[redacted]

From: FOI
Sent: 24 November 2022 08:46
To: [redacted]
Subject: FOI 084-22 - Response

Dear [redacted],

Our Ref: FOI-084-22

Thank you for your email to the Electoral Commission dated 1 November 2022.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is below followed by our response.

Could you please provide me with all correspondence between the Chair of the Commission and any government ministers or Secretaries of State since the beginning of his tenure in March 2021?

On 15 November you replied as follows to our request for clarification:

I would like correspondence between the Chair and any/all of the UK governments.

Our response is as follows:

We hold the information you have requested.

We are releasing to you all correspondence, both outgoing and incoming between the Commission's chair, John Pullinger, and Ministers and Secretaries of State in any of the UK's Governments.

To access your documents you will need to use our secure document sharing system, Objective Connect. You will receive an 'Invitation to Objective Connect Email Notification' (sent to the inbox of [redacted]). This notification will contain a link to enable you to start accessing your information. Please find below details on how to access the specific area we have set up for your documents:

1. Click on the link in the email.
2. You will be prompted to set up your username and password. Your username will be your email address, and your password can be whatever you like.
3. With your username and password, enter both details at the login screen and click 'login'.
4. You will now see your personal page, which will show the Share 'FOI 084-22'.
5. By clicking on the name of the share, you will find your documents.
6. You may view any of these documents
7. In addition you may download a copy to your personal computer by selecting the 'download' option and then 'save'.

This service will be closed one month from our response date, this is the **24 December 2022.**

You will notice that certain personal details have been redacted from the documents we are releasing. Section 40(2) provides for an exemption where the information requested constitutes personal data as defined by the Data Protection Act 2018 (DPA), and where release of the information requested would breach one of the data protection principles. Some of the information contained in the requested information falls within the description of personal data as defined by the DPA because the information relates directly to an identifiable living individual. This includes names and contact details of individuals in some instances. The individuals in some cases are junior staff members and they would not reasonably expect their information to be released.

The Commission strives to be an open, transparent authority and I trust that this information satisfies your request.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: https://www.electoralcommission.org.uk/freedom-information/make-a-freedom-information-request.

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: https://ico.org.uk/.

Yours sincerely

Information Officer
FOI@electoralcommission.org.uk

The Electoral Commission
electoralcommission.org.uk

Department for Levelling Up,
Housing & Communities

Rt Hon Greg Clark MP
Secretary of State for Levelling Up, Housing and Communities

Department for Levelling Up, Housing and Communities
2 Marsham Street
London SW1P 4DF

John Pullinger
Chair
Electoral Commission
3 Bunhill Row
London EC1Y 8YZ

30 August 2022

Dear John,

Thank you for your letter of 6 July regarding implementation of the Elections Act 2022.

I first want to thank you for your continued commitment to the successful delivery of the Elections Act and for your continued dedication to working with Government to implement the measures in a way that works for all stakeholders. I recognise that the delivery of the Act is a priority for the Commission, and I take seriously your views. I want to set out now my rationale and plan for the next steps to successfully phase-in Electoral Integrity measures.

The Elections Act is a key piece of legislation delivering the Government's commitment to protecting our democratic integrity and to ensuring our elections remaining secure, fair and transparent. Having revisited the planned stages, my department has decided to re-prioritise aspects of the Electoral Integrity Programme. A decision has been taken to adjust the timing of changes to postal vote handling rules to later in 2023, to minimise the number of additional reforms for May 2023 while continuing to maintain our principle of sequenced implementation.

The Government remains committed to implementing all the measures in the Act, including the changes for overseas electors, and officials continue to work to deliver the secondary legislation for all the measures. I am pleased to assure the Commission that the Government remains on track to implement the other measures in line with our phased timetable for delivery.

My department intends to phase in overall delivery in a way that minimises the risks you have set out in your letter and that have been expressed by the Association of Electoral Administrators. The Government's intention remains to deliver photographic voter identification for May 2023, and to achieve this, teams in Government are working to careful schedules and timelines to complete the necessary next steps.

As you know, the photographic voter identification statutory instruments are now expected to be made by mid-January 2023. This milestone reflects the need for complex policy and legal drafting, ensuring adequate testing of the digital solutions, and continued engagement and preparation with the electoral sector to ensure they are ready for implementation as they move into the more intense process of preparations for polling day around the start of the year. I am conscious that the Commission will also need to produce its guidance on the new policy and processes during this window and as Minister Scully expressed when you met, I have asked my team to continue to do all they can to support that part of the process by sharing draft statutory instruments and other materials as early as possible in the process.

I recognise that a significant factor underpinning the successful implementation of this policy is our continued joint efforts with yourselves and other vital stakeholders and, as you have suggested, my department will look to arrange a meeting to discuss this further with you as well as the Society of Local Authority Chief Executives and the Association of Electoral Administrators.

With regards to points raised around the electoral identity document, decisions have been made regarding the format of and intended deadline for applications for these documents ahead of a poll, and we believe these decisions will mitigate the burden on EROs in the lead up to polls. My department has consulted with potential suppliers, stakeholders, and government experts on the options available for the format of the electoral identity document that the market can deliver and has concluded that it will likely be an A4 paper-based document with inherent security features. This is the most appropriate in terms of supporting electors who will need an electoral identity document in order to vote, and the ability of electoral administrators and suppliers to produce and deliver the document efficiently. We are in the process of appointing a central supplier that EROs will be able to use to produce cards, which will reduce the burden on the sector and drive value.

In addition, a decision has also now been made regarding the deadline for applications for the electoral identity document. This will be set at 5pm, six working days ahead of a poll. This deadline follows the same principle as other deadlines for electors around elections, including the deadline for registering to vote and for applying for an absent vote, and strikes the correct balance between giving electors enough time to apply whilst minimising the burden on administrators. I assure you that details required for implementation of the policy will be set out in the secondary legislation.

The Government has been very clear on our intention to ensure every eligible voter continues to have the opportunity to vote. To mitigate issues around unforeseen circumstances, such as lost, stolen or damaged documents, EROs will be able to allow the appointment of an emergency proxy up until 5pm on polling day for those electors who had photographic identification they intended to use but are in the situation where it is no longer available to them or usable after the deadline for applications has passed. This will apply to any of the accepted forms of identification, including the electoral identity document (if for example the document were to be lost in the post). In addition, where an electoral identity document has been applied for ahead of deadline but for any reason has not arrived in a timely way, EROs will be able to provide a temporary document instead of granting an emergency proxy.

I hope the information in this letter will provide you with assurances on the Government's plans for implementation of the Elections Act. Decisions have been made and secondary legislation will be shared with you as soon as this is possible. We will not be complacent when it comes to ensuring our democracy remains secure and this Act will protect the integrity of our elections and stamp out the potential for voter fraud.

