

DRAFT

Meeting of the Electoral Commission

9AM Thursday 13 September at the National Museum of Scotland, Edinburgh

Present: Sam Younger (Chairman)
Pamela Gordon
Glyn Mathias
Sir Neil McIntosh
Karamjit Singh

In Attendance: Roger Creedon
Anne Hinds
Nicole Smith
Chris Welford
Ellie Greenwood (acting for Secretary)

Apologies: Graham Zellick
Peter Hodgman
Rael Zackon

1. Minutes of the last meeting

- 1.1. The minutes of the Commissioners' meeting on 24 July were agreed. It was noted that it was helpful to circulate the minutes for comment prior to the following meeting.

2. Matters Arising

- 2.1. The Commissioners had agreed the allocation of a £1.5m budget for voter education and the strategic thrust of the autumn advertising campaign in late August by telephone consultation (see Chairman's file note of 29 August (attached)).

3. Directors' Updates

3.1. Registrations and Compliance

- 3.1.1. The Team have been preparing guidance to candidates and EROs following the 1 July 2001 introduction of changes to candidates' expenses. In addition, the first campaign expenditure returns had been received and published, whilst work to approve all registered parties' financial schemes by the end of October is continuing.

- 3.1.2. Allegations of impermissible overseas donations made to the British National Party were being considered. There is a need for a clear audit trail in the Commission's handling of the matter. It was agreed that the case should only be referred to enforcement agencies if there are areas of concern for those agencies to investigate which went beyond the Commission's powers.
- 3.1.3. It appears that a party might have accepted at least one impermissible donation. The Commission agreed that a genuine mistake might be treated with leniency, but that the Act must be enforced and, if appropriate, an impermissible donation returned to the donor.

3.2. Policy

- 3.2.1. NS explained that there was a mistaken assumption that candidates' expenses returns are being checked by the Commission. The Commissioners agreed that this was not an area of work that we should become involved in at this stage of our evolution.
- 3.2.2. The Commission's Focus Group meetings with young people (with MORI and the Hansard Society) were going well. SY indicated that he and other Commissioners would like to sit in on further sessions. The Children and Young Persons Unit (DfES) had approached, and subsequently met the Commission. They are involved in identifying why young people don't vote, and this will complement the work of the Commission.
- 3.2.3. The Policy Team is to put together a resource pack on the series of Mayoral referendums taking place. It was suggested that the Commission might undertake a report on these referendums, and that they could prove a valuable pilot for regional government referendums. NM noted that pilot voting procedures in this area do not apply to Scotland.

3.3. Legal

- 3.3.1. The Legal Group had been continuing to work on the BAA and time off for Councillors issues. RC explained that the Commission is discussing with the DTLR who to seek legal opinion from on the Councillors issue. He confirmed that if the legal view supports the Commission's interpretation of paid leave for councillors as a donation, the Commission would push for the law to be changed on the grounds that it was important that the law should not discourage participation in civic duties.

3.4. Strategy and Planning

- 3.4.1. The Commission paper on Policy Development Grants would be discussed at the Commission meeting on 20 September.
- 3.4.2. RC noted that the IT Project Board should now evolve into an IS project board. KS would take the lead in this area for the Commissioners.

3.5. Media and Public Affairs

- 3.5.1. A press release announcing the publication of campaign expenditure returns for the smaller parties was released on 13 September, and the press release on the registration campaign was due for publication on Monday 17 September.
- 3.5.2. The Team has developed a draft set of performance indicators relating to media interest in the Commission, which includes such items as interviews, cuttings and the spread of publications. The draft document was circulated to the Commissioners for information.
- 3.5.3. In relation to the recent Daily Telegraph article on PEBs, it was agreed that the Commission required a policy on responding to inaccurate articles. AH agreed the need for a formal approach, but explained that in this instance it would have been counterproductive to complain.

4. Approach to Annual Report (brought forward from item 11)

- 4.1. It had been decided to use a neutral design for this years' report in order not to pre-empt future branding. AH asked whether for the future the Commission should have two separate documents for the report and accounts, or whether the documents should be kept together.
- 4.2. SY explained that the NAO had indicated that they would try to complete their audit of the Commission's accounts in time for them to be included in an annual report to be published before the summer recess; otherwise the Commission would have to publish its accounts unaudited if the annual report was to be published in a timely manner. RC added that the NAO seem relaxed about the Commission publishing the report ahead of the NAO's presentation of the audited figures later on in the year. **Commissioners agreed to publish the Annual Report for 2001-2 and later years before the summer recess even if unaudited figures had to be included.**

- 4.3. Since the first report (November 2000 – March 2001) did not cover an entire year it was proposed that the Commission produce a report that set out the background and purpose of the EC as well as its early activities. **This was agreed by the Commissioners.**

5. Commissioners' Points

- 5.1. GM and CW had concluded meetings with parties in Wales, which raised issues concerning the role of the devolved offices.
- 5.2. KS noted that next week the Lord Chief Justice in NI was due to hear an election petition concerning alleged irregularities at the election in Fermanagh, which he would be attending.
- 5.3. SY noted that the Parliamentary Parties Panel meeting had been held earlier this week. Issues on the agenda had included the distribution of Policy Development Grants, the need for guidance and a presentation on accounting requirements, and the introduction of imprint regulations. The meeting had provided further evidence of the constructive relationship between the Commission and parties.
- 5.4. NM explained that he had emphasised to Jim Mather that the SNP should attend the PPP meetings, as they were losing out by not doing so.
- 5.5. RC gave an update on the progress towards the national electoral register, noting that a meeting between the parties, IDeA and the Commission is to take place next week to establish a user forum for the project. Eight companies have been shortlisted to deliver the project.

