

Minutes of the meeting of the Electoral Commission held on Wednesday 10 June 2009, London

Present: Jenny Watson (JW) Chair
Henrietta Campbell (HC)
Max Caller (MC)
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

Archie Gall (AG) – for item 7
Sam Hartley (SH) – for item 7
Alex Robertson (AR) – for item 7
Gareth Nicholson (GN) – for item 7
Tom Hawthorn (TH) – for item 8
Karen Quaintmere (KQ) – for item 8
Katy Bere (KB) – for item 8
Kay Jenkins (KJ) – for items 8 - 10
Seamus Magee (SM) – for item 8 - 10
Andy O'Neill (AO) – for item 8 - 10
Louisa Parry (LP) – for item 11

Apologies

None

1 Declaration of Interests

- 1.1 KS declared an interest in item 7, as he had participated in some discussions about Stoke City Council in 2007, and had been a non-executive Director for the Government Office for the West Midlands at the time these issues were discussed. In addition, one of his non-

executive colleagues had chaired the Stoke Governance Commission. KS withdrew from the room during discussion of this item.

2. Confidential minutes of 13 May (EC52/09)

Agreed: That the minutes of the Commission Board meetings held on 13 May be approved as an accurate record and the Chair be authorised to sign them;

3. Confidential minute of 28 April 2009 (EC53/09)

Agreed: That the confidential minute of 28 April be withdrawn for final checking and re-submitted to the July meeting.

4. Minutes of the Boundary Committee meeting of 17 and 27 April 2009 (EC54/09 and EC55/09)

Noted.

5. Chair's report (EC49/09)

5.1 The Chair undertook to continue to circulate her forthcoming engagements to Commissioners.

Noted.

6. Report from Executive Team (EC50/09)

6.1 **Party and Election Finance (PEF) Online** – PW and LK gave some background to the difficulties with the development of PEF Online, principally that the system build had proved to be a more complicated process than anticipated by the suppliers. Extensive system build had been done, with staff had now spent time working closely with the suppliers at their offices to resolve problems. The suppliers had been thoroughly scrutinised at tender stage, and references received: it was felt that the supplier had underestimated the difficulty of the task.

6.2 **Elections, Registration, and Performance Standards** – PW added that additional prospective risks included levels of registration, standards among Returning Officers and Electoral Registration Officers (EROs), and particular issues that might occur at the next UK general election which could effect its smooth-running, ie a greater number of

first-time candidates, and a greater number of new party volunteers and workers who were unfamiliar with systems and requirements.

- 6.3 AS confirmed that in the wake of the June elections visits had been arranged to 58 local authorities with the poorest performance on registration standards, to look at areas of weakness and give advice and guidance on how to improve. General advice and guidance would also be updated and re-issued, and would reinforce the Electoral Commission's clear expectation that EROs' performance in meeting the basic standards would need to increase from its current level of 80% to 100%. A failure to improve should result in an escalation process.
- 6.4 JW asked that the clear message about performance standards, the lessons learnt from the June elections, and action taken/proposed to be taken, be captured in a way which would enable the Commission to take it forward with stakeholders and partners (for example the Local Government Association), and MPs. She added that registration standards had been the focus of a recent meeting with backbench Labour Party MPs, who had considered the possibility of initiating a Westminster Hall debate on the issue.

Noted.

7. Consideration by the Electoral Commission of whether to direct an electoral review of Stoke-on-Trent City Council (EC58/09)
- 7.1 KS withdrew from the room, having earlier declared an interest.
- 7.2 It was further noted during the course of discussion that Joan Jones, a Deputy Commissioner and member of the Boundary Committee for England (BCfE), who had been involved in advising the Governance Commission on Stoke, had similarly declared an interest at each relevant meeting of the BCfE and withdrawn from discussion and decision.
- 7.3 In introducing the report, BP emphasised that the case for whether or not to direct an electoral review should be based entirely on its own merits and be the Commission's clear and decided view, independent of any suggestion of the Secretary of State. The statutory criterion on which the decision had to be based was the furtherance of "effective and convenient local government in Stoke-on-Trent". While the Commission had not previously exercised its power of direction based on this criterion, it was within the Commission's power to do so..
- 7.3 AS added that the circumstances were only unique in that they had not been seen before, but that it was conceivable that they might arise in this or a similar form elsewhere in the future, and were therefore perhaps better described as unprecedented rather than unique.