Yours ever,



RT HON GREG CLARK MP
Secretary of State for Levelling Up, Housing and Communities

Department for Levelling Up, Housing & Communities

The Rt Hon Simon Clarke MP
Secretary of State for Levelling up Housing & Communities

Department for Levelling Up, Housing and Communities
4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

The Electoral Commission
3 Bunhill Row
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EC1Y 8YZ

7 October 2022

Dear John,

Thank you for your letter of 20 September regarding implementation of the voter identification measures in the Elections Act.

I would firstly like to thank the Commission for your ongoing commitment to supporting the effective implementation of voter identification and the other provisions in the Act, and for continuing to provide clear and insightful advice to the government about the measures.

I am aware of the delays the timetable for the development of the voter identification secondary legislation has experienced, and the impact this has had on the Commission's work. I am grateful for the Commission's continued close working with my officials on these matters, and understand officials shared drafts of the statutory instruments at a number of points during development ahead of the statutory consultation period, which has recently concluded. I trust this collegiate working has been mutually beneficial and would like to assure you that the Government remains on track to lay the affirmative voter identification statutory instrument in Parliament in November, in order to enable the application service for Voter Authority Certificates to go live in January and for voter identification to be required at the local elections in England in May.

I understand the Commission's concerns about the timeline for implementation of voter identification and that you recently met with Minister of State Paul Scully to discuss these matters. As was previously set out in a letter from Minister Scully to the Public Administration and Constitutional Affairs Committee, the Government has been clear that a specific advantage of our plan that voter identification will be in place for polls scheduled to be held in May 2023 is that the provisions are therefore not being introduced at a time when polls are taking place across the entirety of the UK, and so there is an opportunity to learn how the new requirements are best implemented ahead of a time when both delivery and support resources are at full stretch.

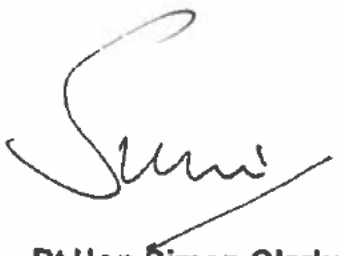
You will also be aware of the multiple reforms and new activities for the electoral sector arising from the Elections Act and the Government's intention to sequence implementation in stages. Continuing with the implementation of voter identification for the May 2023 polls reflects this plan and allows the sector to then turn their focus to further changes due to be implemented later in 2023 and ahead of elections scheduled for 2024.

My colleague Andrew Stephenson has now taken over ministerial responsibility for the Electoral Integrity Programme and will be happy to meet with you and other colleagues in the elections sector to continue the joint working which is vital in ensuring successful delivery of the Elections Act. His office will be in touch to arrange an introductory meeting with yourself

and Shaun McNally, who has written to him separately, where these matters can be discussed in greater depth.

I look forward to ongoing engagement between the Department and the Commission as we progress this important work to implement the Elections Act.

Yours



Rt Hon Simon Clarke MP
Secretary of State for Levelling Up, Housing & Communities

The Electoral Commission

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George Adam MSP
Minister for Parliamentary Business
The Scottish Parliament
Edinburgh
EH99 1SP

05 January 2022

Dear Minister

Electoral Commission Chief Executive

I am writing to update you on the recruitment of the Electoral Commission's Chief Executive. As you may be aware, last year Bob Posner announced his intention to retire this spring, and the Board has been engaged in a recruitment process to find his successor.

I am pleased to announce that, from April, Shaun McNally CBE will take up the role of Chief Executive at the Commission.

Shaun has worked for more than 35 years within the UK justice system, previously at HM Courts and Tribunals Service and as Chief Executive of the Legal Aid Agency. He brings considerable experience of leading complex, high profile organisations.

Shaun joins the Commission from the Ministry of Justice, where he currently leads on the Department's planning, preparation and response to major incidents, including the end of the EU transition period and Covid-19.

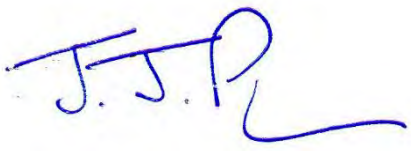
Shaun will join the Commission ahead of the May elections and at the outset of a new corporate plan for the organisation. Over the five year span of the plan, the Commission will focus on increasing voter engagement and confidence; supporting the resilience of electoral administration and the participation of political parties and campaigners; and ensuring the transparency of political campaigning.

Together, we look forward to continuing our work with the Scottish Parliament and the Scottish Government, voters, parties, campaigners and electoral administrators to support the delivery of well-run elections and provide transparency to political finance.

Bob will remain in post until April and continue working on preparations for the May elections and the Commission's other priorities. Over his fifteen years of service he has made a significant contribution to the electoral community, pushing for modernisation of electoral law, supporting compliance with the political finance rules and formalising the approach to party and campaigner registration. The Board and I are very grateful for his continued support and expertise.

Should you have any questions, please do not hesitate to get in touch with Andy O'Neill, Head of the Electoral Commission, Scotland at aoneill@electoralcommission.org.uk or [redacted].

Kind regards



John Pullinger
Chair

CC Penelope Curtis

Maria McCann

The Scottish Government

The Electoral Commission

3 Bunhill Row
London EC1Y 8YZ

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Rt Hon Simon Clarke MP
Secretary of State for Levelling Up, Housing and Communities
Department for Levelling Up, Housing and Communities
2 Marsham Street
London, SW1P 4DF

20 September 2022

Dear Mr Clarke,

Congratulations on your appointment as Secretary of State for Levelling Up, Housing and Communities.

My team at the Commission is in contact with your colleague Paul Scully about our range of work to support the successful implementation of the Elections Act, but there is one issue on which I think it essential to have your engagement.

Significant delays to the delivery of secondary legislation, particularly relating to the voter ID requirement, are causing fundamental concerns for the delivery of this policy on the current timetable, as well as further concerns about the knock-on impact this may have on the wider timetable.

Delays have prevented both the Commission and the wider electoral community from undertaking the necessary preparatory activity over summer. This time cannot currently be gained back and affects (for example) user testing of voter materials to ensure they are fully accessible, and preparations to provide the appropriate guidance and information for electoral administrators who will deliver the process. Crucially, there is now insufficient time for the Commission to test the free voter authority certificate application form and other materials. As a result, it is our view that it is no longer possible for the voter ID requirement to be delivered in a way which is fully secure, accessible and workable, ahead of the elections in May 2023.

We have shared these concerns with your predecessor and with Minister Scully. Our concerns have yet to be addressed, but your predecessor agreed to meet with us, along with the Society of Local Authority Chief Executives and the Association of Electoral Administrators. I would welcome this discussion at your earliest convenience. To make arrangements, your office can contact our Public Affairs Manager, [redacted] on [redacted] or [redacted].

