

**Classification: Unprotected**

Commission Board: 25 May 2011

Agenda Item no.3 (a)

## Minutes of the meeting of the Electoral Commission held on Thursday 14 April 2011 at 9.30am

Present: Jenny Watson (JW) Chair  
Max Caller (MC)  
Henrietta Campbell (HC)  
David Howarth (DH)  
Ian Kelsall (IK)  
John McCormick (JMcC)  
Rt Hon George Reid (GR)  
Tony Hobman (TH)

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

Nina Ziaullah (NZ) – for items 7 and 8  
Tom Hawthorn (TH<sup>1</sup>) – for items 7 and 8  
Gemma Rosenblatt (GR ) – for items 7 and 8  
Mark Williams (MW) - for items 7 and 8  
Phil Thompson (PT) - for items 7 and 8  
Kate Brightwell (KB) – for items 7 and 8  
Chris Morgan (CM) – for items 7 and 8

### 1 Apologies

Baroness Browning and Lord Kennedy of Southwark.

## 2 Declaration of Interests

- 2.1 JW 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 electoral 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 electoral 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 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 spoken and voted in favour of AV in the House of Commons in April 2010 and had frequently spoken and voted against First Past The Post (FPTP). He had fought four general elections on platforms that opposed FPTP.
- 2.4 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.
- 2.5 It was agreed that none of these declarations made withdrawal from discussion or decision necessary.

### 3a Minutes of the Commission Board of 18 March 2011 (EC 33/11)

GR advised that at paragraph 2.2 his declaration of interest should read: *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.*

**Agreed:** That, subject to the above clarification, the minutes of the meeting on 18 March 2011 be approved as a correct record and the Chair be authorised to sign it.

3b Minutes of the Commission Board meeting of 23 March 2011 (EC 34/11)

**Agreed:** The minutes of the meeting of 23 March 2011 be approved as a correct record and the Chair be authorised to sign them.

3c Decision Action tracker (EC 35/11)

**Agreed:** That the tracker be noted.

4 Update from Chief Executive for April (EC 36/11)

4.1 PW highlighted key aspects and added a number of other points which had arisen since the report had been produced, as follows:

- **Meetings with lead referendum campaigners** (para 1.2) – MC and staff in PEF were inviting agents to attend a briefing on how the count would run, and their rights and responsibilities during the count process.
- **Public information booklet** (para 2.4) – there had been some complaints about delayed delivery of the booklet, or, in some cases, bundling of it by the Royal Mail with other deliveries.
- **UK-wide rehearsal of results collation** (para 2.6) – this took place on Friday 8 April and had proved a valuable exercise in demonstrating where more work was needed, both centrally, and for regional counting officers, for whom it clearly showed how different this would be from a normal count.
- **The Police Reform and Social Responsibility Bill and the Localism Bill** (para 2.8) – efforts to highlight the potential complexities and pitfalls arising from the new elections proposed in this legislation with the involvement of two different government departments continued, and while there was growing recognition on the part of the Cabinet

Office of the implications of these Bills, there was more to do. This would be one of the issues likely to be raised at a forthcoming meeting being arranged between JW, PW, the Minister for Political and Constitutional Reform and the Deputy Prime Minister.

- **Corporate Plan 2011-12 to 2015-16 and Resources for 2011-12** (para 3.1) – a letter had been received from the Speaker’s Committee giving formal agreement to the Commission’s 2011-12 Estimate and corporate plan, and agreement in principle to its future spending plans.
- **PEF risk profiling of political parties for audit of Statements of Account** – the approach agreed in 2010 for prioritising the Commission’s regulatory activity had now been used to develop risk profiles of parties in Great Britain. A trial run had been carried out in April 2011 in order to show parties what it looked like in practice. The trial run was based on 2009 profiles for all eligible parties and accounting units with income or expenditure over £100,000. Of 282, only 10 had a likelihood of audit that was medium or significant. Of 83 accounting units with income and expenditure over £100,000, only two had a medium ‘likelihood of audit’ score. Parties had been given until after the May polls to comment before the 2009 profiles were published in June. The 2010 profiles would be generated once the parties’ Statements of Account were received for the forthcoming year.
- **PEF cases** (para 1.8) – the number of incoming allegations had slowed and the number of pending cases was low, at five cases. This mirrored the drop in new allegations in the run up to the UK Parliamentary general election in June 2010, and it was possible that they would rise post-polls.
- **PEF Online** (paras 1.4-1.6) – it was noted that the brief period of inaccessibility on the date for close of nominations arose from a problem with the company running the website and was not PEF-Online specific. Although brief it had generated comment from Electoral Registration Officers.
- **Data-matching pilot schemes** (para 2.10) – a brief discussion took place on the timing of the pilot schemes.
- **Committee for Standards in Public Life (CSPL) review of party political funding** – it was noted that CSPL’s consideration was ongoing.

**Agreed:** That the PEF paper EC 77/09 (UKPGE Candidate Campaign Expenditure Cases) considered at the Board meeting September 2009, be re-circulated to Commissioners for their information.

## 5 Chief Counting Officer decision-making: UK-wide referendum 5 May 2011 (EC 37/11)

- 5.1 JW said there was likely to be a decision later that day regarding observation and counting hubs, which she would advise Commissioners when she had taken it.

