

Minutes of the meeting of the Electoral Commission held on Wednesday 13 May 2009, London

Present: Jenny Watson (JW) Chair
Henrietta Campbell (HC)
Ian Kelsall (IK)
John McCormick (JMcC)

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

Tony Stafford (TS) – for item 6
Louisa Parry (LP) – for item 7
Bola Bajomo (BB) – item 7
Tom Hawthorn (TH) – for items 8 and 10
Mark Williams (MW) – for item 8
Karen Quaintmere (KQ) – for items 8 and 10
Alex Robertson (AR) – for item 9
Aileen Keyes (AK) – for item 9

Also in attendance: Mark Gill and James Humphreys, Woodnewton, for item 9.

Apologies

Apologies for absence were received from Max Caller and Karamjit Singh.

1 Declaration of Interests

1.1 None declared.

2. Confidential minutes of 11 February (EC44/09), minutes of 11 March (EC45/09), and confidential minutes of 19 March 2009 teleconference (EC46/09)

Agreed:

- (a) That the minutes of the Commission Board meetings held on 11 March and 19 March all be approved as an accurate record and the Chair be authorised to sign them;
- (b) That, subject to the insertion of the word 'possible' before 'criminal' in the third bullet point, the confidential minutes of 11 February Board meeting be approved as a correct record and the Chair be authorised to sign them.

3. Minutes of the Audit Committee meeting of 11 March 2009 (EC47/09)

- 3.1 The Commission Board noted the draft minutes which were yet to be considered by the Audit Committee.
- 3.2 JW commented that changes to the way the Audit Committee was run might flow from the governance review.

Noted.

4. **Minutes of the Boundary Committee meeting of 2 March 2009 (EC48/09)**

Noted.

5. Chair's report (EC49/09)

- 5.1 JW reported that she would in future include information which would give more background and flavour to the list of engagements. IK suggested that a list of forthcoming engagements would be helpful, and allow Commissioners to feed in where useful.
- 5.2 HC commented on the extent to which engagement with devolved stakeholders was valued by them, and SR agreed that thought could be given to making events along the lines of the State of the Nation/Annual Report launch more regular. JW was happy to do more regular visits to the devolved nations.

Agreed: That the Chair's diary of forthcoming engagements be circulated to Commissioners, on a weekly basis or a different frequency, to be determined.

6. Report from Executive Team (EC50/09)

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

6.2 **Media coverage statistics** - PW noted that at some point it would be worth taking a more in-depth look at the wealth of detail that lay beneath the media statistics at paragraph 5, and could feed into consideration of which key activities and messages to prioritise.

6.3 **Boundary Committee** – PW reported that there was now a working model of what the Boundary Committee would look like by early 2010. Briefing of staff would start soon.

6.4 John Healey, the Minister for Local Government, had announced the previous week that he wanted the Commission to direct the Boundary Committee for England to carry out an electoral review on Stoke-on-Trent, in view of recent difficulties there.

6.5 **Party and Election Finance statistics** – In response to queries about how the tables were to be interpreted, LK said that the way the statistics were presented was in the process of being changed, and Commissioners agreed that they would review what information they would find useful.

Noted.

6(a) Disclosure Policy – enforcement casework (EC50a/09a)

6.6.1 Commissioners noted that the vast majority of complaints were dealt with in under five days, and the first the subject of a complaint would learn of the matter was in a letter which advised that a complaint had been received, considered and dismissed. They discussed the need to make explicit the principle that subjects should not find out about complaints about them indirectly.

Agreed: That, subject to some drafting amendments (ie number of cases dealt with in under 5 days, mention of the principle that Commission aims to avoid subject of complaint hearing from any other source, and at 3.2.3 'possible *adverse impact*' on the investigation), recommendations 3.2.1-3.2.4 and Appendix A be adopted, and, once the final wording has been signed off by the Chair, published on the website.