Yours sincerely,



John Pullinger CB
Chair

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The Rt Hon Michael Gove MP
Secretary of State for Levelling Up, Communities and Housing
Department for Levelling Up, Housing and Communities
2 Marsham Street
London, SW1P 4DF

6 July 2022

Dear Michael

Voter ID implementation – timing concerns

Since it received Royal Assent in April, supporting the successful delivery of the Elections Act has been a key priority for the Commission. We are committed to ensuring the changes it establishes can be implemented effectively and consistently for the benefit of those who participate in and deliver elections.

Work on a number of the provisions is progressing well. However, I now have significant concerns about the delivery of secondary legislation on the electoral administration measures. The concerns do not relate solely to the implementation of voter ID, but this is by far the area of most concern at this stage. I am of the view that it is no longer possible for the voter ID requirement to be delivered in a way which is secure, accessible and workable, ahead of the next scheduled elections in May 2023.

On 20 June, the Commission's chief executive, Shaun McNally, wrote to previous Minister, Kemi Badenoch, to express his concerns about the delays. We did not receive a response before the Minister left her role, and there has been no further development. The detail in secondary legislation is required in order for us to carry out user testing on voter materials; to provide guidance and information to electoral administrators who will deliver the process; and to deliver our public awareness campaign for voters who will need to take suitable ID to the polling station in May. Both the Commission and the wider electoral community need to undertake preparatory activity over the summer, which cannot be done without this detail.

Delivery of secondary legislation is already 12 weeks behind the original timetable, and key decisions regarding the voter card have yet to be made. This includes the planned date for availability of the voter card itself. Concerning signs indicate this may slip into 2023 and problematically close to the polls themselves.

With this in mind, and in order to protect hard won public confidence in the electoral system, I see no option but to recommend a delay to the implementation of voter ID. We are committed to making the policy a success, but to do so it must be implemented in a way which ensures accessibility, security and workability.

I would welcome an urgent meeting to discuss our concerns, and a revised implementation timetable. I suggest that the AEA and Solace, key delivery partners for this policy, are invited to join the discussion to share directly the concerns of electoral administrators.

Yours sincerely



John Pullinger
Chair

Copied to: AEA and Solace

From: [redacted]
To: "naomi.long@mla.niassembly.gov.uk"
Subject: FW: Invite: Roundtable on barriers to women standing for election
Date: 19 August 2022 15:30:46

Dear Naomi

I am writing on behalf of John Pullinger, UK Chair of the Electoral Commission and Dr Katy Radford, our lead commissioner for Northern Ireland, to invite a representative from your party to a roundtable discussion on Monday 17 October. The roundtable will look at the barriers to women standing for election, and we would in particular welcome representatives who can speak to personal experience.

The event will provide the opportunity to discuss the recent experiences of female candidates at the 2022 Assembly election and to explore what action can be taken to ensure candidates and campaigners can freely participate in our democratic processes.

This will be followed by an early evening reception.

Monday 17 October 2022

[redacted]

With thanks to our host [redacted]

Roundtable: 3:30pm – 5:00pm

Reception: 5:00pm – 7:00pm

RSVP: [redacted]

[redacted]

The Electoral Commission
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The Rt Hon Greg Clark MP
Secretary of State for Levelling Up, Communities and Housing
Department for Levelling Up, Housing and Communities
2 Marsham Street
London
SW1P 4DF

22 August 2022

Dear Greg,

Publication of the Strategy and Policy Statement for the Electoral Commission

I am writing to raise a number of concerns about the launch of the consultation on the above subject, following a briefing issued yesterday in which you were quoted.

We have had extensive correspondence with ministers on the topic of electoral fraud, secrecy of the ballot and 'family voting'. Working with Kemi Badenoch earlier this year, we established a clear and shared understanding of the absolute right to vote in secret, as set out in electoral law, and as reflected in the Commission's guidance to Returning Officers and polling station staff. We are on record agreeing that it is completely unacceptable for anyone's vote to be watched or pressured inside a polling station and are committed to tackling any such influence or fraudulent behaviour, in partnership with the police. We also put on record the considerable steps taken ahead of the May elections this year, to ensure elections were well-run.

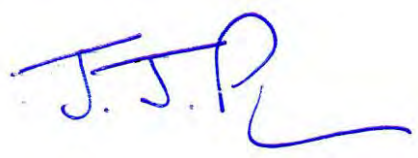
I was therefore surprised to see a government briefing, claiming the Electoral Commission is "turning a blind eye" to electoral fraud. Public confidence in elections, and in the democratic system, is hard-won and easily lost. It is therefore essential that we work constructively together to continue the established dialogue and build confidence rather than fuel concerns.

With reference to the briefing, I was also alarmed to note that it directly undermines the Government's stated commitment to the Commission's independence. While the Strategy and Policy Statement itself sets out that it "does not seek to interfere with the governance of the Commission and the Commission remains operationally independent", yesterday's briefing made clear that despite assurances from Ministers, including from Paul Scully when I met him recently, the Statement is intended to "tell the Electoral Commission" which action to take. This cuts to the heart of the concerns raised by electoral commissioners, and by parliamentarians and other stakeholders, about how the SPS provisions would be used and the inherent risks to confidence in the democratic system.

We are grateful to Paul Scully for his correspondence this morning, formally seeking the Commission's views on the SPS. We will engage fully with that process and publish our response in due course. Ahead of that time, I am copying this letter to the other statutory

consultees in this process, to ensure that they also have sight of our concerns about how this consultation process has been commenced.

Yours sincerely,



John Pullinger
Chair

Copied to:
Mr Speaker, Chair of the Speaker's Committee on the Electoral Commission
Clive Betts MP, Chair of the Levelling Up, Housing and Communities Committee
Paul Scully MP, Minister of State at the Department for Levelling Up, Housing and Communities

The Electoral Commission

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Chloe Smith MP
Minister for the Constitution and Devolution
Cabinet Office
London
SW1A 2AS

28 June 2021

Dear Chloe

Elections Bill

Thank you for your letter of 17 June regarding the provisions in the forthcoming Elections Bill. I am aware that you wrote in similar terms to the other members of the Electoral Commission. I have discussed your letter with them and am writing now on behalf of us all.

In your letter you stated that “the public rightly expects effective and independent regulation of the electoral system”. You went on to recognise that “the Electoral Commission has a vital role to play in the integrity of free and fair elections and referendums”. I very much welcome these comments. I think they will give us, and others involved in the consideration of the legislation by Parliament, a solid basis on which to consider the merits of particular provisions.

