

Classification: Unprotected

Commission Board: 14 April 2011

Agenda Item no.3(a)

Minutes of the meeting of the Electoral Commission held on Friday 18 March 2011 at 10.00am

Present: Jenny Watson (JW) Chair
Max Caller (MC)) by tele-conference
Tony Hobman (TH)
Ian Kelsall (IK)) by video-conference
Rt Hon George Reid (GR)) by tele-conference
Lord Kennedy of Southwark (RK)

In attendance: Peter Wardle (PW)
Lisa Klein (LK)
Alex Robertson (AR)
Andrew Scallan (AS)
Bob Posner (BP)
Owen Williams (OW)
Kairen Zonena (KZ)
Joel Blackwell (JB)
Tony Stafford (TS)
Ros Baston (RB)
Adrian Fryer (AF)

Apologies

Angela Browning, Henrietta Campbell and John McCormick. DH did not attend the meeting in view of an interest.

2 Declaration of Interests

- 2.1 JW declared to the Board that from 1996 to 1998 she was employed by Charter88, an organisation which at the time campaigned for constitutional change, including changes to voting systems, and was now incorporated in Unlock Democracy. Unlock Democracy had supported the applicant for designation on the Yes side. She was initially employed as a Press Officer at Charter88 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 changes to voting systems. The Chair also declared that the Welsh arm of Charter88 was part of the 'yes' campaign during the last Welsh referendum in 1997. She had also, when at Charter 88, worked with Operation Black Vote in launching an initiative (and had known Simon Woolley in that capacity). Operation Black Vote was one of the groups supporting the Yes campaign application. While a member of the Advisory Council of the British Institute of Human Rights (BIHR), JW had known Katie Ghose during her time as Director of BIHR, who was now chair of the Yes to Fairer Votes, another group supporting the Yes campaign application.
- 2.2 GR declared that he had divided the Commons in 1976 on an amendment to adopt the Alternative Vote [AV] for UK elections; had been a director of the 'Yes' campaigns for the Scottish Parliament referendums in 1979 and 1997, including a commitment to the Additional Member system [AMS] of voting; and had fought six elections on a platform which included support for proportional voting in all UK elections.
- 2.3 DH had before the meeting advised JW that he knew personally two of the leaders of the Yes campaign bid, and in view of the financial nature of the decision, had for that reason decided not to participate in the meeting.
- 2.4 RK declared that he was a member of the political party which had called the referendum on Welsh devolution in 1997. He sat in the House of Lords and took the Labour Whip. He also declared that he knew Joan Ryan, the Deputy Campaign Director for the No Campaign.
- 2.5 IK declared that he had been Director for CBI Wales during the 1979 Wales Referendum and that CBI Wales had supported the 'no' campaign. CBI Wales had also supported Proportional Representation (PR) and, in his capacity as Director, IK had made public statements in favour of PR.

- 2.6 MC declared that he had known Joan Ryan when they had worked at the London Borough of Barnet.
- 2.7 It was agreed that, with the exception of DH's declaration, none of these declarations made withdrawal from discussion or decision necessary.
- 3 2011 UK Parliamentary Voting System referendum – applicant organisations for designation (EC 33/11)
- 3.1 TS 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. TS advised that since the paper had been circulated the Commission had received a further letter of support for the No Campaign Limited from the Democratic Unionist Party, which he tabled, and read out for the benefit of those who were participating by telephone.
- 3.2 Questions and points of clarification were invited. There were none.
- 3.3 In relation to the application from 'Yes in May 2011 Limited – Yes to Fairer Votes', it was agreed that there was sufficient information to enable it to reach a decision and for the reasons set out in Appendix C of the paper the organisation **did** adequately represent those campaigning for the outcome it supported.
- 3.4 In relation to the application from the 'No Campaign Limited – No to AV', it was agreed that there was sufficient information to enable it to reach a decision and for the reasons set out in Appendix C of the paper the organisation **did** adequately represent those campaigning for the outcome it supported.
- 3.5 AR and RB briefly outlined for the Board how relevant people would be notified and the decision publicised. Commissioners noted this, and asked for more information on the approach being taken to make information available to the public about the arguments of campaigners, together with any supporting information about how the strategy adopted for the recent Wales referendum had worked.

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 in May 2011 Ltd' 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 'No Campaign Ltd – No to AV' showed that it met the statutory test of adequately representing those campaigning for the 'No' outcome, and was therefore suitable to be designated; and

- (b)** That as there was only one applicant on each side of the referendum that met the statutory test (in accordance with Section 109(4) PPERA, set out at Appendix A), the two organisations must accordingly be designated as lead campaigning organisations for the referendum on the UK parliamentary voting system.

The meeting ended at 10.20 am.

Jenny Watson, Chair