

Minutes of the meeting of the Electoral Commission held on 10 April 2008, Mary Sumner House, London

Present: Sam Younger (SY) Chair
Max Caller (MC)
Henrietta Campbell (HC)
Ian Kelsall (IK)
John McCormick (JMcC)
Karamjit Singh (KS)

In attendance: Peter Wardle (PW)
Clare Ettinghausen (CE)
Carolyn Hughes (CH)
Lisa Klein (LK) – joined meeting at 10.45
Stephen Rooney (SR)
Andrew Scallan (AS)
Bob Posner (BP)
Vera Markos (VM)

Archie Gall (AG) – Item 5
Tom Hawthorn (TH) – Items 2,3,6 &7
Kate Sullivan (KBS) – Items 2,3, 6 &7

1 Minutes (EC36/08)

The Commission agreed the minutes of the meeting held on 13 March 2008 (EC36/08).

- 1.2 With regard to agenda item 2, (Corporate Plan 2008-9 to 2012-13 and Estimate 2008), PW noted that Treasury had responded favourably to the Speaker's Committee on the Electoral Commission's 2008-09 Estimate. The Commission anticipated formal approval of the Estimate week commencing 21 April 2008. Final changes to the Corporate Plan 2008-9 to 2012-13 had been sent to the Speaker's Committee for approval.
- 1.3 With regard to agenda item 3, (Performance Standards for Electoral Registration Officers), AS noted that of the 407 Electoral Registration Officers (EROs) in Great Britain, only four had failed to respond to the request for data. The Commission agreed to write to the leader of the Council in each of these authorities to note the failure of the ERO to

respond. The Commission discussed the publication date for the analysis of electoral registration data collected. It was agreed to publish the analysis on 8 May and to make the data and the report available to EROs in advance of publication. The consultation paper on draft performance standards for EROs was published on 26 March 2008.

- 1.4 With regard to agenda item 5, (Scottish Government's consultation paper on a Local Healthcare Bill), it was noted that the response was sent out on 4 April and that a copy of the letter was circulated to Commissioners.
- 1.5 With regard to agenda item 6, (Party election broadcasts), the Commission noted the amendments to the party election broadcast allocation criteria as consulted by the BBC on 3 April 2008 and the Commission response as agreed, via email, on 4 April 2008.

2 Response to the Northern Ireland Office consultation paper 'Protecting Voters at Risk' (EC37/08)

- 2.1 KBS presented a draft Commission response to the Northern Ireland Office's (NIO) consultation.
- 2.2 The Commission agreed the response to the NIO subject to minor amendments.

3 Draft order: fees structure for marked registers (EC38/08)

- 3.1 KBS presented a draft response to the Ministry of Justice for decision by the Commission.
- 3.2 The Commission was concerned that the proposed new fee structure might not provide for recovery of costs incurred by local authorities in providing copies of the marked register and requested that the response to the Ministry of Justice (MoJ) register the Commission's disappointment in the lack of consultation with local authorities on the pricing structure.
- 3.3 The Commission agreed to the response subject to the inclusion of the above.

4. PEF cases (EC39/08 and EC43/08)

- 4.1 The Commission received a general update from LK on party and election finance work, including in relation to a Party Funding Bill, proposed regulations, party and regulated donees reporting issues, and dual reporting.
- 4.2 Two reports on investigations into regulatory matters were considered. The Commission resolved not to refer the matters reported to the police and that letters be sent to the individuals investigated.

- 4.3 The Commission also agreed on the need for further work on a wider statement about levels of compliance with the PPERA rules, and staff agreed to bring forward proposals setting out a communications approach. SR suggested that there would be opportunities in the near future to publicise the Commission's view through the media, including publication of the donations and loans reports for quarter one of 2008, the publication of the forthcoming White Paper on party finances, and, in advance of this, an interview with Sam Younger, possibly in one of the Sunday newspapers.

5. Boundary matters

Review of Electoral Arrangements – Wiltshire County Council

- 5.1 Consideration was given to a request from Wiltshire County Council that the Commission formally redirect the Boundary Committee so that the current review of Wiltshire takes place on the basis of the provisions of section 14A of the Local Government Act 1992 (a provision inserted by the Local Government and Public Involvement in Health Act 2007).
- 5.2 The Boundary Committee had on 17 January 2008 been directed by the Commission to undertake the review under section 13 of the 1992 Act. The Commission was satisfied that the provisions of section 13 allow the Boundary Committee to put forward recommendations for single or multi-member electoral divisions as it deems appropriate. Therefore, the views of the County Council in favour of single-member electoral arrangements can and should be taken into account by the Boundary Committee as part of the current review. The Commission expected the Boundary Committee final recommendations to include recommendations regarding single or multi-member electoral divisions. In the circumstances therefore Commissioners considered that it was not necessary to issue a further direction to the Boundary Committee to make specific recommendations regarding single member wards.
- 5.3 The Commission resolved not to grant the request for the above reasons and asked the Legal Counsel to inform Wiltshire County Council of this decision and the reasons for it.

Review of Electoral Arrangements – Durham County Council

- 5.4 Consideration was given to a request from Durham County Council that the Commission reconsider its decision to direct the Boundary Committee to commence an electoral review of the new unitary Council of Durham in 2008 with a view to implementation of new electoral arrangements in 2010, so that councillors elected to the shadow authority in May 2008 are able to service a full five year term until 2013.

- 5.5 The Commission noted that the imbalances between existing divisions across the county were such as to warrant a further electoral review. Accordingly, the Commission resolved that the Boundary Committee's review should proceed in the current year. However, no decision should be taken at this time on the implementation date; the Commission would be open to receiving representations on this matter after the Boundary Committee had reported to the Commission with its recommendations.

Review of Boundaries legislation and procedure

- 5.6 AG presented the key points of the report on the Ministry of Justice proposals for a review of boundaries legislation and procedure and reported the views of the Boundary Committee, which had considered the review at its meeting in early March. It was noted that the review process may take up to a year to complete, with any legislative changes taking considerably longer.

6. The structure of electoral administration in the UK: update

- 6.1 KBS and TH reported that the intention was to consult stakeholders on the project at a number of events taking place across the UK during April and May. These included post election seminars, PPPs and other MP meetings. A schedule of events was circulated at the meeting and has since been formally circulated.

7. May 2008 elections (EC41/08)

- 7.1 AS, KBS and TH presented an update on preparations for 1 May elections.
- 7.2 AS identified the key risk was around both the administration of postal voting and potential malpractice, and noted that the Commission had reminded Returning Officers to be vigilant. KS noted that the deadline for registration was 16 April 2008.
- 7.3 The Commission agreed to receive regular updates leading up to the election on 1 May 2008 by email.

8. International stakeholder strategy: update

- 8.1 This item was postponed to the 8 May 2008 Commission meeting.

9. Any Other Business

- 9.1 SY informed the Commission that Richard Mawrey QC would be joining the Commission meeting on 8 May 2008 to discuss the Slough electoral petition.
- 9.2 SY reported that following his letter to Jack Straw regarding individual

EC44/08

registration, there would be a meeting with Jack Straw on 15 May 2008.