Your letter sets out your aim to improve the accountability and scrutiny arrangements for the Electoral Commission. I agree that it is vital for public confidence that the Commission continues to be properly accountable to the UK Parliament, and to the Parliaments of Scotland and Wales, for its role in the independent regulation of the electoral system. The proposed Strategy and Policy Statement appears, however, to go beyond improved accountability and scrutiny, to give those currently in power a role to issue guidance on the exercise of regulatory functions in relation to future elections and referendums. I would welcome further discussion with you on this. It is vital that provisions brought forward by the Government are consistent with ensuring the integrity of free and fair elections. I would also be keen to understand how guidance issued by the UK Parliament would impact on the separate accountability that the Electoral Commission has to the Parliaments of Scotland and Wales.,

Your letter also sets out your intention to remove the Commission’s powers of prosecution pursuant to the Political Parties, Elections and Referendums Act, 2000. These powers are consistent with powers available to other regulators. At a time when public confidence in the transparency of political finance is not high, it would be unfortunate if there is a weakening of the regulatory regime. I am also, therefore, keen to discuss this intention further with you, and with the police and Crown Prosecution Service, to ensure that any proposal for reduction in powers in one area is carefully considered in the round to ensure that the system as a whole is robust.

I am looking forward to continuing to work with you throughout the period of consideration for this Bill to ensure that it results in improvements to the electoral system that will be supported across the political spectrum.

Yours sincerely



John Pullinger
Chair

The Electoral Commission

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Chloe Smith MP
Minister for the Constitution and Devolution
Cabinet Office
London
SW1A 2AS

28 July 2021

Dear Chloe

Electoral Commission Chief Executive

I am writing to inform you that Bob Posner will be retiring from his role as Chief Executive of the Electoral Commission in the spring of 2022.

With a new five year corporate plan soon to be implemented, Bob has decided that this is a good time to hand over to a new Chief Executive who can see that plan through, providing long-term stability for the organisation.

In the short time I have been at the Commission, Bob has been a huge help and support to me personally and the Board is incredibly grateful for his commitment and expertise over the fifteen years he has worked at the Commission. Over that time, Bob has been instrumental in delivering high levels of compliance with the political finance rules, formalising the approach to party and campaigner registration, and in calling for much needed reform of electoral law to ensure voters and campaigners have confidence in our system. His contribution has been central to supporting the continued delivery of well-run elections and referendums.

Bob has given the Board ample notice of his intention to retire and will not leave the Commission before April 2022. A recruitment process will begin shortly, to ensure a comprehensive search and a smooth transition next spring.

Should you have any questions, please do not hesitate to get in touch with Laura McLeod at lmcleod@electoralcommission.org.uk or on [redacted].

Kind regards,



John Pullinger
Chair

The Electoral Commission

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Chloe Smith MP
Minister for the Constitution and Devolution
Cabinet Office
London
SW1A 2AS

24 August 2021

Dear Chloe

Elections Bill

Thank you for your follow up letter of 20 July regarding the provisions in the Elections Bill.

Strategy and Policy Statement

I am grateful for the further information about the proposed Strategy and Policy Statement. I welcome in particular the response you have given to the concerns I raised with you about engagement with the Parliaments in Scotland and Wales.

Strong accountability to and effective scrutiny by Parliament are essential for the Electoral Commission to secure confidence in its work across the political spectrum. I agree that the role of the Speaker's Committee is especially important in achieving this. Whilst the intent expressed in your letter is reassuring, the draft information pack includes proposals that go beyond accountability and scrutiny. It will contain statutory guidance for the Commission designed to provide "a straight-forward process for the Government to articulate its vision of the Commission's priorities".

I recognise and value your personal commitment to the independence of the Commission. I also note that the observation you made when we met, that the Commission would be able to depart from the guidance if it reasonably considers that other considerations justify so doing, has been included in the draft information pack. However, for this to in practice apply in law and be upheld in the Courts further drafting will be needed. The Commission will continue to work with your officials and lawyers to ensure that the wording in the legislation ensures that the independence of the Commission can be upheld when having regard to the Strategy and Policy Statement.

Prosecution capability

I share your view of the importance of clarity for Parliament in the matter of the Commission's power to prosecute.

As the attached background note makes clear, the Commission has the power in law to prosecute offences under PPERA in England, Wales and Northern Ireland. The provisions set out in the Elections Bill remove an existing power from the Electoral Commission.

The Commission has not sought new powers to prosecute. However, if it was to use existing powers to do so this would constitute a new activity for the Commission. In my interview with the Sunday Telegraph I referred to “extra activity” rather than “extra powers” which is an important distinction.

Parliament carefully created a regime with the flexibility of civil and criminal penalties for offences to ensure proportionate and appropriate enforcement action can be taken. The prohibition on the Commission from undertaking criminal prosecutions brings the unintended consequence of reducing the effectiveness of the enforcement regime. For those offences punishable by both civil sanctions and criminal penalties, my understanding is that this prohibition will have the effect of decriminalising the offence. For those offences that are punishable by criminal penalties only, the prohibition risks creating an enforcement gap.

To avoid this gap and meet the expectation of voters and campaigners that those who break electoral law will face prosecution, it will be important to be confident that the police and CPS will be prepared to take such prosecutions forward. Otherwise the risk is that the overall enforcement regime is less effective in protecting the interests of voters and maintaining the integrity of the political financing system. I welcome your positive comments about working closely with the Commission, police and CPS to ensure that enforcement can act as an effective deterrent. I trust you share my concern that this needs to be done promptly during the passage of the Bill.

Report of the Committee on Standards in Public Life (CSPL)

In your letter you refer to the report of the Committee on Standards in Public Life on Regulating Election Finance which makes a number of important and practical recommendations. We welcome working with the Government to implement these recommendations either as part of the Elections Bill or in other ways as appropriate.

You mention the proposal for a 12 month limit, barring exceptional circumstances or deliberate delay by subjects, on investigations. The Electoral Commission welcomes this recommendation. In fact the overwhelming majority of Commission investigations are currently completed in less than six months (84% in 2019-20), so Commission staff are considering how to reflect the CSPL recommendation in internal procedures for the complex and longer cases.

Regulatory Support Strategy

You asked for further information about the Commission’s Regulatory Support Strategy.

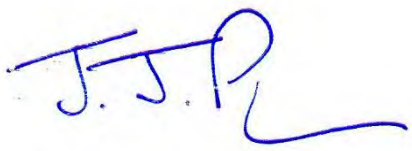
Over the last year, and in line with the Commission’s approved interim corporate plan, we have begun the process of putting renewed effort into how we support parties and campaigners to comply with political finance laws. We have a new team dedicated to developing, testing and implementing a range of tools to support compliance. The sorts of innovations we are considering include better tailoring and targeting our guidance to different sizes and types of party and campaigner, improving our support for smaller organisations that are typically run by volunteers, and making better use of digital technology to offer webinars and training.

It is vital that those who will use these tools have the opportunity to tell us what they think will work best for them. To that end, we will be launching a survey later this year. We would be pleased to send you a copy of the survey when it is launched.

