

Meeting of the Electoral Commission

1pm Thursday 26 April 2001 at Trevelyan House

Present: Sam Younger, Chairman
Pamela Gordon
Glyn Mathias
Sir Neil McIntosh
Karamjit Singh
Professor Graham Zellick
Roger Creedon
Anne Hinds
Chris Welford
Nicole Smith
Rael Zackon
Katie Kerr, Secretary

Apologies: Peter Hodgman

Note: Sections appearing in ***italic bold*** denote action points or decisions

Before the meeting those present were addressed by Iain Dale, Managing Director of Politicos, regarding the publication and marketing of the Commission's first report on the General Election.

1 Matters arising

- 1.1 The LGCE merger project board had met that morning and considered the 1st reports from the sub-groups and a chart of what will happen. The next Commission meeting will include a presentation about the proposed interaction between the Electoral Commission, Boundary Committee, DETR and local government in relation to electoral and other review work. The Commission is to enter negotiations on a property on the corner of Trafalgar Square and the Strand. The building is in a good state reducing the capital cost required. There are other interested parties.
- 1.2 A separate press briefing will precede the presentation and reception in Wales.
- 1.4 SY reported that the Parliamentary Parties Panel met for the first time on Tuesday 24 April. ***The minutes will be circulated to the Commissioners.***

2 Directors' Reports

2.1 Registrations and Compliance

- 2.1.1 A note was circulated to the meeting.
- 2.1.2 The quarterly donation returns are due by 30 April. The information for all parties will be placed simultaneously on the web-site on Thursday 3 May. The Liberal Democrats and Conservative Party both anticipate declaring around 50 donations.
- 2.1.3 A letter is being sent to organisations that come to the attention of the Commission as possibly being caught by the controls on third parties.
- 2.1.4 The Commission will use the internal auditor used by the LGCE. Liz Sandwith is due to become the President of the Institute of Internal Auditors. She will work on the compliance framework for parties.
- 2.1.5 RC reported that the local branch of the Conservative party in Folkestone had circulated election material without the authority of Central Office who advised that they had been unaware of the campaign. The incident indicates that the Parties do not have controls in place in relation to the activities of local groups as required by the legislation.

2.2 Legal Services

- 2.2.1 A paper 'Enquiries on Donations and Campaign Expenditure' was circulated for information prior to the meeting. The following points were raised:
- New format included a section that was not cleared with GZ as the questions were not considered to raise any new issues. ***The Commissioners agreed to this change.***
 - Q10 – a party leaflet produced in favour of a candidate for an internal election (e.g. National Executive) did not count as a donation if the candidate did not know it was being produced.
 - Q5 – to be revised
 - Q3 – a donation to an all party group is not a reportable donation because it is to all parties
 - Work continued towards placing these enquiries on the web-site so the knowledge would be shared across the parties
- 2.2.2 A draft reply to the Scottish Green Party regarding their wish to accept a donation from a foreign trust made through a non-government body is under consideration.
- 2.2.3 Advice had been sought on tactical voting websites.

