

Draft as at 18 September 2003

MINUTES OF THE MEETING OF THE ELECTORAL COMMISSION HELD AT THE COUNCIL HOUSE, BIRMINGHAM, ON 11 SEPTEMBER 2003

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

In Attendance: Roger Creedon (RC)
Anne Hinds (AH)
Nicole Smith (NS)
Chris Welford (CW)
Roger Gough (RG)
Andy O'Neill (AO'N)
Seamus Magee (SM)
Kay Jenkins (KJ)
Stephen Judson (SJ) (for item 5)
Gill Brown (GB) (for item 1)
Derek Little

SY began the meeting by expressing thanks to Birmingham City Council for hosting the Commission.

1. PR strategy: presentation

- 1.1 AH introduced this item, explaining how the Commission had changed their England-based PR company to Band & Brown. She cited three relevant areas:
- Raising the Commission's profile (3 out of 10 people surveyed have not heard of the Commission)
 - Regional referendums planning
 - Voter awareness PR campaign.

AH then introduced Gill Brown from Band & Brown

GB gave an introduction to Band & Brown. She then gave a précis of her paper EC 162/03, referring to the use of natural new hooks, calendar dates and policy reports as pegs, before responding to questions and comments.

- 1.2 In response, SY expressed a preference for using the Commission's existing arrangements as PR hooks, e.g. participation at events and conferences organised by others, where there would be captive audiences and more natural and powerful PR. He acknowledged that good work had been done but that the Commission needed to be more active in getting its message across to the public. KS, GM and NM expressed support for this view, though NM had

- reservations concerning the Commission promoting themselves, rather than taking opportunities to get the Commission's message across. PG was concerned that there was a need for further public awareness of the Commission in the north of England in particular and recommended that opportunities should be taken to 'piggy back' on things happening in the north. There was general support for this latter point.
- 1.3 GB also highlighted the opportunities afforded by the referendums for the Commission to explain its role, but it was noted that there would need to be further decisions taken regarding the Commission's functions in relation to a regional referendum before a PR strategy could be agreed in this context. RC proposed that the section of the paper referring to referendums should be referred back to the Referendums Programme Board for further consideration.
- 1.4 Other points raised in discussion were:
- The need to develop people who could speak to their own peer groups about the Commission (SY)
 - Concern about the Commission's reputation with regard to its regulatory work (CW)
 - The resource implications of the strategy, both in terms of funding and staff time (RC, NS).
- 1.5 SY thanked GB for her paper and presentation.
- 1.6 **The Commissioners agreed:**
- **To accept parts A and C of the report, subject to the qualifications expressed in paragraph 1.2**
 - **To refer Part B of the report back to the Referendums Board for further consideration.**

2. Minutes of the meeting held on 14 August 2003

- 2.1 The minutes of the meeting of the Commission held on 14 August 2003 were agreed, subject to the following amendments:

Paragraphs 3.1 – 10.5: record the fact that PG and Helen Rossington were not present for the decisions taken on the PER's.

Paragraphs 3.1 – 9.3: record the fact that KS declared an interest in the West Midland PER's and so had no involvement in them.

Paragraph 10:4: delete, as this will be the subject of a separate paper at a future meeting.

In attendance: add 'Nicole Smith' to the list of names.

3. Minutes of the meeting held on 2 September 2003

- 3.1 As the minutes were not circulated before the meeting, due to notes of the discussion not being finalised, it was agreed to take this item at the next Commission meeting.
- 3.2 **The Commissioners agreed that CW should write to the White Nationalist Party, informing them of the Commission's decision not to register the name, but without developing the reasoning previously provided to the party.**

4. Electoral Fraud (Northern Ireland) Act

- 4.1 In his introduction, KS said this was the first report of its kind concerning Northern Ireland, which has a polarised and sensitive environment. Important points for consideration are:
- Does it convey a sense of the Commission's impartiality and independence?
 - Robust conclusions are needed, based on evidence and analysis.
 - There is a need for the right balance and judgement concerning the comments on the actions of the Electoral Officer for Northern Ireland, as the report will be scrutinised in great detail.
- 4.2 There was some discussion concerning the right approach to take in commenting in the report on the role of the Electoral Officer. SM said there were hard questions to be asked, but wondered whether the Commission should ask them or let others. AH pointed out that there are tensions, arising from the fact that the Commission's approach is conciliatory, whereas the Electoral Officer's is not. RC noted that the fact that the Chief Electoral Officer in Northern Ireland has a different status and statutory role from ERO's in rest of the U.K. has required a careful handling of these issues, and a recognition of the distinct and separate functions of the Commission and EONI..
- 4.3 PG thought the points about EONI were clear and well made and that it was important to flag up the discrepancies between Northern Ireland and the rest of the U.K. NM agreed and suggested that there might be some benefit in recommending which points should be given serious consideration e.g. ID cards, inconsistency in the hearings, people with learning disabilities, parties and registration forms.
- 4.4 SY, while saying the report was a good one, agreed that an expanded conclusion was needed. He suggested adding something along the lines of: "Given the difficulties with the Electoral Officer, we believe that a clearer statement of the responsibilities of the Electoral Officer and the Commission is needed." He also thought that the fact that the Commission has a statutory responsibility to review electoral law and process should be stated earlier in the introduction, possibly in 1.4 rather than in 1.9. SY also proposed that the report should highlight issues concerning individual registration, given the

Commission's separate recommendations that this be introduced in the rest of the U.K.