We are identifying quick wins, such as our recent revamp of the guidance search function on our website to make information easier to find. The full strategy takes us to after the next UK parliamentary general election, when we will have had the best part of an electoral cycle across the UK to see what the impact has been. We then expect to work with stakeholders again to update, refine and improve our compliance support packages.

We look forward to continuing to work with you and your officials, and assisting parliamentarians generally, throughout the period of consideration for the Elections Bill to ensure that it results in improvements to the electoral system that will be supported across the political spectrum.

Yours sincerely



John Pullinger
Chair

Elections Bill: prosecutions

Framework for election finance offences

- The Political Parties, Elections and Referendums Act (PPERA) sets out enforcement routes for contraventions and offences by political parties and campaigners. Contraventions are not offences but can be subject to a civil sanction. All offences in PPERA are criminal offences that can be prosecuted by the Commission (except in Scotland) or Crown Prosecution Service, Crown Office and Procurator Fiscal Service or the Public Prosecution Service of Northern Ireland ('UK prosecutor authorities'). Many offences are also subject to civil sanctions but the more serious offences can only be pursued through criminal proceedings.
- In 2014 Parliament decided to give the Commission a duty to take all reasonable steps to secure compliance with the restrictions and requirements in PPERA and related Acts. This duty is set out in section 145 of PPERA. Paragraph 2 of Schedule 1 in PPERA grants the Commission power to do anything that is conducive to carrying out our functions which is not specifically prohibited. PPERA does not limit who can criminally prosecute the offences it sets out. In the absence of a specific prohibition, these provisions permit us to prosecute criminal offences under PPERA, except in Scotland which has a single prosecutor authority.
- To date, the Commission has not used our power to prosecute and has instead asked the police to investigate offences that are not also subject to civil sanctions. The police could also decide to investigate any PPERA offence following an allegation made direct to them. To our knowledge, there has been one prosecution under PPERA (in August 2021) since it was passed by Parliament 20 years ago, which has implications for deterrence.
- Criminal prosecution by a UK prosecutor authority is the only enforcement route for breaches of the Representation of the People Act (RPA). There is no civil sanctions regime. In 2019, the police investigated 595 cases under RPA, which led to four convictions and two cautions.

The Election Bill proposals

- The proposals in the Elections Bill would change the enforcement routes available to the Commission, prohibiting it from undertaking criminal prosecutions.
- While to date the Commission has not brought a prosecution, in order to ensure there was no gap in the enforcement of the PPERA offences we had proposed to start using our existing powers to prosecute. Any cases brought by the Commission would have been decided by the courts, in the same way as cases brought by other prosecutors, with the normal right of appeal. We planned to consult on this in 2020. However, in 2019 following media reports on the proposals, it became clear that there were stakeholder concerns and we took no further steps.
- If the Commission is prohibited from undertaking criminal prosecutions, the capacity needs to exist within the police and UK prosecutor authorities for them to take forward prosecutions where appropriate, and without undue delay.

The Electoral Commission

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Rt Hon Andrew Stephenson MP
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and Communities
2 Marsham Street
London, SW1P 4DF

04 October 2022

Dear Andrew,

Consultation on the draft Strategy and Policy Statement for the Electoral Commission

I am writing in response to correspondence from Paul Scully MP, consulting on the proposed Strategy and Policy Statement for the Electoral Commission. Our response accompanies this letter.

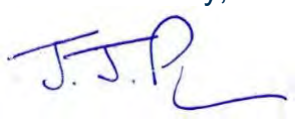
The Commission remains of the view that an electoral commission's independence from governments is fundamental to maintaining confidence and legitimacy in an electoral system. The principle of a strategy and policy statement is inconsistent with that. Our consultation response requests changes to the current draft to help to protect the actual and perceived independence of the Commission, and to minimise the risk of confusion and of undermining public and stakeholder confidence.

The Commission is committed to working constructively with the UK's governments and has a record of success in doing so. Indeed, I have been pleased to work positively and effectively with your predecessors. I hope that we will be able to continue to use this approach, rather than being constrained to operate through the mechanism of the strategy and policy statement.

Ministers have spoken of the importance of maintaining the Commission's independence, and we welcomed that. Our confidence was, however, undermined by the government briefing issued ahead of the launch of this consultation. I wrote to the then Secretary of State to express concerns. Regrettably, I have received no response or reassurances, and so those concerns remain.

I am copying this response to the other statutory consultees. We will also publish our response on the Commission website in due course.

Yours sincerely,



John Pullinger
Chair

The Electoral Commission

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Lord True CBE
Cabinet Office
70 Whitehall
London SW1A 2AS

7 February 2022

Dear Minister,

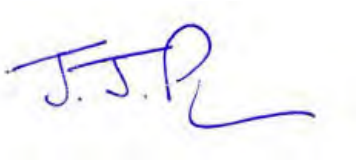
Elections Bill – consideration by the House of Lords

The Electoral Commission plays an important role in ensuring the delivery of free and fair elections and continued public confidence in our democratic process. This includes work on the significant changes the Elections Bill will make, and supporting the successful implementation of the Bill's measures once they are enacted.

We have been working closely with officials to help inform development of the policies contained in the Bill, and have had detailed discussions with your ministerial colleague Kemi Badenoch.

As the House of Lords begins its consideration of the Bill, we would welcome the opportunity to discuss the Bill with you. If you would find a meeting useful, your office can contact my colleague [redacted] ([redacted]) to make the necessary arrangements.

Yours sincerely,



John Pullinger
Chair

The Electoral Commission

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Lord True CBE
Minister of State
Cabinet Office
70 Whitehall
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SW1A 2AS

19 April 2022

Dear Lord True,

Thank you for your letter of 31 March to electoral commissioners in response to our letter of 21 February.

We are grateful for your response. We agree that it is vital that we have an independent regulator that commands trust across the political spectrum. However we remain of the views expressed in our earlier letter: requiring the Commission to have regard to a Strategy and Policy Statement that would enable the government to guide the Commission's work is inconsistent with its independence.

Yours sincerely,



John Pullinger
Chair

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The Rt Hon Tom Tugendhat MBE MP
Minister for Security
Home Office
2 Marsham Street
London
SW1P 4DF
By email

1 November 2022

Dear Minister

Protecting elections from foreign interference

I am writing regarding the proposal to introduce a Foreign Influence Registration Scheme, through amendments to the National Security Bill currently before Parliament.

The Government's stated objective for this legislation is to strengthen the resilience of the United Kingdom's political system against foreign influence. The Electoral Commission has undertaken work in this area and has also identified the need for stronger controls on donations to political parties and campaigners to address the risk of foreign interference in UK political campaigns.

We have recommended that existing controls on donations should be strengthened so that parties and campaigners can only accept donations from companies that have made enough money in the UK to fund the amount of their donation. Currently, a company can donate to a UK political party or campaigner if it is registered at Companies House and 'carrying on business' in the UK. There is no requirement for the company to show that it has made enough money in the UK to give or lend to campaigners.