2.3 Policy

- 2.3.1 RC, NS and CW met with representatives of the Scotland Office, Scottish Executive and AEA in Scotland and have been invited to return.
- 2.3.2 Met with David Monks, Chairman of SOLACE, in Huntingdon and discussed the effect of the Best Value initiative on Electoral Administrators. Each individual Electoral Services departments is required to undertake a benchmarking exercise. The possibility of the Commission being a central point for the sharing of such information was discussed.
- 2.3.3 Guidance on the local government pilots for 2002 will be issued in July. The Home Office wished to issue the guidance without the involvement of the Commission because the legislative provisions allow the Commission to be a partner to the local authority conducting the pilot. It was unclear as to why the Commission would wish to do be a partner to some and not others. The Commission will be jointly involved with the Home Office in choosing the schemes and solely responsible for evaluating and reporting them. The Commission cannot fund schemes whereas the Home Office can but currently will not do so. The Home Office wishes to run a large all postal ballot and early indications are that the Commission would wish to promote pilots of electronic voting methods but appreciate that there is a cost involved.
- 2.3.4 Mark Williams is mapping the current research on elections that is occurring though out the UK. This will include research occurring outside Politics Departments. A meeting with the Constitution Unit at UCL has been held and others will follow.
- 2.3.5 The Association of Liberal Democrat Councillors has asked the Commission to initiate an enquiry into the Home Office's handling of the Election. They had specific concerns relating to the provision of contradictory advice. A reply has been sent stating the Commission has no power to undertake such a review but would be considering after a General Election what improvements might be necessary in the provision of advice.
- 2.3.6 Alan Beith replied to Nick Hawthorn's parliamentary question. In future the questions should be tabled directly to the Speaker's Committee rather than referred to them by the Home Office. Andrew Kennon, Secretary to the Committee, arranged the tabling of the response. The Commission is unique in answering parliamentary questions raised in this way. The nearest comparator is the Church Commissioners. The Committee nominated Alan Beith to reply to parliamentary questions at their meeting on 14 February.

2.4 **Media and Public Affairs**

- 2.4.1 A briefing for foreign correspondents based in London had been given by SY and RC. A request for further meetings including, 4 June, was received. SY asked for a panel of speakers to allow expansion of discussion to a wider range of election issues and arrangements. It was proposed that the F&CO sponsor a dinner after the election for foreign correspondents. The event may be used to publicise the Commission's 1st report.
- 2.4.2 Following discussion it has been agreed that no Commissioner or member of staff would speak in public on polling day. The press office will be staffed early to late on the Friday and possibly the Saturday after the polling day.
- 2.4.3 The Q&A sheet about the Commission has been expanded and proofed. Three design companies have been invited to tender and responses are due during the week commencing 30th April.
- 2.4.4 Calls to the press office have been logged since mid-April. Issues raised recently include:
- Quarterly donation returns
 - CRE pledge and whether this could be used to promote or prejudice a candidate
 - Democracy Movement (enquiry from Sarah Neville of the FT)

2.5 **Chief Executive**

- 2.5.1 The IT system is complete and timings have been met. Anite are due to leave on 4 May. An Anite representative will be around during the election period. The IT Project Board will continue as a long-term planning board.
- 2.5.2 The Democracy Movement had sought a meeting with the Commission. RC met with Walter Russell and another on April 25th. The Democracy Movement was informed of the controls, stated that they were aware of these and recognised the Commission's role. They indicated that they had received Counsel's advice that their activities were not caught prior to an election being called.
- 2.5.3 They indicated that they would stop producing literature at local level when the election was called, as this would be controlled, and would produce information at national level. The Democracy Movement agreed to remove the claim that they were going to spend £1500 in each constituency from their website. The opportunity for further meetings was offered. The Democracy Movement was informed that if the current literature was issued after the election was called it would be caught by the controls and it was the responsibility of the Democracy Movement to ensure that they complied with the controls.

- 2.5.4 RC will write to the other parties informing them that the Democracy Movement's current activities were not caught by the controls but would be once the election was called.

3 Commissioners' Points

3.1 Karamjit Singh CBE

- 3.1.1 KS reported that he was approached for a comment on where the Commission stood in relation to election material of a racist nature. The journalist decided not to do the piece. The Commission will cover the issue in the analysis of the election. There may be a question as to whether the election could be considered fair if some election material was abusive and influenced someone's decision whether or not to vote.
- 3.1.2 The matter raises the issue of how the Commission responds to enquiries of this type where the Commission has no direct involvement. Another example was the inaccurate reporting of the Commission's position in relation to vote trading websites. There is a balance between being seen to do nothing and stepping outside the Commission's remit. It was agreed that as the Commission is new there is the opportunity to state that the matter raised would be looked at in future but there are a range of issues so there is a need to prioritise.
- 3.1.3 The Commission's Procedure 'Compliance and the Investigation of Complaints: Regulated Bodies and Individuals' provides a line to take with the media in specific circumstances. Other cases will be dealt with on a case by case basis.

