

Minutes of the meeting of the Electoral Commission held on Tuesday 25 January 2011 at 3.00 pm (draft of extract minutes covering items 1 to 3)

Present: Jenny Watson (JW) Chair
Max Caller (MC)
David Howarth (DH)
Tony Hobman (TH)
Ian Kelsall (IK)) by video-conference
John McCormick (JMcC)) by video-conference
Baroness Browning (AB)) by tele-conference at 3.30pm
Lord Kennedy of Southwark (RK)) “ “ “ “

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

Kay Jenkins (KJ)
Tony Stafford (TS)
Adrian Fryer (AF)
Clinton Proud (CP)

1 Apologies

George Reid and Henrietta Campbell.

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 DH declared that he was a member of a political party associated with a party supporting the 'Yes' campaign.
- 2.4 AB declared that she sat in the House of Lords and took the Conservative Whip. The Minister for Wales was also personally known to her.
- 2.5 RK declared that as a member of a political party he had been involved in the referendum for the introduction of Welsh devolution in 1997, and was a member of a political party associated with a party supporting the 'Yes' campaign

3 2011 Wales referendum – applicant organisations for designation (EC 9/11)

- 3.1 KJ briefly summarised the issues set out in the paper and the basis on which any decisions must be made, ie by application of the statutory test for designating lead campaigners, and by consideration of a number of previously agreed criteria for assessing the extent to which an applicant represents those campaigning for the relevant outcome (set out at paragraph 3.8).
- 3.2 Questions and points of clarification were invited. There were none.
- 3.3 In relation to the application from 'Yes for Wales' it was agreed that there was sufficient information to enable it to reach a decision and for the reasons set out in Appendix B of the paper the organisation did adequately represent those campaigning for the outcome it supported.
- 3.4 In relation to the application from David Alwyn ap Huw Humphreys, it was agreed that there was sufficient information to enable it to reach a decision and that for the reasons set out in Appendix B of the paper he did not adequately represent those campaigning for the outcome he supported.

Agreed:

- (a)** That based on consideration of each application against the statutory test (paragraphs 3.5 and 3.6 of the paper) (i) the application of ‘Yes for Wales’ showed that it met the statutory test of adequately representing those campaigning for the ‘Yes’ outcome, and was therefore suitable to be designated, and (ii) the application of David Alwyn ap Huw Humphreys showed that he did not meet the statutory test of adequately representing those campaigning for the ‘No’ outcome and even if invited for interview, he still would not be able to meet the statutory test, and was therefore not eligible to be designated; and
- (b)** That as there was no suitable applicant for the ‘No’ outcome and the Commission must designate for each outcome or not at all (section 108 of PPERA set out at Appendix A of the paper), it was not possible to designate lead campaigning organisations for the referendum on the law making powers of the National Assembly for Wales.

(.....)

The meeting ended at 4.35pm.

Chair