7. End of Year Performance and Financial Report 2008/09 (EC51/09)
- 7.1 CH introduced the report by saying that it was in line with previous forecasts. Commissioners proceeded to ask questions variously on business continuity (and specifically preparedness for a 'flu pandemic), staff turnover, Freedom of Information statistics, and the progress of PEF Online.
- 7.2 CH advised that there was a plan for mitigating the impact of a 'flu pandemic, and that staff turnover had reduced to 25% and continued to be the subject of significant work to continue to bring it down. BP said that FOI statistics in future would differentiate between those where the deadline had been legitimately extended (and were therefore not late) and those where the deadline had been missed. The approach to dealing with FOI enquiries had been improved, and should lead to an improvement in response times.
- 7.3 It was noted that exception testing continued for PEF Online, and an update would be included in the next Executive Team report to the Board.
- 7.4 On the campaign to encourage registration of voters abroad, SR advised that the response rate in relation to the increase in size of the campaign, had been disappointing. Commissioners would be kept informed.
- 7.5 In response to some of the survey results (and especially at page 20 – percentage of the public satisfied with the process of voting at elections remaining steady at 75% since 2003), Commissioners expressed a desire to continue to look at the statistics.
- 7.6 JW thanked the Bill Team for their on-going work on the Political Parties and Elections Bill.

Agreed: That:

- (a) an update on PEF Online, with the anticipated launch date, be included in the next Executive Team report to the Board;
- (b) Commissioners be kept updated on progress of campaign to register voters overseas (activity 13);
- (c) it be noted that future FOI stats would differentiate between extended and late, and give more information about the reasons; and
- (d) the Commission Board formally record its thanks to Bill Team for the amount and quality of the work it had done.

8. Emerging Issues on Individual Electoral Registration (presentation)

- 8.1 Commission Board received a presentation by AS on the implications of Individual Electoral Registration (IER).
- 8.2 Commissioners generally noted the scale of the task, and the potential risk of being identified with, and overseeing, a scheme which actually relied on electoral registration officers and local authorities being able to deliver it. This carried with it risks, not least that the Commission might be blamed for failures over which it had no direct control.
- 8.3 Thought was therefore given to:
- how such a lengthy, geographically wide, and extensive project could be managed
 - the best way in which to offer leadership and support to EROs
 - what the Commission was likely to be held accountable for
 - how and when to increase public awareness of both the scheme and the Commission's role in it
 - securing appropriate stakeholder input and engagement, and
 - the most effective way for Commissioners to give scrutiny and oversight.

Agreed: That in addition to the points made at paragraph 8.3 above, the concerns of Commissioners be noted as follows:

- (a) project management methodology must be used for work on this scale;
 - (b) models of delivery should be identified, areas of risk and responsibility identified, and ways of maintaining momentum amongst EROs and other stakeholders be devised eg setting up Regional Electoral Management Boards, promoting and publicising milestones; and
 - (c) an appropriate level and means of scrutiny be arranged for Commission Board;
- and responded to accordingly.

9. Stakeholder Audit (presentation)

- 9.1 Mark Gill and James Humphreys of Woodnewton gave a presentation on the stakeholder audit they had carried out for the Commission. The objectives were to provide the Commission with a greater understanding of stakeholder perceptions of its role and effectiveness including how these were changing over time; information on the key needs of various stakeholders and how these could better be met; and recommendations to improve how the Commission operates. A combination of desk research on previous research and current plans

and objectives was used, together with depth interviews with about 70 key stakeholders, and an online survey of about 300 stakeholders.

- 9.2 The stakeholders included politicians, academics, local parties, the 'big 3' political parties, smaller parties, government (both politicians and civil servants) and the electoral community.
- 9.3 The findings were presented under the headings of awareness and understanding, perceptions of effectiveness, communication and information, and relationships, with the attitudes of stakeholders to each of these areas summarised in turn. Recommendations were broken down into engagement, policy/issues, role and positioning, and the 'ideal' Electoral Commission.
- 9.4 PW said that the Commission's effectiveness during the general election and canvass was an absolute priority and the Commission had not only to perform well but to be seen to perform well. Three other key areas he highlighted were the PPE Bill (and the need for much more work than had previously been thought necessary); IER; and performance standards. JW summarised future focus as needing to be on engagement, prevention, and vision.
- 9.5 It was generally agreed that the audit was a significant and very valuable piece of work which would continue to inform the Commission's thinking about its approach and priorities, and guide the way in which it proposed to articulate its role and mission in the coming period.
- 9.6 SR said that a synopsis of the results would be communicated to the participants, with the steps that the Commission would be taking as a result of the feedback. A fuller report of the audit would be completed and circulated shortly.

