

## Minutes of the meeting of the Electoral Commission held on Thursday 16 October 2008, Belfast

- Present:
- Sam Younger (SY)
  - Max Caller (MC)
  - Henrietta Campbell (HC)
  - Ian Kelsall (IK)
  - Karamjit Singh (KS)
- Peter Wardle (PW)
- Clare Ettinghausen (CE) (via videoconference)
  - Carolyn Hughes (CH) (via videoconference)
  - Lisa Klein (LK) (via videoconference)
  - Stephen Rooney (SR) (via videoconference)
  - Andrew Scallan (AS)
- Bob Posner (BP)
- Vera Markos (VM) (minutes)
- Michael Gallagher (MG) - Item 7,8 (via videoconference)
- Bryant Harte (BH) - Item 7,8 (via videoconference)
  - Tony Stafford (TS) - Items 7, 8, 9
- Apologies:
- John McCormick

### 1 Declaration of interests

- 1.1 There were no declarations of interest.

### 2 Minutes (EC85/08)

- 2.1 The Commission agreed the minutes of the meeting held on 11 September 2008.
- 2.2 The Commission noted that the following responses to consultations had been sent:
  - Response to the Ministry of Justice consultation on weekend voting

- Response to the Northern Ireland Office consultation on improving the administration of elections to the Northern Ireland Assembly

- 2.3 The Commission noted that the response to the Department for Communities and Local Government consultation on the intelligibility of the draft local government referendum question would be sent on 16 October.
- 2.4 The Commission noted that the consultation on performance standards for Returning Officers had been published on the Commission website.
- 2.5 The Commission noted that the report on Crewe & Nantwich, Henley, Haltemprice & Howden and Glasgow East by-elections was published on the Commission website.
- 2.6 In relation to the electoral review of the Isle of Wight the Chair noted that following an exchange of views via email the Commission agreed the recommendations as outlined in 2.1 of EC82/08. The Order was made on 16 September 2008.

### 3 Re-appointment of Joan Jones CBE as Deputy Electoral Commissioner (EC86/08)

- 3.1 MC stressed that the forecast workload on the Boundary Committee for England remained high for the coming 2-3 years. MC noted that of the six Deputy Electoral Commissioners only two had experience of conducting electoral reviews – Joan Jones and Robin Gray. The remaining four had been recently appointed. MC noted the intention of Robin Gray to retire at the end of 2008 and the need to retain experience at Deputy Commissioner level. MC recommended the re-appointment of Joan Jones for a further year.
- 3.2 The Commission expressed its appreciation of the work undertaken by Robin Gray and Joan Jones as Deputy Electoral Commissioners.
- 3.3 The Commission agreed the recommendation that Joan Jones be reappointed as Deputy Electoral Commissioner until 31 December 2009.

### 4 Response to Ministry of Justice consultation on Draft Regulations on European Parliamentary Elections (EC87/08)

- 4.1 AS noted that the draft 2008 Regulations updated the 2004 Regulations to take into account changes to electoral law. AS highlighted the key issues to raise in the response as being:
- Concern among electoral administrators in Scotland with running the 2009 European Parliamentary elections on UK Parliamentary boundaries

- Commission reservations about using Scotland-specific findings as a basis for introducing change on a UK-wide scale in relation to the proposal that registered political party names rather than registered descriptions of political parties appear first on ballot papers
- Voting instructions on ballot papers

4.2 The Commission discussed the issues raised above and agreed the recommendations for response to the consultation. The Commission delegated approval of the final response to the Chief Executive.

## 5 Performance standards: Direction to Electoral Registration Officers (EROs) (EC88/08)

5.1 AS stated that following the 2008 annual canvass, EROs would be required for the first time to report performance against the new standards. AS recommended that the Commission use its power to issue a direction to EROs and that, if agreed, a direction would also be issued to Returning Officers for reporting on standards following the 2009 elections. AS also recommended that the Chief Executive in future authorise the issue of direction notices.

5.2 The Commission agreed to issue a formal direction to EROs to be included as part of an explanatory letter, circular or similar explanatory document. The Commission also delegated authority to the Chief Executive to authorise future direction notices.

## 6 Corporate Governance Framework (EC89/09)

6.1 PW outlined the changes to the corporate governance framework, the scheme of delegation and the Appendices.

6.2 The Commission agreed to the overall structure of the framework. The Commission requested a further review of the scheme of delegation.

## 7 PEF: Current and future enforcement practice (EC90/08)

7.1 TS updated the Commission on the range of activity underway to ensure that the Commission can demonstrate that it operates in line with the principles of good regulation. TS highlighted the approach to risk assessment and profiling; advice and guidance; statutory returns; enforcement; and accountability.

7.2 The Commission noted the update.

## 8 PEF: Moving towards risk-based regulation (EC91/08)

- 8.1 TS updated the Commission on current and future approaches to enforcement. TS noted that the Commission's approach to enforcement is the element of PEF work most likely to change over the next year because the Political Parties and Elections (PPE) Bill includes new investigative powers and a wider range of civil sanctions.
- 8.2 The Commission noted the update.
- 8.3 The Commission also received an update on the likely timetable for progress of the PPE Bill.

## 9 PEF update (EC92/08)

- 9.1 The Commission received and noted an update on current PEF activities and performance during the month of September 2008.
- 9.2 TS updated the Commission on next steps following the consultation on standardising statements of accounts. It was clear that it would be impractical to introduce mandatory standard requirements for financial year 2009, so the Commission would work to finalise and pilot new requirements over the next few months and make them mandatory for financial year 2010. The next steps would be to communicate this to the Parliamentary Parties Panel and other stakeholders, and to take forward work on draft requirements and guidance.