

Confirmed on 15 July 2004

Minutes of the meeting of the Electoral Commission held on 17 June 2004 in Edinburgh

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

In attendance: Roger Creedon (RC)
Jacqui Dixon (JD)
Archie Gall (AG)
Roger Gough (RG)
Nicole Smith (NS)
Rael Zackon (RZ)
Seamus Magee (SM)
Andy O'Neill (AO'N)
Kate Sullivan (KBS)
Doug Stewart (DS)
Beccy Earnshaw (BE)
Martine Padwell (MP)
Scott Walters (SW)

1. Minutes of the meeting of 13 May 2004

- 1.1 The minutes of the meeting of the Electoral Commission held on 13 May 2004 were agreed subject to the following amendments:

Paragraph 3.1: insert ' if it is required to take on the role of adjudicator' after first clause of third sentence.

Paragraph 3.2: replace 'consider' with 'recommend'.

2. Minutes of the meeting of 27 May 2004

- 2.1 The minutes of the meeting of the Electoral Commission held on 27 May 2004 were agreed, subject to the following amendments:

Paragraph 12.5: insert sentence concerning timing of the response, which is within six weeks of publication ie. end of June.

- 2.2 The draft reports on campaign spending for the 2003 Scottish Parliament and Welsh Assembly elections had been signed off by SY, and by NM and GM respectively.
- 2.3 NS advised that the Select Committee may reopen their enquiry on postal voting. The Clerk had written to Returning Officers requesting information which the Commission would also need to collect for the evaluation exercise. RC had written to the Clerk to make clear the Commission's role and the need to avoid creating confusion.
- 2.4 JD advised that an order had been laid under section 75 of the Northern Ireland Act 1998, in which the Commission was proposed as a designated body.

3. Interim review of the New Initiatives Fund

- 3.1 NS presented the report which had been considered by the NIF Committee. The key recommendations for the Commission were broadly agreed by the Committee. Work was now needed to take forward the action plan. Particular attention was drawn to the criteria for grants. There was a planned review of Outreach in the summer of 2005 and it would be appropriate to leave any fundamental review of NIF until then.
- 3.2 The Commissioners recognised that the grant process took a significant amount of staff time, and that it was more difficult now to find genuinely new projects. There would always be a need for some grant-making process; however it might be appropriate in due course to drop some projects and develop others through Outreach. Evaluation needed to be more thoroughly embedded into the process.
- 3.3 **The Commissioners agreed the recommendations set out in paragraph 6 of the report produced by Vantagepoint, and paragraph 10 of the covering paper.**

4. Partnership funding for public awareness activities

- 4.1 BE presented the report, which dealt with the funding of projects which fell outside the NIF criteria. Whilst NIF dealt with innovative projects and therefore with greater risk, partnership working would be with established groups, and would enable more value to be gained from s.13 funds by working with other bodies to achieve the Commission's aims. The process had to be as robust as NIF, with effective frameworks for determination and evaluation, including a committee to consider projects.

- 4.2 The Commissioners agreed that there should be an annual report to Commissioners, and that proposed funding of over £30,000 on any one project should be referred to Commissioners for approval.
- 4.3 The process for partnership funding would be interim, until the NIF evaluation in 2005, at which time it would be considered again.
- 4.4 **The Commissioners:**
- **agreed the recommendations set out in the report for partnership funding,**
 - **approved in principle the process for partnership funding decisions, as set out in the report, and**
 - **agreed that arrangements for section 13 funding should be considered again in 2005.**

5. Pilots 2004

- 5.1 KBS outlined the initial outcomes of the 2004 pilots. The confirmed turnout figures were still awaited; however the first indications were that the turnout was 42% in pilot areas, and 37% in non-pilot areas. It had not been possible in the time available to do any analysis of the figures, particularly in relation to the effect of combined elections. The research would be completed by the end of June. Feedback meetings were being held in the four regions commencing 21 June.
- 5.2 KBS also advised the Commissioners of known cases where there were investigations into allegations of election fraud. The Commissioners were concerned about the adverse publicity, whether justified or not, and the effect this may have on public perception. The key issues were public confidence and fraud/intimidation; logistical issues could be overcome.
- 5.3 **The Commissioners noted the issues raised so far in the evaluation of the pilots.**

6. All postal ballots for referendums

- 6.1 The Commissioners discussed the issues concerning postal ballots for the regional referendums. SY reported on his discussion with Nick Raynsford, which indicated that the Government intended to go ahead with the postal ballots. NS presented her paper which outlined the options for the Commission, given that the evaluation of the 2004 pilots would not be available until September.
- 6.2 The following key points were discussed:
- the timing of the evaluation of the 2004 pilots

- the distinction which can be made between elections and referendums
- the complexity of the information to be given to voters in the regional referendums, which would be eased by being able to vote at home
- the potential need for additional delivery points
- the potential need for a statutory Code of Conduct
- the public perception of the levels of fraud and intimidation
- the timetable for laying the Orders for the regional referendums
- the Commission's stated support for multi-channel voting

6.3 While recognising the practical problems this raised, the Commissioners took the view that the Commission could not take a definitive decision on all-postal voting in the regional referendums, prior to the evaluation of the 2004 pilots, which was due to be completed in September. The Commission would prefer orders to wait until the completion of the evaluation. SY would discuss the issue further with Nick Raynsford. A draft statement would be prepared and circulated to Commissioners for comment.