Agreed: That:

- (a) it be noted that a fuller report would be finalised and circulated; and the findings built into future work: and
- (b) consideration be given to how to keep under review/bring back.

10. Handling a UK Parliamentary Election (presentation)

- 10.1 AS gave a presentation on issues involved in handling a UK Parliamentary general election (UKPGE).
- 10.2 JW suggested that the five areas to be monitored be turned into five measures of a successful election, against which the outcomes could be measured, namely: to be able to register to vote and cast a vote, to be able to stand as a candidate, to have confidence in the results of

the election, to have confidence in the legal framework, and to find the elections well-planned and well-run.

- 10.3 PW suggested that early impressions of the European Parliamentary (EP) election could be used to inform early production of key messages for the UKPGE. He added that the scale of the UK general election, its lack of a fixed date and the level of media interest would all tend to complicate things compared to an EU election. He felt that a stand-alone piece of guidance "Ten key things you should think about" aimed at EROs, and an equivalent version from PEF aimed at parties, could be drawn up and sent out proactively.
- 10.4 AS reported a level of concern among electoral registration officers (EROs) and returning officers (ROs) regarding whether the printing industry would be able to cope with the scale of sudden and simultaneous demand, and advised that the Ministry of Justice was leading in discussions on this point with suppliers and printers. The Commission's role in this case was not operational, but rather one of oversight, to ensure that EROs have the necessary arrangements in place.
- 10.5 It was noted that at previous elections media reporting had tended to focus on issues of process and integrity (such as delays in postal votes being sent, votes to service personnel not getting through, poll cards arriving late, systems failures with postal vote checking, delays in the count).
- 10.6 Given this, there was a clear need for the Commission to position itself early, and set out its role as scrutineer and observer, rather than as a body which was responsible for the delivery of all stages of the process. This was the most effective way to manage expectations in various stakeholder audiences.
- 10.7 Similarly, early discussions with ROs and EROs would serve to flag up concerns on, for example, the timing of counts, and enable the Commission to consider and take a position in advance taking into account all the information and support for the principle of sound electoral processes.
- 10.8 In relation to party funding, it was recognised that there might be more work to persuade people of integrity in the process now compared to previously. Some discussion took place on the way in which weekly reporting of donations might provide some transparency and reassurance on this front.
- 10.9 JW summed up by pointing out there were new risks for the Commission in the shape of possible party funding scandals, and in managing to scale up from the EP election to a UKPGE, and that these could be mitigated by a good media strategy. This would involve developing simple messages, being clear about the Commission's role,

what is being monitored, and liaising early with political stakeholders. In addition, the Commission should publicise widely what it has done, and use early impressions from EP election reporting. Evidence from stakeholders regarding possible problems with eg postal vote counting, should be gathered to support any representations the Commission might be able to make on behalf of EROs.

Agreed: (a) That the following be undertaken in preparation for a UK Parliamentary general election:-

- A proactive media and awareness-raising campaign based on boiled down messages encapsulating the Commission's aims for a successful election (people to be able to stand, to vote, to have confidence in the process and the results, and confidence in the regulatory regime and transparency of funding of parties) by which outcomes can be evaluated, and the Commission's role in bringing it about
 - Production of brief guides aimed at various stakeholders along the lines of "Ten things you should think about ..." for eg EROs, and political parties;
 - Ensuring as much clarity both internally and externally about the precise nature of the Commission's role in relation to any problems relating to integrity and the running of the election, to help position the Commission;
 - Getting concrete evidence regarding stakeholder concerns to support any submissions the Commission may make to the Ministry of Justice; and
- (b) An update on progress be included in next ET report.

The meeting ended at 2.45pm.

Chair