We have also recommended strengthening the controls for political parties and campaigners accepting donations more generally, so that they can be confident they know the origins of their funding. Although parties and campaigners are already required to check that a donation is from a permissible source, we have recommended that they should be required to take additional steps to ensure they know where the money has come from. Enhanced due diligence and risk assessment requirements for parties could be introduced in a way that recognises the need for proportionality, with different requirements depending on the size of a regulated entity's financial infrastructure, or the size of a donation. This would help campaigners to identify foreign money before donations are accepted.

I hope this is a helpful overview of our key recommendations in this area which could be usefully reflected in forthcoming legislation. These reforms have also been supported by other organisations, including the Committee on Standards in Public Life (in its 2021 report on *Regulating Election Finance*) and the Public Administration and Constitutional Affairs Committee (in its recent report on the *Work of the Electoral Commission*).

Should you have questions or wish to arrange a meeting, your office can do so with our Public Affairs Manager, Ryan McCullough, at rmccullough@electoralcommission.org.uk.

Yours sincerely,



John Pullinger
Chair

Department for Levelling Up, Housing & Communities

Paul Scully MP
Minister of State for London, Local Government and Communities

Department for Levelling up, Housing and Communities
Fry Building
2 Marsham Street
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SW1P 4DF

Email: [redacted]
Website:
www.gov.uk/dluhc

John Pullinger CB
Chair of the Electoral Commission
3 Bunhill Row, London
EC1Y 8YZ

22 August 2022

Dear Mr Pullinger,

CONSULTATION ON THE DRAFT SRATEGY AND POLICY STATEMENT FOR THE ELECTORAL COMMISSION

I am writing to you in your role as the Chair of the Electoral Commission to inform you that, today, the Government published the draft Strategy and Policy Statement ('Statement') for the Electoral Commission on GOV.UK, thus officially launching the statutory consultation on the Statement. I have also written to members of the Parliamentary Parties Panel and other relevant stakeholders to inform them about the start of the statutory consultation. The Government will also lay a Written Ministerial Statement before both Houses as soon as possible following summer recess.

Section 16 of the Elections Act 2022 ('the Act') provides for a Statement to be approved by the UK Parliament, that will set out guidance and principles, to which the Electoral Commission must have regard in the discharge of its functions. The Commission will remain operationally independent and governed by its Commissioners. The duty to have regard to the Statement means that when carrying out its functions the Commission will be required to consider the content of the Statement and weigh it up against other relevant considerations.

In recent years, some parliamentarians have also questioned the adequacy of the existing accountability structures for the Electoral Commission. Given the nature of the Commission's work, it is right that the regulator remains accountable to the UK Parliament via the Speaker's Committee on the Electoral Commission ('Speaker's Committee'). The Act therefore also expanded the role of the Speaker's Committee to include examining the Commission's compliance with its duty to have regard to the Statement. Together, these measures will facilitate scrutiny by the UK Parliament of the Electoral Commission's performance of its duty in relation to the Strategy and Policy Statement whilst respecting the Commission's operational independence.

The Act requires the Secretary of State to consider the views of the Commission, the Speaker's Committee, and the Levelling Up, Housing and Communities Committee via a statutory consultation, before submitting the draft Statement for the approval of the UK Parliament. I have therefore also written to the Chairs of the Speaker's Committee and Levelling Up Committee.

Overview of the Strategy and Policy Statement

As you'll be aware, in September 2021, the Government published an illustrative example of the Statement (DEP2021-0736) to aid understanding of the measure during the passage of what was then the Elections Bill. The revised Statement maintains the scope and format of the illustrative Statement and is split into three main components:

- **Priorities for the Commission:** articulating the Government's view of the Commission's priorities and functions that support the Government's priorities in relation to elections, referendums and other matters in respect of which the Commission has functions.
- **Executive priorities in relation to elections as approved by Parliament:** This section contains functions and responsibilities of the Commission including those that are in the Elections Act.
- **Principles for the Commission:** This section contains the Government's view of the core principles that should be prioritised by the Electoral Commission in the exercise of its functions.

The Government in its 2019 manifesto committed to securing the integrity of elections. While the Commission is not responsible for taking enforcement action against electoral fraud allegations, it plays an important role in tackling electoral fraud through some of its other core statutory duties, such as setting performance standards for Returning Officers. The draft Statement therefore requires the Commission to have regard to tackling voter fraud when exercising relevant functions.

The draft Statement also provides that the Commission should:

- Pay specific attention to the need to provide greater support to Electoral Registration Officers and Returning Officers through advice and guidance in local authorities at higher risk of electoral fraud, including those with a history of electoral fraud (e.g. Tower Hamlets);
- Support Returning Officers in ensuring the secrecy of the ballot inside polling stations;
- Support participation by informing the public about the franchise and electoral registration, as well as associated changes such as extension of the franchise to all British citizens overseas who were previously registered or resident in the UK, and a new online application process for absent vote arrangements;
- Proportionately enforce the new digital imprint regime, and support compliance recognising the importance of protecting free speech by individuals when producing statutory guidance;

- Consider best practice from other regulators on proportionate enforcement and the need to conduct investigations in a timely manner;
- Provide guidance to campaigners that sets out the rules as simply as possible and offers practical advice, with illustrative examples, of how to comply with the rules, as legislated by Parliament.

The draft Statement includes various changes to the illustrative Statement which are outlined in detail in **Annex A,** predominantly reflecting necessary changes now that the Elections Bill is enacted.

Next steps

I would be grateful for your views on the draft Statement by **5 December 2022.** Once the statutory consultation is closed, the Secretary of State will consider all responses and make any changes deemed necessary before laying the draft Statement in Parliament alongside a response to the statutory consultation. Following an initial 60-day period during which parliamentarians of both Houses can make representations about the draft Statement, the Secretary of State will consider parliamentarians' representations, summarise the Government's response to those in a report and make any changes deemed necessary to the Statement before submitting it to parliamentary approval for up to 40 days via the affirmative procedure.

The Government is grateful for the Commission's engagement and valuable contributions throughout the development of these proposals. I look forward to receiving your views and continuing to work with you on these important provisions. I am also copying this to Shaun McNally, for information and I have written separately to the nominated Commissioners to draw their attention to the launch of the consultation.

Yours ever,



Paul Scully MP
Minister of State for London, Local Government and Communities

Annex A: Key changes in the revised Strategy and Policy Statement for the Electoral Commission

- **Opening statement:** A sentence has been added expressly stating that 'this Statement does not apply to the Commission's devolved Welsh or Scottish functions'. This follows the Welsh and Scottish Parliaments' decision during the Bill's passage not to give consent to this measure and is in line with the provisions in the Act, which ensure the Statement must not contain provisions relating to the Commission's devolved Welsh and Scottish functions.

