

## Minutes of the meeting of the Electoral Commission held on Wednesday 20 October 2010 at 9.30am

Present: Jenny Watson (JW) Chair  
Max Caller (MC)  
Henrietta Campbell (HC)  
Tony Hobman (TH)  
David Howarth (DH)  
Ian Kelsall (IK)  
Lord Kennedy of Southwark (RK)  
John McCormick (JMcC)  
Rt Hon George Reid (GR)

In attendance: Peter Wardle (PW)  
Carolyn Hughes (CH)  
Lisa Klein (LK)  
Alex Robertson (AR)  
Andrew Scallan (AS)  
Bob Posner (BP)  
Kairen Zonena (KZ)  
Joel Blackwell (JB)

Clare Ettinghausen (CE) – for item 5  
Tom Hawthorn (TH1) – for item 5  
Mark Williams (MW) – for item 5  
Gemma Rosenblatt (GR1) - for item 5  
Clinton Proud (CP) – for item 6  
Tony Stafford (TS) – for item 7

### 1 Apologies

Baroness Browning for absence.

JW on behalf of all her colleagues welcomed the new Commissioners onto the Board.

### 2 Declaration of Interests

- 2.1 The Chair declared to the Board that from 1996 to 1998 she was employed by Charter88, an organisation which no longer existed but

which at the time campaigned for constitutional change, including voting reform. She was initially employed as a Press Officer and towards the end of 1997 became the Campaign and Communications Manager. She was not the principal spokesperson for the organisation, but might on occasion have been quoted in a professional capacity on this issue. Since leaving the organisation she had had no personal involvement in any campaign for voting reform. The Chair also declared that the Welsh arm of Charter88 was part of the 'yes' campaign during the last Welsh referendum in 1997.

2.2 IK declared that he had been Director for CBI Wales during the 1979 Wales Referendum and that CBI Wales had supported the 'no' campaign.

2.3 RK declared that in 1997 he campaigned in support of Welsh devolution in the referendum.

2.4 It was agreed that these declarations did not make withdrawal from decision or discussion necessary.

3a Minutes of the Commission Board meeting of 7 September 2010 (EC88/10), and 22 September 2010 (EC 89/10)

3.1 The Chair added that the revised paper on referendum grants (EC75a/10) had been approved by email, and an addendum would be added to the 7 September minutes to record that fact.

**Agreed:** That:

The minutes of the Commission Board meeting held on 7 September 2010 (plus addendum) and the minutes of the Commission Board meeting held on 22 September both be approved as an accurate record and the Chair be authorised to sign them.

3b Decision/Action tracker (EC90/10)

3.2 It was noted that with the arrival of the new Commissioners, memberships of committees and reference groups would be reviewed, and Commissioners were invited to let the Chair know their preferences.

3.3 Confirming that the Remuneration Committee had not met since TH had been added to the membership in February of this year, principally because the pay-freeze had negated any immediate need for a meeting, PW added that there would be a need for the Committee to

consider staffing and remuneration issues in the light of savings, staff reductions, and the planned review of the organisation's structure in the first half of 2011.

**Agreed:** That:

- (a) Committee and reference group information be circulated to Commissioners to enable them to express an interest in membership;
- (b) a paper on committee and reference group memberships be considered at the November Commission Board;
- (c) consideration be given to the timing of a meeting of the Remuneration Committee in 2011 to consider aspects of the review of the organisational structure.

#### 4 Update from Chief Executive for July (EC91/10)

4.1 PW highlighted key aspects of the Chief Executive's report. These included:

- Candidate spending (para 1.1) - PW reported that he had made no delegated authority decisions on whether to refer any cases on candidates' spending.
- PEF Online (para 1.4) – LK said that the system had been demonstrated to six of the Commissioners, and in the Commission's offices in Scotland, Wales and Northern Ireland, and now needed to be shown to AB, DH, RK and GR (ideally together but if necessary, individually). Load testing was to start this week. One party had proved resistant to the system, but LK hoped that that view might shift with more contact, and if not, she would report further to the Board. The Gateway 4 review would start in mid-November, with a view to the system going live in December 2010.
- PEF cases update (para 1.4) – LK stated that there had been 90 cases of allegations (slightly up on the same time last year). With staff back up to strength following long-term illness, nine cases had been closed the previous month, including some slightly more complex and lengthy cases. The report for one high profile case was due to be completed. As there was no civil sanction which could be applied it would under the Board-approved Commission policy be given to PW to decide whether or not to refer it for criminal investigation and possible prosecution.
- UKIP settlement of costs against the Commission (para 1.6) – BP reported that a sum had been budgeted for and UKIP's lawyers were now preparing a fully detailed statement of their legal costs for submission to the Commission
- Information Tribunal on Wendy Alexander case (para 1.7) – The Tribunal had met on 14 October, and the decision was anticipated within four to six weeks.

