legislative process which should be investigated subject to constitutional considerations, as this could have implications in Scotland.

- 4.4 The comments in paragraphs 3.4 – 3.6 above applied also to Wales. The attendance of an Assembly minister at the launch was raised. GM took the view that the event could be handled in such a way that the Ministers presence would not raise questions about the independence of the report.

- 4.5 **The Commissioners agreed the draft executive summary of the statutory report on the Welsh Assembly elections 2003, and the proposals for publication.**

5. Referendum Conduct Order: consultation

- 5.1 DS presented the report, which was the product of the Working Group and presented to the Commission for consideration. The public consultation period would end on 5 September 2003, after which the DCA would produce

a final draft for formal consultation. The Legal Adviser was checking the wording in relation to the rights of direction of the Chief Counting Officer.

- 5.2 DCA had indicated that some of the recommendations may not be acceptable in isolation from Ministerial decisions on the changes proposed in Voting for Change and The Shape of Elections to Come, for example, declarations of identity.
- 5.3 **The Commissioners agreed the draft response to the public consultation, subject to the minor amendments discussed.**

6. Applications for party registration

- 6.1 The Commissioners considered the report, which dealt with applications from the White Nationalist Party and the Black Voice of Great Britain. CW advised that no further representations had been received from the White Nationalist Party. The Black Voice of Great Britain were putting forward an independent candidate at the Brent East by-election.
- 6.2 The Commissioners agreed that, as other applications were likely to be received, there was a need for consistency of approach, and to set out the process and principles, with the underlying statutory obligations, to the determination of applications. Applications had to be determined on the basis of the submission from the applicant, and only in relation to the name submitted.
- 6.3 GZ considered that the process adopted to determine the two applications under consideration was a proper process; the Commission had taken a provisional view after extensive discussion and had invited further representations from the applicants. The Commissioners concurred with this opinion.

6.4

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

6.7 The Commissioners recognised that the provision required a balance to be struck between freedom of political expression and the protection of the voter from what was offensive. In discussion, they considered the principles that it was for the Commission to establish for that purpose. At the end of the discussion, the Commissioners requested that the principles upon which they had agreed should be set out in a document, together with examples of names which might be considered acceptable and names which might not.

6.8 Applying the principles which they had agreed to the two applications under consideration, the Commissioners unanimously agreed that:

- the registration of the 'Black Voice of Great Britain' was acceptable
- the registration of the White Nationalist Party was not acceptable, on the grounds that the proposed name was offensive, because the combination of the words in the name had political connotations which would cause serious offence.

6.9 **The Commissioners agreed that:**

- **the application for registration of the 'Black Voice of Great Britain' should be allowed**
- **the application for registration of the 'White Nationalist Party' should be refused, for the reasons set out in paragraph 6.8 above**
- **the principles agreed in discussion should be produced in a document for future reference, together with examples of potentially acceptable and unacceptable party names**

7. Donations to parties in Northern Ireland and to candidates standing at elections in Northern Ireland

7.1 RC presented the report. It proposed that as a general principle the same controls on donations should apply across the UK but recognised that the situation was different in NI and recommended that the disapplication order should continue to for its four-year term and then be reviewed. The Commissioners agreed that there should be transparency about the sources of party funding in NI as well as in GB. However the Commission was not in a position to take an independent view on whether on whether the security situation was such as to require different treatment for parties in NI. The response to the NOI should refer to matters that required consideration, including the position in the Republic of Ireland, rather than give a firm recommendation on the future of the order.

- 7.2 **The Commissioners agreed that the response to the NOI should set out the matters identified as considerations to be taken into account, rather than the views of the Commission.**

8. Annual Planning meeting 2003

- 8.1 SY presented the proposed timetable for the Annual Planning meeting which will take place 15 – 17 October 2003, at the Manor House, Godalming. NM advised that some issues of governance had been raised at the Audit Committee meeting, and it was agreed that those issues should be dealt with in the final session on the timetable.
- 8.2 **The Commissioners approved the proposed arrangements for the Annual Planning Meeting 2003.**

9. Information items

- 9.1 The Commissioners received the following item for information:
- Public opinion and the 2004 elections
 - The inaugural meeting with the Management Committee of the AEA had been held on 2 September 2003
 - The minutes of the Audit Committee will be presented to future Commission meetings
 - SY had written to the Lord Chancellor and ODPM regarding proposals for an e-pilot in a region during the European Parliament elections.
- 9.2 SY advised that discussions had been held with GX and the Commissioners in relation to GZ's new role at the CCRC. In order to get a feel for the role and its compatibility with Commission work, GZ would be granted leave of absence from meetings for the period of six months from 1 November 2003. However GZ will continue to receive papers and to comment on papers, particularly those on legal issues.