6. Strategic Plan: Work from Election 2001 Report

- 6.1. The Commissioners expressed appreciation at the ambitious workload that had been put together.
- 6.2. It was suggested that 'the electronic future' and 'new ways of encouraging voting' overlap, and that the two areas could be merged in the plan by amending the wording slightly.
- 6.3. NM recommended producing a country specific overview for each Commission office given the different legislation effective in each country. NS added that staff from the regional offices would take this on as well as being involved in carrying out a number of tasks arising from the overall workplan.

- 6.4. The Commission should support external work in addition to its own strategic plan, but also avoid duplication by ensuring it is aware of other work.
- 6.5. Although there may be external pressure on the Commission to bring forward work on spending limits and capping donations to parties, this should be delayed until after the publication of Volume 2 of General Election 2001 and until the existing regulations had been in place for sufficient period. The elections in the devolved legislatures in 2003 had been factored into the plan.
- 6.6. Each project should have a Commissioner link: NS, SY and RC will identify the appropriate individuals. Each such Commissioner would ensure that key issues involved in each project were brought forward as appropriate for discussion at Commission meetings.
- 6.7. **The Strategic Plan was approved.**

7. **Project Initiation Document: Funding Review**

- 7.1. Concern was expressed about the size and proposed membership of the Project Sponsorship Board (PSB), which could potentially slow progress on the project. **It was agreed that the PSB should be changed to a project reference panel, and that the membership of the PSB should be smaller.**
- 7.2. The Review will need to be aware of how the devolved legislatures fit into the review, given their differing responsibilities. Key individuals in the legislatures need to be identified and contacted ahead of the review starting.
- 7.3. It was also important to make clear that stakeholders do not have a veto on what is a Commission project, but that the process will be consultative.
- 7.4. **The PID was agreed subject to the matters raised.**

8. **PID: PEB Review**

- 8.1. Similar issues to the Funding Review arose: particularly the need to keep the PSB small whilst also creating a reference group.
- 8.2. **It was agreed that neither SY nor GM should be the Commissioner involved in this project due to their broadcasting background. It was agreed that GZ should represent the Commission on this review, subject to his agreement.**
- 8.3. **The PID was approved.**

9. Commission Research Strategy

- 9.1. It was agreed that the Commission should not consider asking for an increase in the £3m section 13 funding ceiling before it had developed a track record in this area.
- 9.2. The Commission should ensure it is aware of what other research is being carried out, and should be prepared to tap into groups already undertaking research to improve the Commission's knowledge base. The Commission could also have a role as a source of knowledge for other research bodies and thus find itself acting as a co-ordinating body for research in the process. NS and SY were attending the EPOP meeting that weekend and would float the idea of a Commission 'Register of Current Research.'
- 9.3. It was suggested that using certain NGOs in Scotland and Wales could extend the range of the Commission's research. The Commission might want to focus specific activity on voter turnout ahead of elections to the devolved legislatures in 2003. The research strategy should consider European Parliament elections as thoroughly as any other.
- 9.4. The research strategy was agreed.**

10. Compliance Inspection Programme

- 10.1. CW sought endorsement for the Compliance Team to write to parties asking if the Team could visit them. The process outlined would continue to evolve. It was suggested that the Team should not use the word 'inspection', in order not to send the wrong signal to parties.
- 10.2. It was agreed that the Commissioners would need to know when meetings took place and what was agreed. The relevant files and reports should be available in an accessible format.

11. International Electoral Support

- 11.1. The Commissioners noted the high quality of the document, in common with the other papers produced.
- 11.2. **The recommendations of the paper were agreed.** It was noted that the Commission would need to be aware of various presentational issues when providing assistance overseas. The Commission would need to contact the FCO and DfID to outline its proposed role.

- 11.3. The Commission should also develop a little more experience before developing a statement of international objectives. It might also be sensible to produce business cards and letterheads for overseas visits and contacts, using the title 'UK Electoral Commission.'

12. Any Other Business

- 12.1. Item 2 (Papers provided for information) - Allegation Procedures now reflected what was discussed and agreed at the Commissioners' meeting in Cardiff in July. Any further comments should be passed to CW within the next few days. Commissioners would be asked to approve publication to the parties and on the website at the meeting on September 20.