

Minutes of the meeting of the Electoral Commission held on Wednesday 11 March 2009, London

- Present: Jenny Watson (JW) Chair
Max Caller (MC)
Henrietta Campbell (HC)
Ian Kelsall (IK)
John McCormick (JMcC)
Karamjit Singh (KS)
- In attendance Peter Wardle (PW)
Clare Ettinghausen (CE)
Carolyn Hughes (CH)
Lisa Klein (LK)
Stephen Rooney (SR)
Andrew Scallan (AS)
Bob Posner (BP)
Vera Markos (VM)
Kairen Zonena (KZ) minutes
Louisa Parry (LP) – for item 6
Clinton Proud (CP) – for item 7
Tony Stafford (TS) – for items 8, 9, and 10
Louise Rodger (LR) – for item 9
Bryant Harte (BH) – for item 10
Alex Robertson (AR) – for item 11
Caroline Evans (CE) – for item 11
Pronoy Bose (PB) – for items 12 and 13
Lindsey Tabor (LT) – for items 12 and 13
Katy Bere (KB) – for item 14
Christie Dennehy (CD) – for item 14
Archie Gall (AG) – for items 15 and 16
Richard Buck (RB) – for item 15

1 Declaration of Interests

1.1 None declared.

2. Minutes of the meetings of 11 February 2009 (EC23/09)

Agreed:

That the minutes of the Commission Board meeting held on 11 February be approved as an accurate record and the Chair be authorised to sign them.

3. Minutes of the Audit Committee meeting of 11 February 2009 (EC24/09)

- 3.1 The Commission Board noted that the final version of the National Audit Office review had yet to be circulated and asked for sight of it once it had been considered by the Audit Committee.

Agreed: That the National Audit Office report be circulated to those Commissioners not on the Audit Committee.

4. Chair's report (EC25/09)

- 4.1 JW reported briefly on her main activities and external contacts since the last Board meeting.

Noted.

5. Report from Executive Team (EC26/09)

- 5.1 The Commission Board was updated on the following items pertaining to the report:

- 5.2 **Political Parties and Elections (PPE) Bill** - PW noted that as the Bill reached the House of Lords the two highest profile issues were likely to be Individual Electoral Registration (IER), and reporting thresholds for donations to parties. Briefings were being held in the House of Lords and with the front benchers of the major parties in the run up to the second reading on 18th March.

- 5.3 **Boundary review programme** – AS reported that he was in close contact with election officials in Cornwall and was confident that they were on track for a smooth process in the June elections.

- 5.4 **Commission risk status** – JW commented on the two new amber risks (Boundary Committee transfer and the introduction of IER), and said that these should be kept under review.

Noted.

6(a) Corporate Plan 2009/10 to 2013/14 and Estimate 2009/10 (EC27/09)

6(b) 2009/10 Budget (papers were tabled and a presentation made)

6.1 This was the last opportunity for input before the Speaker's Committee considered the Corporate Plan and Estimate on 23 March.

6.2 On the 2009/10 Budget, CH made a brief presentation, copies of which were tabled together with supporting documentation. Points raised included accommodation strategy as the lease for Trevelyan House came to its end, and the issue of whether the capital expenditure control arrangements were right.

Agreed: That:

1. Subject to drafting amendments, the draft Corporate Plan 2009/10-2013/14 and Estimate 2009/10 be approved for submission to the Speaker's Committee meeting on 23 March:

2. The 2009/10 Budget be formally approved; and

3. Any modifications to the Corporate Plan or the Estimates by the Speaker's Committee be communicated by e-mail to Commissioners after 23 March 2009

7. Annual Report 2008/09 – Key messages (EC28/09)

7.1 SR introduced the report, pointing out the move towards a fuller report on progress against agreed objectives and targets. This would be accompanied by a succinct, accessible summary which would be used for stakeholder events. It might be desirable to adapt the summary to the devolved areas, an approach which Commissioners supported.

7.3 KS proposed that Commissioners' fees and emoluments appear in the Annual Report. PW pointed out that it had previously been agreed to include these in the resource accounts, even though they were not a requirement. The question was how much to duplicate by including in the Annual Report. .