- 4.5 The report will be ready to be published by the end of October. The actual date will depend on whether or not an election is called for November.
- 4.6 SY thanked SM and Alex Tennant for the report.
- 4.7 **The Commissioners agreed:**
- **That SM would draft the amendments**
 - **To approved the report, subject to SY agreeing the amendments.**

5. Draft consultation paper: electoral pilot scheme 2004

- 5.1 NS introduced the item, highlighting two issues. The first was the need to include in the paper the Government's direction, which was not expected until 17 September. A preliminary draft has been seen by the Commission and contains ten factors to be taken into account. The final chapter will need to be re-written, once the final direction has been received. The second issue was whether, in the light of the likely request for two all-postal and one all e-voting pilots, the Commission wished to state their reservations about the feasibility of identifying a suitable region in which to conduct an all e-voting pilot.
- 5.2 The Commissioners welcomed the paper, noting that, while the Government have an objective concerning the development of e-voting, there is no road map as yet. The general feeling was that it was best for the Commission not to express explicit reservations in the consultation paper as the aim of the paper should be to encourage debate and help people to form opinions. The role of the Commission should be to form an overview in the light of the feedback received and experience derived from the pilots. This approach would be particularly required should contentious issues arise e.g. R.R.O.'s may take legal advice if compelled by the government to participate in e-voting pilots. NM made a number of comments on the text of the report.
- 5.3 **The Commissioners agreed that SY should sign off the final version of the paper.**

6. Draft final statutory report on the Welsh Assembly elections 2003 and the Scottish elections 2003

- 6.1 The Commissioners welcomed the Welsh Assembly elections report.
- 6.2 NM had a number of comments to make concerning the Scottish elections report. He noted that no Gaelic version was planned, whereas the Welsh Assembly report would be published in English and Welsh. He proposed changing the wording in the recommendations sections to follow the wording in the Welsh report – 'we' rather than 'the Commission'. He regarded the turnout section as the most difficult part of the report, especially given that some of the academic analysis was not as useful as had been hoped. NM also pointed out that one

party had photocopied postal voting forms, a practice which would be dealt with in the code of conduct.

- 6.3 KJ and AO'N were asked to look at the differences in the two reports concerning the number of ballot boxes used – one in the Welsh elections and three in the Scottish – to ensure that these differences were explained.
- 6.4 The Commissioners agreed to take section 2.15 out of the report, as there is no evidence to support the conclusion expressed. The point had already been removed from the Welsh report.
- 6.5 The Commissioners agreed to amend 3.2 to include reference to the increase in turnout at the 2003 elections.
- 6.6 RC pointed out that the report presented a positive picture of the relationship with the Scottish Executive over the protocol, which did not accord entirely with the Commission's experience. He suggested that the report make clear that, if the Executive wished the Commission to play a future role as regards local elections in Scotland, it needed to be put on a statutory basis as the protocols which operated in 2003 should be seen only as an interim solution. The Commissioners agreed to insert into 4.14 words which stated that the Commission is intending to work with the Scottish Executive on establishing more clearly the basis for any future involvement in local elections. RC also proposed the removal of section 5.81. This was agreed.
- 6.7 **The Commissioners agreed to:**
- **Give their approval to the National Assembly for Wales election draft report, subject to GM and SY reading it again**
 - **Give their approval to the Scottish Parliament and local government elections draft report, subject to SY and NM agreeing any amendments**
 - **Publish both reports within one or two days of each other in the week beginning Monday 17th November, subject to further information on the timing of an election to the Northern Ireland Assembly.**

7. Draft Annual Report 2002/3

- 7.1 RC pointed out that the Commissioners had received the final draft of the first section of the report. The second section containing the accounts had been delayed as the National Audit Office had not yet completed its work. The report will not be laid now until Parliament returns in October. SM mentioned the sensitivities of describing Northern Ireland as a nation. The report would need to be amended in this respect.
- 7.2 SY has done an introduction and will email it to the Commissioners on Monday 15th September.
- 7.3 **The Commissioners approved the draft document as the Commission's part of the Annual Report 2002/03.**

8. Matters for Information

- 8.1 GM and NS reported on the New Initiatives Fund:
- Consultants are going to be recruited to undertake quality assurance of pilot scheme evaluations and prepare standard reports for publication.
 - The process of monitoring and evaluation has been reviewed. As a result, outreach officers will visit projects to monitor them. This is to be regarded as a short-term measure until extra funding is approved.
 - NS indicated that she would want the Commissioners to consider the future of NIF at the strategy meeting in October. If the project is not resourced effectively, the Commission might be better not to do it at all.
 - SY asked for information on 027 (It's a girl thing conference) and 005 (Fawcett Society). It was reported that 027 had gone well and was well attended, but there was no information on 005. NS agreed to forward this information with the minutes.
- 8.2 The following items were mentioned:
- RC reported on the Staff Day planned for 27th November. Commissioners were invited to attend a stakeholders reception in the evening
 - CW reported that the N.I. Re-imbusement Scheme had resulted in only three claims being received so far. The deadline is 30th September.
 - AH said that 13 – 19 October is Local Democracy Week.
 - SM reported that there are seminars on the-voting age next week in Belfast and Londonderry, and that the official opening of the Belfast office is 19th September.
 - PG reported on the Local Government review programme. The draft recommendations are due to be published on 1st December. The first stage went better than expected, due to the way local authorities have worked together.
 - SY reported that he is due to attend a meeting with Peter Hain MP later this month, a precursor to meeting the Cabinet committee on electoral issues.
 - SY said that the Association of East European Electoral Organisations is meeting in London from 23rd – 25th October. He is due to give a speech at the opening session and attend sessions on the media and e-voting. A reception will take place on the evening of Friday 25th October. KS said he was available to attend.