- **Paragraphs 5a-e:** These new paragraphs acknowledge that whilst the Commission is not responsible for taking enforcement action regarding electoral fraud allegations, it does play an important role in tackling fraud through some of its other core statutory duties. This section of the Statement will require the Commission to have regard to tackling voter fraud when exercising these specific functions.

- **Executive priorities in relation to elections as approved by Parliament:** Various paragraphs in this section have been updated now that the Elections Bill is enacted. This includes adding guidance in relation to measures which were added during the Bill's passage, such as 'a new online application process for absent vote arrangements' in **paragraph 12**, and the code of practice for third party campaigners in **paragraph 13b**.

Chloe Smith MP
Minister of State for the Constitution and Devolution
Cabinet Office 70 Whitehall London SW1A 2AS

John Pullinger CBE
Chair of the Electoral Commission

Our reference: MC2021/12931

17 June 2021

Dear John,

I am writing to inform you that today we will be laying before both Houses a written ministerial statement outlining the Government's proposals on 'Increasing parliamentary accountability in electoral policy'. As you know, the Government recently announced in the Queen's Speech that it would introduce an Elections Bill which will deliver this Government's manifesto commitments to strengthen the integrity of our elections and ensure that our democracy remains secure, fair, modern and transparent.

The public rightly expects effective and independent regulation of the electoral system. The Electoral Commission (EC) has a vital role to play in upholding the integrity of free and fair elections and public confidence in that integrity. As the independent regulatory body charged with such pivotal responsibilities, the Commission should be fully accountable to Parliament for the way it discharges its functions. As part of the Elections Bill, the Government will introduce a number of proposals relating to the parliamentary accountability of the Electoral Commission:

a. **To improve the Electoral Commission's accountability arrangements, we will make provision for the introduction of a Strategy and Policy Statement that will provide the EC guidance on the exercise of its functions**. The Government is concerned that the Political Parties, Elections and Referendums Act 2000 (which confers the EC's powers and statutory duties) does not currently provide for parliamentary accountability mechanisms that go beyond financial scrutiny of the EC and the appointment of EC Commissioners and the Chair. This measure is thus aimed at empowering Parliament to hold the EC to account with respect to its broader work and performance. It is commonplace for the Government and Parliament to set a policy framework by which independent regulators should work.

   The planned legislation will provide for the Statement to be introduced at a later date via secondary legislation and will therefore not contain the content of the Statement itself. It is expected that the Statement may contain guidance on executive and legislative priorities during this Parliament in relation to elections (such as the content of the Elections Bill once passed), a statement of priorities for the Electoral Commission, including but not limited to priorities already set out in law, and

principles for the Electoral Commission (such as impartiality, accountability, value for money, and proportionality and consistency).

The EC will have to give regard to the Statement but it will be able to depart from it if it felt it was justified or it had a statutory duty to fulfill. The EC will have to report to Parliament, via the Speaker's Committee on the Electoral Commission (SCEC), annually on the discharge of its functions against the guidance outlined in the Statement.

The Statement will be drafted by the Government and subject to a statutory consultation with key stakeholders (including the EC and the SCEC) before seeking approval by Parliament. The Statement will be reviewed at least once every 5 years and it may be reviewed more often to remain relevant. Any changes made to the Statement will be subject to parliamentary approval.

The Government is clear that this Strategy and Policy Statement will be a product of Parliament, rather than the Government, which is why the SCEC will be given a pivotal role in holding the EC to account for its observance of the Statement (see next measure). It will provide an opportunity for Parliament to articulate its expectations of the Commission and enable greater visibility and scrutiny of the EC's work

b. To ensure that Parliament is able to hold the EC to account more effectively, including with regards to the Strategy and Policy Statement, **we will amend the role and powers of the SCEC to include a broad scrutiny function of the work of the EC**. The Government feels this is necessary to widen the statutory remit of the Committee, which is currently too narrow and does not allow for effective monitoring of the EC's work and performance. The Government's intention with this measure is to give the Committee broad powers to scrutinise the regulator effectively, including the ability to respond flexibly to topical developments. This flexibility is particularly important to improve parliamentary scrutiny of the EC and restore trust among parliamentarians and campaigners in the regulator's work.

   To discharge this new scrutiny function, the SCEC will be given formal powers to request information from the EC regarding its work and performance. The SCEC will continue to have to report yearly on the discharge of its function to the House but the reporting requirement will now need to include mention of the Committee's work in scrutinising the work and performance of the EC.

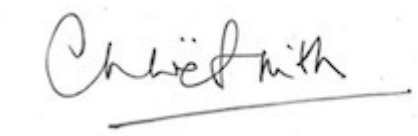
   With this measure, the Government wants to ensure the SCEC remains the primary parliamentary accountability vehicle for the EC and that it is empowered to effectively scrutinise the regulator in all aspects of its work.

c. The Government is clear that the proper place for criminal investigations and prosecutions relating to electoral law is with the police and the Crown Prosecution Service (and the Public Prosecution Service in Northern Ireland) who are experts in this domain. In recent years, the Electoral Commission has stated its intention to develop the capability to bring criminal offences before the courts. This has never

been agreed by the Government or Parliament. Having the EC step into this space would risk wasting public money as well as present potential conflicts of interest for a body responsible for providing advice and guidance on electoral law to initiate proceedings which might depend on the very advice that was given. We are committed instead to supporting the police as necessary to enforce electoral regulation proactively and effectively. **We will therefore maintain the status quo by providing clarity in law that the Electoral Commission should not bring criminal prosecutions in England, Wales and Northern Ireland.** This clarification will not apply in Scotland where there is already a single prosecutorial body.

The Government is keen to engage on these proposals with all relevant stakeholders to build consensus around the Government's legislative programme. I am particularly committed to ensuring that the Government listens to your views as Chair of the Electoral Commission. It is my hope that these measures will help to renew confidence in the performance of the EC across the political spectrum. I look forward to hearing your views about our proposals. My officials and I remain at your disposal to provide you with any further information you may require.

Yours ever,



Chloe Smith MP
Minister of State for the Constitution and Devolution

Chloe Smith MP
Minister of State for the Constitution and Devolution
Cabinet Office 70 Whitehall London SW1A 2AS

John Pullinger
Chair
The Electoral Commission
3 Bunhill Row
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LMcleod@electoralcommission.org.uk

Our reference: MC2021/13728

20 July 2021

Dear John,

Thank you to you and Bob for taking the time to meet with me on 1 July. I hope you found our conversation useful in setting out the rationale for our proposals relating to the Electoral Commission included in the Elections Bill which has now been introduced to Parliament. As agreed, I wanted to follow up in writing to further address the points you raised in your letter dated 28 June 2021. I also wanted to outline in greater detail how these measures will impact the Commission's accountability to the Senedd and Scottish Parliament.

