

DRAFT ECPPP 03/03/2015
Minutes of the meeting of the Westminster
Parliamentary Parties Panel held on Tuesday 3
March 2015, London

Present:

Conservative Party: Andrew Stedman, Compliance Manager

Labour: Margaret Lynch, Compliance Manager
Mike Creighton, Director of Audit and Risk
Management

Liberal Democrats: David Allworthy, Head of Compliance and
Constitutional Support
Darren Briddock

Plaid Cymru Elin Roberts, Plaid Cymru

Scottish National Party (Chair): Scott Martin, Scottish National Party

UK Independence Party: Matthew Richardson, Secretary

Electoral Commission: Peter Wardle, Chief Executive
Andrew Scallan, Director of Electoral
Administration
Alex Robertson, Director of
Communications
Bob Posner, Director of Party and Election
Finance and Legal Counsel
Mazida Khatun, Communications Officer

Law Commission: Nicholas Paines QC
Henni Ouahes
David Connolly
Gethin Thomas

A. Main Business

1 Minutes, and actions of the meeting and matters arising (ECPPP 25/11/2014)

- 1.1 The minutes from 25/11/2014 were **agreed** with no clarifications sought or noted. There were no other matters arising from the minutes.
- 1.2 Darren Briddock (DB) asked for the Electoral Commission to check its mailing list for PPP members, as he was not receiving messages or meeting invitations. **Action:** MK to check PPP members mailing list and update as necessary.
- 1.3 David Allworthy (DA) enquired about what had happened with the Guide for Canvassers, discussed at the previous meeting. Andrew Scallan (AS1) agreed to circulate the guide to PPP members. **Action:** AS to send Guide for Canvassers to PPP members.
- 1.4 DB also raised concerns that spending reports submitted during the campaign period of Sundays to the Electoral Commission office would not be passed on to the right team in time to ensure that they met the deadlines. BP reminded the PPP that the online system is always available and gave assurances that the Electoral Commission is confident that if documents are dropped off at the Electoral Commission's reception, they are 'delivered to the Electoral Commission' and will be passed on to the right team.
- 1.5 BP also thanked all PPP members for agreeing the dates of their Policy Development Grant audits now.

2 Law Commission consultation

- 2.1 Andy Stedman (AS2) began by praising the Law Commission's consultation paper on electoral law reform and asked about common data format which EROs use, but would also be useful for political parties to have.
- 2.2 Nicholas Paines (NP) noted the remark and went on to outline the role of the Law Commission. He stated that the electoral law reform project had begun in 2011 with scoping studies which concluded that the project was necessary and that its focus would be on technical aspects of law, rather than those matters such as franchise which are political matters. He noted that the consultation ends on 31 March 2015 and urged PPP members to respond to the consultation. He further stated that the hope was to have the new statutes on the books by 2020 elections, which required the report and draft Bill to be published by 2017.

- 2.3 Henni Ouahes (HO) then outlined some of the problems with the current legislative framework e.g. its volume and fragmented nature. He stated that the aim is to rationalise the law. He also raised the specific issue of regulation of campaigners handling postal votes and urged PPP members to respond on this matter to the consultation.
- 2.4 Mike Creighton (MC) stated that current postal vote applications are not sufficiently clear on how long the postal vote is valid or give options for opting-in for a postal vote in all elections. The wording on the forms produced by the Electoral Commission goes some way to assist voters but the legislative provision of applications for a particular election rather than a particular day for non-permanent postal voters was the problem.
- 2.5 Scott Martin (SM) enquired about whether a single Bill containing electoral law would work across devolved legislatures too. NP responded that there is no confirmed policy on this matter, but was something that the Law Commission was looking into. He stated that the project was sensitive to the opinions of the nations and started from a point of accepting devolved arrangements as a given which the project would not interfere with. HO confirmed that separate Bills reflecting the legislative competence of devolved legislatures, may well be the final position.

3. IER

- 3.1 AS1 highlighted that the Electoral Commission's analysis of 1 December 2014 registers in England and Wales had been outlined in the written update provided to the PPP. Alex Robertson (AR) added that political parties could get involved with the public awareness raising campaign and would receive more information on this.
- 3.2 MC stated that a complaint had been made against the Labour Party to the police concerning their 'How Many of Me' website. He explained that they were confident that the website was an appropriate use of the electoral register as allowed by law.
- 3.3 In response to a question about whether there would be regular updates on the quality of electoral registers AS1 said that the Electoral Commission's next report would be published in April 2015 and would be about registers in Scotland. The report on IER in Great Britain would be published in June 2015. He reiterated that issues with data about registers had precluded full analysis and that the data might be too unreliable to use as a basis for answering complex questions. He also said that the Cabinet Office was working differently with the Electoral Commission and the suppliers now, and the data will now go through a testing and development stage which should resolve the issues which had been encountered. PW added that although monthly updates on the

register might be desirable, the risks of providing updates that might be based on unreliable data were not resolvable without a great deal of additional work, which the Electoral Commission was unable to carry out on a regular basis. He also said that EROs were working hard to register people locally, but if there were concerns about registers at a local level, then the ERO should be contacted. He noted that the Electoral Commission was monitoring the work of EROs e.g. making sure that the household notification letter (HNL) was being sent and that the HNL was already having a positive impact on registration as evidenced by what EROs were saying.