- 3 Bunhill Row (para 3) – CH reported that the lease would be signed very shortly.
- The Committee on Standards in Public Life was due to receive the Commission's submission on the CSPL's enquiry into party funding during the following week, and hear evidence on 3 November.
- The Commission's response to the Northern Ireland Office's consultation on donations and loans to political parties would be submitted to NIO the following week.

4.2 A sub-committee of the Speaker's Committee, followed by the Speaker's Committee itself, had met on 11 and 13 October respectively, and had approved:

- proposed spending on the UK referendum
- commitment of funding before legislation had been passed due to the need to enter into a contract with Royal Mail early
- the offsetting of any savings from the Wales referendum against costs of the UK-wide referendum; and
- a resource-to-capital switch mostly occasioned by the London office move.

In relation to a request for £0.5M to cover an identified shortfall, the Committee expressed the hope that the Commission could absorb the shortfall through other means, and if this did not prove possible was willing for the Commission to raise it again with the Speaker's Committee. The Committee did not comment further on the detail of our draft Plan for 2011-12 to 2015-16. PW said that on these last two points he expected to go back to the Committee before Christmas.

**Agreed:** That:

- (a) submissions to the Committee on Standards in Public Life on political party funding and to the Northern Ireland Office on donations and loans be circulated to Commissioners in an information pack when they had been finalised;
- (b) PW keep Commissioners advised of the position in relation to the next approach to the Speaker's Committee; and
- (c) arrangements be made to demonstrate PEF Online to the new Commissioners.

## 5 Electoral Registration – strategic priorities (EC 92/10)

5.1 AS introduced the paper. Commissioners were invited to comment on the proposed workstreams (summarised by phase and activity in the table at paragraph 4.7), whether they properly reflected the Commission's priorities, and whether there were any gaps.

5.2 AS, noting that the reference group on Complete and Accurate Registers had met once since being set up, said that it had been necessary to get a proper steer from the government about its direction

and the pace of change before being able to proceed, and now this was clearer, the Reference Group would now meet to begin to take forward some of the work.

- 5.3 PW added that while the government's Electoral Registration Transformation Programme Board met monthly, there was a great deal to address in follow-up between meetings.
- 5.4 One issue under consideration was how the Programme might relate to any wider consideration of how best to validate identity across the public sector.
- 5.5 A key aim of the Commission was to guard against degrading the accuracy or reducing the completeness of the register. This means, for example, that the Commission should be in a position to be able to say reliably what part of any reduction in numbers registered was due to the removal of old, or inaccurate information, and what was due to people failing to, or choosing not to, register. To be able to assess the impact on accuracy and completeness with any certainty, the availability of good quality research was critical.
- 5.5 Work done on the 2011 census data would enable publication by the Commission of completeness and accuracy estimates in 2014. The 2011 census would include a citizenship question for the first time, which would enable a measurement of the proportion of those eligible to vote.
- 5.6 The government proposed to carry out 10 data matching trials to assess how various data sources could be used to improve the completeness and accuracy of the registers. It was currently canvassing local authorities for interest and their suggested approaches to conducting them. The Commission was pressing the government to be as clear as possible on the questions that the trials were designed to address, in order to design appropriate evaluation methodology.
- 5.7 In terms of work to be done with Electoral Registration Officers (EROs), it was agreed that in advance of any application the Commission might make for powers of direction, it should communicate to both the government and EROs urgently the magnitude of the task ahead, and what it would demand of them both in terms of performance, and for local authorities, resources. This should be embarked on earlier than set out in the paper. AS pointed out that the ability to do this was a resource issue.
- 5.8 It was recognised that political parties could be extremely active in encouraging registration of (some) voters especially in closely fought constituencies. Given the scale of the change brought about by IER the Commission should explore with parties via the Political Parties Panels how they might be involved in communicating this to voters.

- 5.9 Other awareness work would include more specific contact with the Local Government Association in relation to EROs' performance standards, and work with community groups involved with those most likely to be affected by the change in registration.
- 5.10 In relation to the importance of research, and current knowledge on registration, it was noted that while registration in the UK is high and appears to compare well internationally, the most recent national estimates were 10 years old, only covered England and Wales, were an estimation of completeness rather than accuracy, and were a universal figure which masked significant differences between areas. The usefulness of data at the local authority level – such as the case study information published in the Commission's March report – was also noted. The case of Glasgow was mentioned, where low rates of registration were addressed by the City Council which took action to increase registration.
- 5.11 GR1 said that monitoring the completeness and accuracy of registration nationally would be very costly, but it was possible to cover a range of local authorities before and after the introduction of IER.
- 5.12 It was agreed that where possible, lessons learnt from the experience of introducing IER in Northern Ireland which could be carried across be applied here too, and areas of difference be used to help target both research and campaigns.

