

Minutes of the meeting of the Electoral Commission held on Wednesday 8 July 2009, London

Present: Jenny Watson (JW) Chair
Henrietta Campbell (HC)
Max Caller (MC)
Ian Kelsall (IK)
John McCormick (JMcC)
Karamjit Singh (KS)

In attendance Peter Wardle (PW)
Clare Ettinghausen (CE)
Carolyn Hughes (CH)
Stephen Rooney (SR)
Andrew Scallan (AS)
Bob Posner (BP) (from Item 7)
Vera Markos (VM)
Kairen Zonena (KZ) minutes

Tom Hawthorn (TH) – for items 4 and 5
Karen Quaintmere (KQ) – for items 4 and 5
Gemma Rosenblatt (GR) – for items 4 and 5
Kay Jenkins (KJ) – for items 4, 5 and 6
Andy O'Neill (AO) – for items 4, 5 and 6
Bola Bajomo (BB) – for item 8

Also in attendance: Gary Streeter MP, Member, Speaker's Committee on the Electoral Commission (during items 3-5)

Apologies

None

1 Declaration of Interests

- 1.1 AS declared an interest in relation to item 4, as he was seconded from Manchester City Council and part of the report back on the June elections included commentary on the performance of Returning Officers generally, which would include the Returning Officer for his employing authority.

2. Minutes of 10 June (EC61/09)

- 2.1 On page 1, KS proposed an amendment to clarify the exact nature of his interest in the item on Stoke City Council, as follows: after “2007”, insert the words “and had been a non-executive Director for the Government Office for the West Midlands at the time these issues were discussed. In addition, one of his non-executive colleagues had chaired the Stoke Governance Commission.” Delete the words ‘and an NHS colleague of his worked.’
- 2.2 At 7.4, relating to the proposed electoral review of Stoke City Council, it was suggested that the last sentence be re-worded in the following way: “It was noted that Stoke was unique in using that particular model of local government, and, whether for that reason alone or in combination with other factors, local government in the area was in a parlous state.”

Agreed: That, subject to the amendments given above, the minutes of the Commission Board meeting held on 10 June be approved as an accurate record and the Chair be authorised to sign them.

3. Report from the Executive Team (EC62/09)

- 3.1 In addition to brief verbal updates on individual electoral registration and the Party and Election Finance Online project, PW advised that there were two matters which were likely to require Commission Board decisions before August and meetings might need to be arranged in due course.

Agreed: That the report be noted and additional Board meetings be arranged if required.

4. Key messages from the June 2009 elections (EC63/09 and presentation)

- 4.1 The Commission Board received a report summarising findings from the June elections and heard a presentation on the Commission’s approach to future elections.
- 4.2 Discussion took place on the role of the UK-wide Regional Returning Officers’ (RRO) co-ordination group, the variable performance of local project teams, and the success of the interim Electoral Management Board in Scotland. It was noted that regional co-ordination had the potential to help raise standards, although the arrangements had not proved to be uniformly effective, depending on the degree of

involvement of individual RROs and the experience and quality of the staff below them. The issues of outsourcing of ballot paper printing, for example, to external suppliers, and strategic planning and co-ordination were not robustly and consistently addressed at regional level. In the case of some of the new unitary authorities, some of the election staff might have had no prior experience of running a UK Parliamentary general election, which would need further consideration in the run up to the next UK wide election. Consideration could be given to how aspects of the Scottish experience might be applied to the English regional groups.

- 4.3 Other points which were raised included: the varying perception of fraud by region; the fact that late registration in Northern Ireland seemed not to have materialised as a key problem and the reasons for that; and concern that the election timetable at its shortest period posed significant problems for electoral administrators, particularly for postal voting and also for candidates and parties

Agreed: That:-

- (a) The risks identified at paragraph 6 of the report be accepted as the key significant risks, and the mitigating action described be endorsed;
- (b) Recommendations be drawn up to improve the performance and structure of the English regional groups, drawing any lessons that can be learnt from the experience of the interim Scottish Electoral Management Board;
- (c) Proposals be drawn up for any further guidance to Regional and Local Returning Officers, to support and reinforce the increased level of professionalism now required of these officers;
- (d) The survey statistics be clearly and fully explained before being reported externally;
- (e) Issues of voter perception and confidence be addressed, linking them to the future benefits of Individual Electoral Registration where appropriate; and
- (f) Representations about the desirability of a longer election timetable be made, to include the possible benefits to candidates and parties.