**Noted.**

6 5 May polls – update (EC 38/11) (updated ‘dashboard’ tabled)

- 6.1 PW described in more detail issues arising from the rehearsal on 8 April, which had been extremely useful, especially so, he felt, for many of the Regional Counting Officers who were in the process of grasping the scale of the exercise and their role in it.
- 6.2 Feedback from the Wales referendum had shown the demand for a more structured and consolidated approach to information and guidance, which would be taken on board. This was one of a number of lessons learnt, which would form part of an internal guide of ‘How to run a referendum,’ with an account of how and why a given approach was adopted. An early indication of the timetable for producing such an account would be given in the Chief Executive’s Update within one or two months after the polls. Where deadlines were an issue, it would draw attention to where legislation was needed to introduce better deadlines.
- 6.3 Reference was made to potential disruption in Northern Ireland and it was noted that contingency planning was under way.

**Agreed:** That:

- (a) it be noted that an internal account of ‘how to run a referendum’ would be produced in tandem with the post-polls report; and,
- (b) an early indication of the principal post-poll findings would be given in the Chief Executive’s Update to the May Board meeting.

7 Individual electoral registration: the Government’s plans and the Commission’s role (EC 39/11)

- 7.1 JW proposed to take this and the next item (EC 40/11) together. The first paper was an opportunity to take stock of the Government’s

intentions, as far as they had been articulated at this point, and enable the Commission to give early consideration to its position at such point as the Government's timetable and more detailed proposals evolved. The second paper was a stock-take of research work past and planned for IER, supplemented by a tabled list of expected research work over the next five years. She went on to say that beyond the issue of how the Commission positioned itself on IER, there were two particular aspects of IER to consider: policy development and preparation, and performance standards and monitoring.

- 7.2 IER had been championed by the Commission for a number of years as a way of improving and delivering a demonstrably more secure electoral system. Continued support might now involve the Commission stating clearly and unequivocally when the direction for its implementation carried risks.
- 7.3 For example, the proposed implementation timetable, with its aim of using IER exclusively for the UK Parliamentary General Election in 2015, meant that there would be limited opportunities to conduct research on the state of the registers during the transition phase in 2014. This would have a corresponding impact on the ability to understand the reasons behind changes to registration activity and to ensure that these were managed and mitigated. It would be difficult to plan research during the transition stage in the absence of information about how the transition would actually work.
- 7.4 The Cabinet Office were currently planning for data matching schemes to be piloted later this year. The Commission, which had a statutory role in evaluating these schemes, was still awaiting information on the approach to be adopted by the local authority areas participating in this scheme. Until the scheme was completed, it could not be known whether data matching would be a useful approach to improving the completeness of the registers during (and after) the move to IER.
- 7.5 A framework of the actions required, with timeline, for a successful transition to IER was being developed, and would form the basis for close working with Electoral Registration Officers (EROs). This could also provide a useful basis for the next stage of performance standards and monitoring. Those standards would need to be backed up by both encouragement and enforcement, although it was unclear who the authoritative body would be, or, if the Commission were to propose itself in that role, whether it would be given the necessary additional powers.
- 7.6 During discussion, questions were asked and points were made about:
  - The risks of the government's current timetable for moving wholly to IER for the 2015 UKPGE

- The risk of aspects of IER provoking strongly partisan positions among some stakeholders, and the concomitant risk for the Commission in steering a neutral path through those
- The need for the Commission to be armed with good well-researched evidence to support any challenge to policy positions, to take an assertive position as the plans for IER develop, challenging where appropriate and ensuring that we were open and transparent
- The need to be able to say clearly what successful IER looked like, and identify any elements where we might need a longer time to form a view
- Possible funding issues for local authorities

**Agreed:** That, involving the Commissioner Reference Group on Complete and Accurate Registers as appropriate, consisting of JMc, MC, RK, and substituting DH for TH:

- (a) Develop a long term view of the future of the registration system, including a framework of key actions and milestones for the successful implementation of IER;
- (b) This framework identify barriers to successful implementation, gaps in information, and possible solutions;
- (c) The framework also form the basis for further work on performance standards and our research programme, and consideration of how these should be backed up in the future, including as solutions the levers required for dealing with any problems; and
- (d) The Research Manager be included in staff working with the Reference Group and Commission Board be kept informed of progress and timescale by means of the Chief Executive's Update

## 8 Research for monitoring Individual Electoral Registration (IER) (EC 40/11) (plus tabled list of research work to 2016)

- 8.1 This paper was considered in conjunction with the previous paper – see EC39/11 above.

**Agreed:** That research available in 2014 be reviewed to assess those on the register who did not provide identifiers.

9 Draft minutes of the Audit Committee of 22 March 2011 (EC 41/11)

- 9.1 IK gave a brief summary of the key points at the Committee. JW said that while the Audit Committee monitored risk, strategic risk was still primarily a matter for the Board

**Agreed:** That:

- (a) the minutes be noted;
- (b) wider risks (foresight) and any opportunities they presented, be included in the 2010-11 annual performance and risk report going to the May Commission Board ; and,
- (b) the new governance arrangements, referred to by an NAO colleague during the Audit Committee meeting, which were expected in some government departments, be examined for their possible application to the Commission .

10 Chair's Report

**Noted.**

12 Meeting wash-up (Commissioners only)

The meeting ended at 12.15 pm.

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Chair