- 7.4 The Commission Board heard the history of the local authority, and the various factors which had contributed to its current position. It was noted that Stoke was unique in using that particular model of local government, and, whether for that reason alone or in combination with other factors, local government in the area was in a parlous state.
- 7.5 It was noted that, given the complexity of the situation, an electoral review alone would not resolve the issues faced by Stoke but it may at least be one of in a series of steps towards a solution for the council and local people alike. Commissioners were conscious that the circumstances of the review meant that it might be difficult and protracted. The question of whether there should be single- or multi-member wards would be a recommendation of BCfE in the light of review findings
- 7.6 Addressing Commissioners' concerns about the implications for the BCfE's existing work programme, MC and AG confirmed that this had been considered by the BCfE when it met, and they were confident that the current approved programme of reviews which had been timetabled could be carried through at the same time as undertaking an electoral review of Stoke-on-Trent City Council. No further reviews would be brought forward to the Commission for a direction in this financial year. MC indicated that in view of the workload of Deputy Commissioners (members of the BCfE), he would become personally involved in this review.

Agreed: That the Boundary Committee be directed to undertake an electoral review of Stoke-on-Trent City Council

8. Immediate points from the June 2009 European Parliamentary Elections and English local elections (presentation)
- 8.1 The Commission Board received a presentation by AS giving an initial report back from the June elections, comparing those issues the Commission Board had highlighted in February as being of likely significance (late registration in Northern Ireland, third party campaigning, electoral administration management, co-ordination and leadership, and postal voting, especially absent voter identification in Scotland where it was being used for the first time) with what had emerged as issues in practice during the elections.
- 8.2 Overall the poll had gone well administratively. Problems arose with, in some cases, the failure of electoral administrators properly to anticipate the requirements of this particular set of elections (eg long ballot papers) and prepare accordingly. Other issues included wrong information sent to voters, folds in the ballot paper leading to accusations of disadvantage for one party, a postal vote example of marking a cross showing it as a vote for a particular party, and no

quality control or checking of what had been produced by some print suppliers. It was felt that these showed basic failures in planning and checking materials and the whole area of outsourcing was one which Commissioners felt should be given more focus in the report. The Regional Returning Officer role had been discharged inconsistently but would be the subject of detailed evaluation.

- 8.3 The Heads of Office for Scotland, Wales and Northern Ireland reported on elections in their respective areas, which had broadly been well run, and mentioned points which would need further attention in the future (confusing role of some especially recruited poll clerks in Northern Ireland, and local authority cross-border checking in Wales not working well). In Scotland indications were that Absent Voter Identification checking had been undertaken successfully.
- 8.4 The number of spoilt ballot papers was down in almost every area. Commissioners also reported back from their experiences of election observation, which had been broadly positive from an administrative perspective.
- 8.5 There was discussion on whether guidance needed to be more detailed, with a more forceful approach being adopted with ROs who failed to observe it, or whether it would be preferable to move eventually towards a situation in which ROs were given a certificate of professional competence, which could be removed in the event of significant failure. Commissioners expressed the view that more should be expected of those to whom the power to run elections is devolved and that this should be clear within the report. They also noted that at the forthcoming UKPGE there may be new candidates, new parties and new agents, a set of circumstances that is foreseeable now, and that the Commission should plan its work in the run up to the UKPGE on this basis.
- 8.6 JW emphasised that actions arising from the lessons of this election should be framed in terms of desired outcomes, should keep the voter at the forefront, and make the Commission's role in the process and expectations of electoral administrators clear.

Agreed: That

- (a) the issues which had arisen during the election process and the points raised above be dealt with in a further report to the July Commission Board; and
- (b) Commissioners interested in participating in a reference group should contact AS.

9. Devolution 10 years on (EC 59/09)

- 9.1 The report and a brief presentation were introduced by KJ.