5. Electoral Commission's Vision for the Future of Elections

- 5.1 AS made a brief presentation on the topic. Commissioners then considered how voting arrangements and the voting experience might be different 20 years from now.
- 5.2 The main themes discussed were:
- the registration process and how it could be simplified to enable easier access for voters on to the register and enable a more accurate and complete register (Commissioners noted that in Canada registration on day of poll was already possible.)

- voter behaviour and expectations and also political parties' organisation and relationship to their members: in both cases changes in expectations and practice suggest a shift to elections being seen as an individual rather than a collective activity
- technological advancement and the changes this would bring to the voting and registration experience (the implementation of more flexible approaches depended on the ability of digital technology to develop to the point where instant secure access was feasible. Commissioners were interested at looking at comparable developments elsewhere.)
- security of the process
- engagement and branding of elections to raise the profile of elections and encourage greater participation (Commissioners noted that in the United States, postal voters were sent letters acknowledging their vote, and all voters were issued with stickers celebrating their participation.)
- the changing nature of support for political parties/single issue pressure groups.
- resources – how to introduce change and improvement at a time of pressure on public finances.

5.3 The Board discussed the Commission's role in this debate and looked at the role as:

- Raising questions and encouraging debate
- Developing proposals to engage with our stakeholders
- Engaging civic society in these questions.

Agreed: That the points raised above provide a starting point to develop proposals on the future of elections to be reported back to the Board in due course.

6. Referendums and the Commission's Role (EC64/09, EC64A/09, EC64B/09)

- 6.1 KJ introduced the presentation and took the Commission Board through the various points on which views were sought.
- 6.2 In relation to the **referendum question** (slide 9), and the cost implications of revising guidelines and procedures for reviewing referendum questions, it was agreed that the guidelines and procedures should be reviewed.
- 6.3 In relation to the **designation of 'yes' and 'no' campaigns** (slides 10 to 12), it was agreed that drawing up and publishing the criteria to be used in deciding who to designate was desirable, especially in view of the potentially extremely tight timescale (as little as 14 days). It was agreed that a Reference Group should explore and develop appropriate criteria to underpin a decision on who "best represents those campaigning." The group should also address how information would be sought from applicants.

- 6.4 On the issue of **combination** of referendums with elections, there was evidence of both benefits and disadvantages of such a practice. However, on balance it was accepted that holding referendums on the same day as elections could result in confusion for the voter, and that it was therefore reasonable to adopt a position against combination in principle, with the caveat that each case would be considered individually, on its merits. The Reference Group would draw up principles on which such decisions could be based.
- 6.5 Discussion on the Commission's views on taking on the role of **Chief Counting Officer (CCO)** included the question of whether taking on an operational role was consistent with the Commission's role in issuing guidance, and being a regulator. It was agreed that the Reference Group should address these questions in greater depth.
- 6.6 The **question of the size of grants to designated organisations and the limits on campaign spending** was referred to the Reference Group.

Agreed: That a three-person Reference Group be formed to consider criteria, principles and guidelines on the following, and report back in due course:

- Commission role in testing whether questions for a referendum are intelligible
- how the Commission reaches a decision when considering who is best placed to designate on each side and the Commission's role if a campaign is not designated (including any lessons learnt from the experience in the North East referendum in 2004)
- the pros and cons of holding referendums on the same day as elections
- how best to approach the PPERA requirement for the Commission to carry out the "Chief Counting Officer" role at a referendum
- the size of grants to designated organisations
- the limits on campaign spending for a referendum in a part of the UK or in an English region.

7. Public service broadcasting and political engagement (EC65/09, and presentation)

- 7.1 SR gave a presentation which supported the paper, and reported that the Government was committed to putting into effect recommendations from its report of June 2009 entitled *Digital Britain*, including through legislation where necessary. Ofcom would also be consulting relevant organisations, including the Commission, as part of

a forthcoming review of its rules on party political and referendum broadcasts.

7.2 The Board acknowledged that the broadcasting sector was undergoing a period of transformation, that the media was increasingly being consumed through on-demand services, and that digital switchover in 2012 was likely to further encourage the move away from public service broadcasters.

7.3 In addition to current legal challenges to the ban on political advertising on TV and radio, the declining reach and relevance of party political broadcasts (PPBs) could lead to an increased interest on the part of political parties in pressing for a removal of the ban. The issue would then become how to regulate paid political advertising and campaigning, and the related areas of party finance.