**Agreed:** That, noting that the Reference Group on Complete and Accurate Registers might help to inform some of this work:-

- (a) the Commission's priorities for IER be expertise, assertiveness and maximising its leverage, and that it should have a clear focus on those who are currently unregistered, and who may be registered now but drop off through IER;
- (b) the data matching trial schemes drawn up by the government and evaluated by the Commission must use data sources which include groups at risk of under-registering with IER;
- (c) the use of good quality control data for other research was essential in enabling the Commission to provide sound information about pre- and post-IER levels of registration;
- (d) the data from the introduction of IER in Northern Ireland be extrapolated from as far as possible, and aspects which did not readily translate to the UK demographic profile(s) be used to help design research and campaigns to target people who might not provide identifiers;
- (e) a structured plan be developed to engage and communicate with stakeholders as soon as possible (EROs, the LGA, PPPs, community groups), with an outline of key messages and dates;
- (f) further thought be given to whether more powers of direction for the Commission were necessary or desirable, and whether we should seek these in secondary legislation for IER;

- (g) other policy issues for government continue to be identified and logged for raising through the IER process;
- (h) staff identify any local authorities where a combination of past performance and lack of resources made support and guidance more pressing, and consider ways in which it could be done and how quickly this should be pursued;
- (i) the pressure to improve performance standards be maintained, and momentum not be lost through the IER process; and
- (j) AS report back on progress on these matters.

## 6 Spring 2011: public awareness campaign (EC 93/10)

- 6.1 CP introduced the paper, explaining that since research on the creative ideas to be used in the campaign had so far proved inconclusive, further work was required which meant that a demonstration was not after all ready for this meeting. He hoped to be able to show Commissioners at the December Board meeting. AR added that a key factor in this campaign compared with others would be a close scrutiny by all sides on the question of balance in explaining the referendums.
- 6.2 CP said that delivery would take place two to four weeks before polling day, and should be complete before delivery of the postal votes. The booklet would also be promoted in the postal vote pack.
- 6.3 In relation to service personnel and overseas voters, CP agreed to explore with the Field Post Office what might be possible by way of cost-effective distribution. The issue of whether non-service overseas voters could receive a booklet with their postal vote was complicated by the cost this would add to local authorities' costs, and the difficulty of estimating it for inclusion as an element of their fees and charges for the election and referendum.
- 6.4 A draft of the Wales Referendum booklet was now available and would be circulated to Commissioners within the next few days.
- 6.5 Each booklet would be nation-specific, and would address the election first, and then the referendum – a potentially complicated thing to put simply, and something on which the Commission would be judged.
- 6.6 GR mentioned some research by Edinburgh University which showed evidence that some people believed the AV referendum would have the effect of replacing the additional member system of voting for the Scottish Parliament. He would pass the reference to CP.
- 6.7 In terms of what would represent success measures for the booklet, it was agreed that understanding (before and after) might constitute a successful measure, although it was often hard to be sure whether an

increase in understanding was attributable or not to the information, or whether perceived understanding translated into an effective vote.

- 6.8 CP confirmed there would be a feedback area on the website, for those who downloaded it (or simply wanted to leave feedback), and that more consideration would be given this week to how to address the question of whether or not to have explanatory material in polling stations. PW added that the general approach was not to have information on choices in polling stations.

**Agreed:** That:-

- (a) the plans for public awareness activity be noted;
- (b) the draft Wales referendum public awareness booklet be circulated to Commissioners (with a deadline for any observations); and
- (c) it be noted that options for delivery to service and overseas voters would be explored further.

## 7 Party Registers – implications of the Bromsgrove case (EC76/10)

(RK absent for a part of this discussion)

- 7.1 TS set out the background to the paper, and LK added that there were over 1500 descriptions currently registered, some 400 parties, and between 600 and 800 emblems.
- 7.2 A discussion took place on whether a wider discretion would be helpful.
- 7.3 BP confirmed that PPERA was worded in a way which arguably permitted a wide interpretation, and ultimately it would be for the courts to uphold such an approach or otherwise.
- 7.4 LK said that where possible, concerns about party registration applications were dealt with through informal discussion before the Commission took a formal decision whether or not to register. That approach had not been taken in this case, and lessons had been learned. Commissioners noted that there was a long established practice of resolving matters by consensus, and that one helpful addition to current practice would be to encourage those registering and de-registering names and emblems to consider intellectual property issues.

**Agreed:** That a change in the law not be sought, but that the current approach continue, and that parties be encouraged to consider intellectual property issues, as a way of ensuring that the issue has been highlighted.

8 Chair's report

JW noted that the Political and Constitutional Reform Committee seemed to be a Parliamentary Select Committee which was ideally placed to share the Commission's areas of activity and interest.

**Noted**

9 Meeting wash-up (Commissioners only)

The meeting ended at 1.30pm.

---

Chair