Agreed: That:

1. Board emoluments be included in the financial summary of the Annual Report;
2. Reference to Party Election Finance activity be expanded to say more about performance and outputs; and

3. The overall approach be supported as follows:

- a more detailed document with an accessible, snappy summary
- an aim of customising summaries for each of the devolved nations; and
- holding launch events for local stakeholders, appropriate to each area.

8. 2009 Elections – Party and Election Finance (EC29/09)

8.1 Commissioner Board considered the approach to campaign monitoring at the 2009 elections and were satisfied that publicising that the Commission was engaged in that sort of exercise would encourage compliance. This approach would be assessed following the elections.

8.2 MC suggested that on the issue of returns by party agents, it would be helpful to get hard data on compliance by simply asking Returning Officers to report back to the Commission which of the candidates' expenses had been submitted within the prescribed time limit. This was supported.

Agreed:

That, subject to the following two comments, namely that:

1. in relation to expenditure return checking, Returning Officers be asked to notify the Commission following the county elections in June of the candidates' expenses submitted to them within the prescribed time limit; and
 2. post election reports to the Commission Board comment on the effectiveness of the campaign monitoring approach.
- the overall approach and timetable contained in the report be endorsed:

9. Update on Statement of Accounts (presentation)

9.1 TS gave a presentation on standardised statements of accounts, and explored the appetite to press ahead with mandating, and if so, the need to revise the timetable for policy and resource reasons.

9.2 There was general support for standardising income, but greater debate around the issue of transfers and expenditure. BP pointed out that the Commission's power to mandate reporting was not open-ended. TS suggested that the level of detail sought on expenditure need not necessarily match the level of detail required for income.

9.3 PW agreed that more thinking might be needed on the issue of transfers and expenditures, based on how useful or relevant such information was to the public interest. Commissioners interested in providing a sounding board in this process were invited to contact LK.

Agreed: That:

1. The case for mandating standard reporting requirements be confirmed;
2. The timetable for a move to mandatory standards after 2010 be drawn up and reported back;
3. Smaller parties keen to move to new arrangements be invited to use new template this year;
4. Further thought be given to the nature of requirements other than income sources to be included in mandatory reporting (eg transfers, expenditure), and reported back, together with the rationale, to the Commission Board;
5. Public announcement of these developments reinforce the principles in an appropriately positive way; and
6. Commissioners interested in acting as an informal sounding board for these proposals as they move forward contact LK.

10. Discussion: Analysis of PEF Information (EC30/09)

- 10.1 LK gave a brief introduction and tabled a collection of graphs which provided a trend analysis of donations since 2001.
- 10.2 The Commission Board noted the potential sensitivity of some aspects of the information which might need some supporting explanation, but agreed that it was of public interest.

Agreed:

1. That the analysis be communicated internally and further discussion take place of how it might be used externally, having regard to any accompanying explanations which might be necessary; and
2. This analysis be reported annually to the Commission Board.

11. Discussion: Criteria for Party Election Broadcasts (EC31/09) and supplementary paper BBC draft election guidelines for programme makers 2009

- 11.1 SR introduced the report and supplementary paper, and drew attention to the different requirements of Ofcom and the BBC, which produced differing allocations for smaller parties, such as UKIP. In response to a question, SR advised that any appeal on the allocations would be considered by Ofcom in the first instance, with further appeal to the courts if necessary.
- 11.2 MC expressed concern at the gap between the criteria and the allocations, and whether this could give rise to a challenge in the

future. PW pointed out that the allocations were based on more than results at the last election, and the current system provided a degree of flexibility. The Board was asked whether the criteria were reasonable, and it would be for the courts to take a view on whether the criteria were properly applied or not.

Agreed:

To confirm that the Commission is content with the criteria and the election guidelines for programme makers, and in communicating this to the BBC, register a desire for a future discussion on the possible implications of the criteria and allocations policy in the face of a variety of voting systems.