3.2 Sir Neil M^cIntosh CBE

- 3.2.1 NM visited the offices of the Parliamentary and local government Boundary Commissions for Scotland. He was given an overview of the GIS system. The Commission is about to launch a review that is likely to result in the reduction of the number of Scottish MPs at Westminster. There does not appear to be widespread awareness that the mechanism for determining the number of members of the Scottish Parliament is linked to the number of MPs at Westminster and that this is not a devolved matter. The floor above the Commission may become free and may provide suitable accommodation for the regional office.
- 3.2.2 He met George Foulkes who has joined as Deputy Secretary of State for Scotland.

4 Review of the General Election

4.1 Update on Project Plan – EC39/01

4.1.1 The data for publication on the website will be prepared by Professors Rallings and Thrasher in Microsoft Access and e-mailed to the Commission. It will be translated into html by Abdul Turay and placed on the website. A mock up and trial transfer of data is being prepared during the week commencing 30th April.

4.1.2 The Home Office's public telephone help line is available in England in Wales. The help line will not be publicised in Scotland as the Home Office failed to inform the Scotland Office of the number prior to the production of the advertisements. The Chief Electoral Officer in Northern Ireland, Dennis Stanley, is making arrangements within Northern Ireland.

4.2 Publication Schedule – EC41/01

4.2.1 The first report will be launched on Tuesday 24th July at Politicos. This should be before Parliament's summer recess.

4.2.2 The election results will be in tabular form. Due to space considerations Professor Rallings pressed for only the candidates' surnames and initials to be in the table rather than their full name as they appear on the ballot papers. An index giving the full names of the candidates will be included. Previously Professors Rallings and Thrasher have omitted titles other than indicating female candidates with 'Ms' to which some candidates objected. The Commission will not include titles but will use an indicator to demonstrate gender. The format of the report will be defensible on the basis that it has been used before by Rallings and Thrasher. **Copies of the proposed layout will be provided for the next meeting.** Different formats would be considered for future publications.

4.2.3 ***It was agreed that a separate table with the names of the elected members would be included.***

4.2.4 There will be limited time to approve the text and the Commission will be heavily dependent upon Professors Rallings and Thrasher. It is estimated that it will take 4 weeks to collate the data from the Returning Officers. Professors Rallings and Thrasher will typeset the document. It was felt that Professors Rallings and Thrasher should not send the document directly to the printers, as it was the Commission's publication.

4.2.5 Interim results will be published on the website after 7 days. These results will be collated by ITN and be based on figures from ITN, the Press Association and the BBC.

- 4.2.6 Following the July publication, ***it was agreed that a full report on election finance would be published in February 2002.*** Other reports might vary in format and be on individual issues or a range of issues pulled together.
- 4.2.7 A decision will be required as to when the reports are gathered together to submit to the Home Secretary with recommendations for legislative change. The action should not be too early as the recommendations may not be complete and they should not be too late, as they could not then be acted upon. Before proposing legislative change it would appear appropriate to test the proposals at the regional elections in 2003. After the regional elections in 2003 it may be possible to convene working groups in each area that consider examples of good practise and use this to inform subsequent elections. Some ideas may come out of the pilot schemes.

4.3 **Media Monitoring and Public Opinion Research – EC40/01**

- 4.3.1 ***Following discussion the Commissioners endorsed the approach taken in the paper.***
- 4.3.3 ***It was agreed that the Commission would monitor political broadcasts including those shown only in the regions. Arrangements will be made to obtain videos of the broadcasts.***

5 **Date of the next meeting**

- 5.1 9.30am on Thursday 10th of May at the Local Government Commission for England's premises at Dolphyn Court, 10-11 Great Turnstile, London WC1V 7JU.