Agreed: That the medium- to long-term issues raised by this debate be incorporated into the work to be done on the Commission's vision for the future (see item 5 above). In the meantime, the Commission would continue to give its views on criteria for party political, election and referendum broadcasts, and would respond to the Ofcom consultation.

8. Annual Resource Accounts 2008/09 and Annual Report 2008/09 (EC66/09)

8.1 Annual Report: SR explained that the version circulated to Commissioners was subject to some minor changes requested by the National Audit Office, after which it would be laid before the UK Parliament before the summer recess. Copies would also be placed in the libraries of the devolved legislatures. Copies would be sent to stakeholders, and events were planned in Devolved Offices for stakeholders in the Autumn at which key messages in the Report could be communicated, along with issues more specific to Scotland, Wales and Northern Ireland.

8.2 Annual Resource Accounts: CH advised that the Resource Accounts 2008/09 included the Statement of Internal Control, the statement of the Comptroller and Auditor General, and other audit assurances. The Accounts had been considered by the Audit Committee on 1 July. BB reported that the accounts had now been approved by the National Audit Office, subject to the approval of the Comptroller and Auditor general. She tabled a note of some amendments to the accounts that had been made.

Agreed: That, subject to the changes referred to in relation to the Annual Report, and those tabled in relation to the Annual Resource Accounts 2008/09, the accounts be signed by the Accounting Officer and submitted to the Comptroller and Auditor General before being laid before Parliament.

9. Annual Report to the Board from the Audit Committee 2008/09 (EC67/09)

- 9.1 BP explained that the report, timed to support the annual accounts, highlighted some significant developments during the previous year, including the appointment of an independent member and qualified accountant, Elizabeth Butler, the appointment of new internal auditors RSM Bentley Jennison, and the review into the effectiveness of the Committee (as recommended by National Audit Office guidelines). JW welcomed the report.

Agreed: That the Annual Report of the Audit Committee be noted.

10. Confidential minutes of the Commission Board meeting of 28 April (EC68/09)

Agreed: That the confidential minutes of the Commission Board meeting of 28 April in relation to a regulatory matter be approved as a correct record and the Chair be authorised to sign them.

11. Minutes of the Boundary Committee meetings of 27 May and 3 June 2009 (EC69/09 and EC70/09)

- 11.1 MC reported that the Boundary Committee's decision in relation to Suffolk had been judicially reviewed, and the full judgement was expected on 10 July. Depending on the outcome of the judgement, the Boundary Committee would need to meet to discuss whether to ask the Electoral Commission to launch an appeal. The Secretary of State was currently due to receive the Boundary Committee's report and recommendations on 15 July.

Agreed: That:-

- (a) the minutes of the Boundary Committee meetings of 27 May and 3 June be noted;
- (b) an extra meeting be arranged, as agreed at Item 3 above, and a copy of the judgement be circulated to Commissioners.

12. Chair's report (EC71/09)

Noted.

13. Principles for declaring interests, gifts and hospitality (presentation)

- 13.1 PW made a presentation which the Audit Committee had seen and commented, at their meeting on 1 July.
- 13.2 JW expressed concern about the way in which contractors' external contacts and interests might be in conflict with the Commission, and asked what steps could be taken to minimise the risk.
- 13.3 In relation to the definition of 'close family member', there was some discussion about whether 'immediate family' was a better phrase. It was noted that the closeness or otherwise of family relations differed greatly from one family to another, and that the onus was on the person declaring interests to consider what was close in their particular case, disclose potential interests they were aware of, but that said, people could only report what they knew about. If in doubt, staff, Commissioners and Deputy Commissioners were advised to consult the Secretary to the Commission.
- 13.4 In response to a question from MC with regard to some of his consultancy work for local authorities, JW proposed that he disclose those local authorities for which he had worked in the last 12 months. She noted his concern that care should be taken in publishing information to protect the privacy of specific individuals who might, for example, be in a mentoring or coaching relationship.
- 13.5 PW concluded by saying that the policies, procedures and guidance would be reviewed in line with the principles contained in the presentation, and thereafter reviewed annually by the Audit Committee.
- 13.6 **Agreed:** That:-
- (a) the principles for declaring interests, gifts and hospitality be approved as outlined in the presentation; and
 - (b) taking into account the additional points above, policies, procedures and guidance be re-drafted as necessary, and reviewed annually by the Audit Committee.

14. Programme of Commission meeting dates 2010 (EC72/09)

Noted

The meeting ended at 2.45 pm.

Chair