**12. Key Messages on Electoral Registration Officers
Performance against Performance Standards (EC32/09)**

- 12.1 AS introduced the report and emphasised that the ten performance standards were in four subject areas. The first subject area, Completeness and Accuracy of electoral registration records, was supported by the standards in the other three areas and 84% of Electoral Registration Officers either met or exceeded all three of the standards in this area. There had been a 100% response to the request for information. Areas which required attention were those requiring written plans for activities.
- 12.2 The verification process had been well received by EROs and a number had changed their self assessment as a result. A number of EROs were considered to have been harsh in their self assessment but had chosen not to change the assessment as they welcomed the challenge of improving further the processes they undertook.
- 12.3 PW felt that the release of the information could be positively promoted, while at the same time making it clear that performance must be improved.
- 12.4 MC suggested that briefing Council leaders, MPs and regional political bodies would encourage local leadership to take responsibility for improving performance.

Agreed:

- 1. That publication of the performance standards be communicated to EROs and MPs and other elected representatives appropriately;
- 2. Appropriate briefings be prepared for the local government press;
- 3. Commissioners be involved as appropriate in briefing Council leaders to communicate results and message, and gain buy-in for improved standards where necessary; and
- 4. The final report be signed off by the Chair and one other Commissioner (to be agreed).

13. Financial information reporting by Returning Officers and Electoral Registration Officers (EC33/09)

13.1 PB introduced the report and AS added that this was the first year of gathering the information. Definitions had been difficult, as had the fact that electoral registration was out of sync with the financial year. More information, and useful comparisons, would be available in future years.

Agreed:

1. That the key findings outlined in section 4 be noted, together with the wider implications for the Commission at section 5; and
2. That the approach to handling and influencing be agreed as set out at section 7 of the report.

14. Making your mark: designing for democracy - progress (EC34/09)

14.1 KB and CD gave a presentation on the project. In connection with the proposed policy change to remove candidate names from ballot papers used in a 'closed list' electoral system it was considered that there was a need to undertake further work to understand the impact of any such change for voters and political parties.

14.2 Discussion covered the methodology of the research, and how robust it was; the wider implications of removing names from closed list ballot papers; the rate of functional literacy and the influence this had on people's ability to vote successfully; and whether questions of design should be separated out from more fundamental matters (such as whether or not to include names on closed lists).

Agreed: That:

1. The other proposals be endorsed (with the exception of the policy change about 'closed list' ballot papers), and be promoted as guidance (rather than standards);
2. The final proposals be signed off by the Chair and one other Commissioner (to be agreed); and
3. Consideration be given to when to share the proposed guidelines with political parties.

15. Boundary Committee for England Work Programme and Budget (EC35/09)

15.1 MC proposed that no decision be taken regarding West Lindsey District Council and Swindon Borough Council, the last two on the list of proposed reviews, for the time being. These two reviews could be

revisited, depending on the timetable for transfer of the Boundary Committee.

- 15.2 The first four councils would all have whole council elections in 2011, whereas the last two were elected by thirds, and therefore would only lose one year rather than four. AG said he would advise the last two councils of the proposed reviews to allow them to plan their resources accordingly.

Agreed:

1. That the anticipated timetable and work programme go ahead as outlined at Appendix A of the report;
2. That the Boundary Committee for England be directed to undertake further electoral reviews for Northampton Borough Council, South Derbyshire District Council, West Somerset District Council and Sedgemoor District Council; and
3. That West Lindsey District Council and Swindon Borough Council reviews be deferred for the time being.

16. Minutes of the Boundary Committee for England meetings on 20 January, 2 February, 10 February and 18 February 2009 (EC36/09, EC37/09, EC38/09, EC39/09)

- 16.1 The Commission Board noted the minutes of the Boundary Committee for England meetings held on 20 January, 2 February, 10 February and 18 February 2009.

Noted.

17. Any other business

Commission Board Meeting on PEF Matter

A Commission meeting by teleconference would be arranged during the following week (subsequently arranged for Thursday 19 March at 4pm).

The meeting ended at 3.15pm.

Chair