- 9.2 There was a general discussion about the impact of devolution on the work of the Electoral Commission as a UK wide body.
- 9.3 During discussion a number of points were made:
- Devolution had grown since the Commission was set up and was likely to be an increasingly important part of the political landscape
 - Certain core principles lay at the heart of all the Commission's activities such as putting the voter first, improved electoral performance, and transparent party funding, and that these should be supported by core performance indicators (KPIs)
 - It was acknowledged that differences between areas were expected, including differences between the Commission's own devolved offices, and that the KPIs could provide assurance about outcomes regardless of different approaches
 - Cross-fertilisation of ideas already took place, and was to be welcomed
 - We should consider using resources from devolved areas to influence more effectively at Westminster
 - We should continue to work on formalising accountability arrangements to devolved parliamentary/assembly committees
 - There should be a periodic discussions of the effect of devolution on the Commission's work and ongoing consideration of the Commission's organisational model to ensure it is effective at delivering our objectives across the UK.

Agreed: That consideration be given to how to keep under review/bring back to the Commission Board.

10. The role of the Electoral Commission in Northern Ireland (EC 60/09)
- 10.1 SM introduced the report, which proposed the extension of performance standards to Northern Ireland, and suggested allowing the Chief Electoral Officer for Northern Ireland (CEONI) to become responsible for campaigns activity.
- 10.2 The Commission Board was entirely supportive of the extension of performance standards to Northern Ireland, and discussed how this could be brought about. Similarly, there was in principle support for the CEONI to take on responsibility for campaigns activity, on the principle that whoever was responsible for electoral registration should also have responsibility for promoting it.
- 10.3 However, there would need to be sufficient resources available to the CEONI to deliver campaigns activity, together with performance

standards to ensure that campaigns activity met the required standards, and the Commission would lend its support to bringing that about.

- 10.4 If possible, there should be an opportunity to revise Section 13 of PPERA to address this issue.

Agreed: That the introduction of performance standards in Northern Ireland be supported, and that steps should also be taken to explore an arrangement to allow the Chief Electoral Officer for Northern Ireland to undertake campaigns activity, subject to assurances about him having sufficient resources to carry out that work to the agreed standards.

11. The Electoral Commission of the future: looking forward

- 11.1 JW explained that this discussion was an opportunity to shape the direction of the corporate plan for next year. It was intended to present the corporate plan and resource estimate to the Speaker's Committee in the autumn.

- 11.2 PW outlined some of the Commission's possible key focuses in the next five to ten years, outlining the wider political and financial context. He set out the short- and medium-term issues facing the Commission in the area of its four objectives, before going on to outline the key priorities for the Commission as he saw them relating to party and election finance, electoral registration, well run elections and referendums and the separation of the Boundary Committee for England. PW posed a number of questions for Commissioners to discuss relating to the short and medium term priorities

- 11.3 Commissioners discussed the issues and made the following points:
- The organisation should be influential - sets the agenda, lead with proposals, sets standards, makes bolder policy statements
 - has a clear vision of why it exists readily grasped and understood by all
 - is recognised as an authoritative voice contributing to the quality of democracy
 - steers rather than controlled
 - strengthens party finance to the point where political donation and party involvement is seen as a legitimate and positively desirable contribution towards the democratic process
 - widely seen to understand politics and in its regulation of party finance to support bona fide political activity
 - examines more radical meanings of 'putting the voter' first, such as registration on day of poll, voting anywhere
 - has a creative and fruitful relationship with devolved areas.

- 11.4 It was felt preferable for the Commission to make a persuasive case for continuing as a stand-alone body, rather than to explore possible mergers with other bodies, or comparable functions.
- 11.5 On the basis of all the above, the Corporate Plan should be structured to show the Commission's vision of a healthy political democracy, with clear messages about its own role in bringing that about, and clear outcomes.

Agreed: That work on the Corporate Plan take into consideration the vision outlined at paragraphs 11.3-11.5 above, and be the subject of further discussion with a Commissioner reference group, before report back to September Commission Board.

12. Remuneration Committee

JW reported that the Remuneration Committee was to be formally established as a separate Committee of the Commission, with HC as the Chair. When KS finished his term of office, it was proposed that his place be taken by a nominated commissioner. Terms of Reference would be reported back to the Commission Board.

Agreed.

The meeting ended at 3.30 pm.

Chair