6.4 **The Commissioners noted the issues raised, and agreed that a draft statement should be prepared for consideration.**

7. Referendums: explanatory materials

7.1 DS highlighted the key issues on the draft explanatory materials for the regional referendums, to enable the Commission to comment before the draft order goes before the House of Commons. DS advised that comments from Scope and RNIB had been taken into account in highlighting areas of concern.

7.2 The Commissioners raised several issues relating to the presentation of the materials, in particular:

- signposting from ballot papers to maps
- statements about the availability of delivery points
- amendments to instructions to voters
- wording of information eg. 'single tier'
- ensuring that voters in two-tier areas knew that they had two votes

7.3 **The Commissioners agreed that SY and PG should agree the formal response.**

8. Referendums: designation exercise

- 8.1 The Commissioners held an initial discussion on the papers for the exercise which DS had provided. DS stated that his current view was that notes for Commissioners and guidance for applicants should appear in the same document, and also that applicants could be supplied with a simplified form, comprising one front sheet, together with a checklist, allowing them to formulate the answers themselves.
- 8.2 The following points were made:
- a checklist would enable applicants to ensure that they had answered all questions
 - there was discussion on how far staff should advise Commissioners. Some degree of guidance or advice might be appropriate, even if there was no recommendation. Alternatively advice could be given as to whether an application met the criteria, although this might come close to a recommendation if there was only one applicant for one particular outcome
 - the time available for obtaining further information from applicants, after an initial discussion, would be short. It was suggested that staff should warn applicants at the outset that they might be asked for further information at very short notice. This might be important, for example, if the form lacked signed supporters. Commissioners must take enough time to consider the applications, and be seen to be doing so
 - transparency was important, and could reduce the need for any formal recommendation from staff to Commissioners
 - the explanatory note should not indicate in any way that the number of permitted participants purported to be represent, or was supported by the applicant, was a deciding factor
 - it might be helpful to explore further the meaning and implications of the phrases 'adequately represents those campaigning for that outcome' and 'to represent to the greatest extent those campaigning for that outcome, including the idea of the range of those campaigning for a particular outcome, and the range which may be represented by a particular applicant
 - the current reference to diversity is misleading

The discussion had to be concluded at this point for lack of time.

- 8.3 SY drew attention to the original timetable of meetings in September, which was no longer appropriate. An amended meeting schedule would be confirmed as soon as possible.
- 8.4 **The Commissioners noted that new timetable for meetings and discussion would be provided as soon as possible.**

9. Disapplication of Part IV of PPERA

- 9.1 SM presented the report which advised that the disapplication would end in February 2005 and outlined possible solutions. Discussions had been held with the political parties in Northern Ireland and their views were set out in the report.
- 9.2 The Commissioners agreed that, as a matter of principle, the same transparent system for dealing with donations should operate across the UK. A scheme with private disclosure to the Commission would be unacceptable. Security issues, and any exemption for the Irish Republic were matters for the NIO, but the Commission would need to be consulted to ensure that any new regulatory system in Northern Ireland was both practicable and enforceable.
- 9.3 **The Commissioners agreed to respond in the terms set out above, and agreed that SY and KS should approve the letter to the NOI.**

10. Periodic electoral reviews: counties

- 10.1 The Commissioners discussed concerns about the periodic electoral reviews for the counties, in particular:
- a substantial question of principle as to whether it was acceptable for Commissioners to take points in relation to the Devon, Derbyshire and Surrey reviews (where the figures were four years old) any differently from the way in which they took them for the district PERs, and
 - the way in which the reports dealt with co-terminosity
- 10.2 In relation to the reviews which were four years old, the Commissioners agreed that it would be appropriate to check the electoral figures to ensure that there have not been any major shifts in population or electorate since the receipt of the original representations. If evidence showed that the forecast was reasonably on track, this would be relevant to the decision as to whether to proceed on the recommendations. It was agreed that this matter would be brought back to a future meeting for discussion, prior to consideration of the Implementation Team's reports on the county PERs.
- 10.3 PG referred to the fact that the Commission had endorsed the guidance used for the county PERs and it was not desirable to take a radically different approach at this stage. However it was acknowledged that there was a need to discuss the issues of coterminosity and multi-member wards after the end of the PER cycle.

10.4 **The Commissioners noted that the issues raised would be considered at a future meeting , and asked that current population and electorate figures be obtained in respect of the periodic electoral reviews completed prior to 2004.**

11. Government strategy for electoral pilots 2005

11.1 The Commissioners received the report on the government strategy for the electoral pilots in 2005. The Commissioners were invited to send any comments by e-mail to TH by Monday 21 June.

12. Matters for information

12.1 The Commissioners received the following items for information:

- NIF quarterly report
- Schedule of meetings and events