- 3.4 SM enquired whether early data would be available for Scotland registers, before the April report. PW replied that interrogation of the raw data was needed before it could be reported on. MC raised concerns that data quality could be so bad, especially so close to the general election. PW assured MC that while the raw data may be unreliable, the Electoral Commission works on the data so that it is as reliable as possible once it is included in the reports and that these issues did not impact on the ability of people to register.
- 3.5 AS2 noted that his experience this year was that registers had been supplied in a timely manner and there had not been a repeat of the delays which had characterised previous years..

4. Postal vote sampling

- 4.1 MC raised the issue of permissibility of postal vote sampling as outlined in Section 66 of the Representation of the People Act 1983. AS1 confirmed that the Electoral Commission had looked at its guidance in light of the request to do so by the Labour Party but in its view, the guidance was correct. He noted that there was an ongoing case in Scotland that police were looking into; Bob Posner (BP) stated that the police were looking at the evidence as a basis for their investigations.
- 4.2 MC stated the Electoral Commission's guidance does not touch on sampling of postal votes and that it was the opinion of their legal counsel that sampling was not precluded by Section 66. He urged the Electoral Commission to take action now to prevent the possibility of police being called to counts, as the Labour Party would not advise campaigners they should not undertake this activity which he believes is important for maintaining confidence in elections. AS1 responded that Electoral Commission guidance was based on considered legal opinion and that they could explain more fully why this line has been taken.

MC stated that criminal law is not open to interpretation and focused on the wording of the law, and asked the Electoral Commission to look again at its guidance. PW said that the Electoral Commission would

consider the parties' request for its guidance to be clearer in relation to sampling; and would share any updated guidance as soon as possible. He noted, however, that he could not offer the parties any comfort that the effect of the Electoral Commission's guidance would change as a result of this further consideration. However, he said that the Electoral Commission would explain its reasoning. **Action:** Electoral Commission will share with the parties the outcome of its consideration of the issue.

- 4.3 Matthew Richardson (MR) asked whether political parties should seek further legal opinions on the matter, or seek a Declaratory Relief from the High Court. PW suggested that the first step should be for the Electoral Commission to follow up as set out above. As with all Electoral Commission guidance in this area, parties and Returning Officers were able to take their own advice and form their own view, and the Electoral Commission accepted this. However, the Electoral Commission aimed to produce definitive and clear guidance wherever possible.

5. Mass mailings

- 5.1 AS1 advised that if any parties intend to do mass mailings in a region or nationally, the Electoral Commission is available to review the materials to check content and formatting and encouraged them to make contact. Should parties seek to do these on a local basis, they are advised to contact the local ERO.

B. Electoral Commission Updates

6. International observers

- 6.1 AS flagged that he had met with the OSCE-ODIHR which was considering whether to send observers to the general election.

7. Third Party Campaigners

- 7.1 DA said that the inter-action of the third party campaigning rules and Section 75 of the RPA 1983 is not clear. He asked whether the Lord Hodgson review would be covering this. . BP responded that the terms of reference of the review do not seem to include this aspect and the PPP members may wish to flag this to the Cabinet Office.
- 7.2 DA reported that breaches of Section 75 had already been encountered and that he had instructed people to report these instances to the Electoral Commission rather than the police. He raised

concern that campaigners could be issuing materials without disclosing who they really represent. He also stated that in Somerset he had been told that one of the instances he had recorded there was no an offence as it was not covered in legislation.

- 7.3 AS2 also asked how the Electoral Commission was contacting third party campaigners to explain to them their responsibilities. BP reported that the Electoral Commission had undertaken a significant amount of activity on this point before the Act was implemented and that following the May elections the Electoral Commission would report on how the new regime had worked.
- 7.4 DB further enquired as to whether small local organisations were likely to understand that they might exceed the spending limits and therefore should register with the Electoral Commission. BP responded that the Electoral Commission undertakes monitoring work but also relies on people to bring additional instances to its attention so that necessary action can be taken. DA asked whether further guidance could be issued so that it is clear what is relevant to candidates and what is not. **Action:** Electoral Commission to continue to use its bulletin to non-party campaigners to remind on current issues.

C. Any Other Business

8. Campaign imprints

- 8.1 MC reported that he had been told by the Met Police that they have a standard letter to caution those that have not adhered to law on campaign imprints and sought assurances that the police and Electoral Commission would not take contradictory actions on cases, given that the Electoral Commission can issue fines to those who break the law. BP confirmed that the Electoral Commission can issue civil sanctions, and that it works with the police on cases. He noted that the Scottish Independence Referendum was the first time the Electoral Commission had this power and it worked well then.
- 8.2 MC asked for further clarification that imprints on the same document for multiple candidates in a local area were permissible and that individual imprints on separate documents were not required. BP confirmed that this was the case.

D. Date of the Next Meeting

The date of the next meeting is 2 June 2015 – Labour to Chair

Actions from March 2015 PPP meeting:

Action	Owner	Status
Check PPP members mailing list and update as necessary.	MK	Completed
Electoral Commission to send Guide for Canvassers to PPP members.	AS1	Completed
Electoral Commission to share with the parties the outcome of its consideration of Section 66 of RPA 1983.	BP/AS1	Completed
Electoral Commission to continue to use it bulletin to non-party campaigners to remind on current issues.	BP	Completed