Strategy and Policy Statement measure

As discussed in our meeting, I have already expressed in a written ministerial statement dated 17 June that our proposal to introduce a Strategy and Policy Statement will not compromise the important operational and investigative independence of the Commission. Whilst the Statement will contain guidance and principles which the Commission will have a legal duty to have regard to in exercising its functions, it does not replace or subvert its statutory duties. The Statement will be subject to Parliamentary approval and the Commission will report to the Speaker's Committee on consideration given to the Statement.

In addition, I outlined in our meeting the refinements we recently made to the (then, draft) measure relating to the role and powers of the Speaker's Committee. The Bill's clauses now explicitly link the expanded scrutiny role of the Committee solely to the Commission's duty to have regard to the Strategy and Policy Statement. We have also clarified in the drafting that the role of the Committee will be to 'examine', rather than to 'oversee' the Commission's compliance with this duty. I hope this will allay any concerns you may have about the intended nature of the relationship between the Committee and the Electoral Commissioners by clarifying on the face of the law that the Speaker's Committee will be expected to play a scrutiny role like parliamentary select committees and will not act as a layer of governance or decision-making above the Electoral Commissioners.

It is quite legitimate for there to be Parliamentary scrutiny of regulators, and our proposed measures work together to ensure this can be done in a cross-party manner by the attention of the Speaker's Committee and the whole House of Commons.

I also wanted to outline further here why the Statement will not impact the Commission's accountability to the devolved parliaments and their committees. Because the Commission is a UK-wide body that holds some functions in relation to devolved matters in Wales and Scotland, I propose that the guidance in the Statement should apply to both the Commission's reserved and devolved functions. I have written to the Scottish and Welsh Governments seeking legislative consent on this point. Under our proposals, the Scottish and Welsh Governments would be consulted on any draft Statement on the areas of guidance which would apply in relation to those devolved functions. As stated above, the Commission will be required to report to the Speaker's Committee for consideration given to the Statement. The Llwydd's Committee and Scottish Parliamentary Corporate Body (SPCB) do not have the necessary statutory remit to scrutinise the Electoral Commission's performance against a UK-wide Strategy and Policy Statement. However, the Commission would of course continue to report to the Llywydd's Committee and the SPCB in relation to its financial estimates and its Five-Year Plan as they relate to devolved matters.

Prosecutorial capability measure

In your letter, you also referred to our intention to make clear in law that the Commission should not bring criminal prosecutions in England, Wales and Northern Ireland.

You say this is to "remove" powers, and suggest this might "weaken" the regulatory regime. However, I also noted that in your recent Telegraph article, you explained more accurately that these are "extra" powers that the Electoral Commission is seeking. I am keen that Parliament should not be confused on this point and will seek to be clear that these are not capabilities that the Electoral Commission currently has. As far as I am aware, neither the Government nor Parliament have ever explicitly agreed that the Commission should become a prosecutor. To grant the Electoral Commission more powers is a policy proposal which has come from the Electoral Commission. But as your Board agreed recently, there is not consensus for such a change.

The Government's view on this is that the Crown Prosecution Service and the Public Prosecution Service in Northern Ireland are already experts in this domain. Therefore, it would not be a good use of taxpayer funds for the Electoral Commission to develop a prosecutorial capability, especially given the potential conflicts of interest with the role of the Electoral Commission in providing advice and drawing up guidance (for example, cases like that of Darren Grimes have illustrated that the guidance, forms and evidence provided by the Electoral Commission were material considerations in whether a breach of the law had actually taken place).

During our meeting, Bob also raised the specific point around maintaining incentives for political parties and campaigners to cooperate with the Commission's investigations in the absence of any hypothetical prosecution powers. As you know, the Commission already employs a wide range of investigatory and civil sanctioning powers that can be further enforced by the courts in the event of non-compliance by suspected offenders. The Commission can also refer more serious matters to the police. I therefore do not share the assessment that the Commission should need to rely on the potential to bring prosecutions to encourage compliance. Certainly, there is a case for reviewing the disproportionate length of time that some of the Electoral Commission's investigations have taken, as Lord Evans has recently suggested.

The Electoral Commission has an important duty to provide clear and high quality guidance, advice and support to political parties, candidates and other campaigners that help their understanding of the rules. The Government believes that it should be a core principle of the Commission to pay due regard to ensuring their enforcement of electoral law is proportionate and consistent. I am keen to continue to work closely with the Commission, police and CPS to keep the regulatory framework under review for improvements, as well as looking at how enforcement can be better organised, more consistent and act as an effective deterrent. I will also look with interest at the recommendations made by the Committee on Standards in Public Life and the Public Administration and Constitutional Affairs Committee.

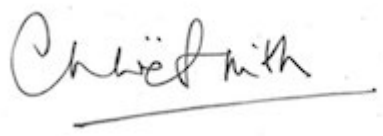
Finally, in the interview you gave on 26 June, you mentioned that the Electoral Commission would introduce a new "support programme" for political campaigners. I was hoping you could provide me with further detail on this proposal.

I am enclosed with this letter a revised version of the information pack with more detail regarding these measures.

I am also copying this answer to Bob as it covers some points he raised during the meeting.

I remain happy to discuss these matters further and I look forward to your response regarding the Commission's support programme.

Yours ever,



Chloe Smith MP
Minister of State for the Constitution and Devolution

Chloe Smith MP
Minister of State for the Constitution and Devolution
Cabinet Office 70 Whitehall London SW1A 2AS

John Pullinger
Chair of the Electoral Commission
LMcleod@electoralcommission.org.uk

Our reference: MC2021/16123

20 August 2021

Dear John,

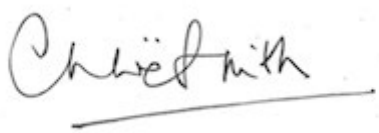
Thank you for your letter dated 28 July informing me that Bob will be retiring as Chief Executive of the Commission next year. I appreciate you notifying me of this important decision and I will of course join you, when the time comes, in thanking Bob for his many years of dedicated service to the organisation.

He has made a significant contribution to the leadership of the Commission since joining it, as you rightly pointed out. I have enjoyed working with him closely on a number of crucial issues, including successfully delivering safe and secure local elections in the challenging context of COVID-19 restrictions.

As you will know from your engagement in Parliament already, to maintain confidence in the work of the Commission, it will be important for the new Chief Executive to continue to prioritise political impartiality throughout the Commission, proportionate enforcement of electoral law, high quality and easily accessible guidance to campaigners to encourage compliance, and increased accountability to Parliament via the Speaker's Committee.

As and when underway, I would welcome further updates on the recruitment process.

Yours ever,



Chloe Smith MP
Minister of State for the Constitution and Devolution

Department for Levelling Up, Housing & Communities

The Rt Hon Andrew Stephenson MP
Parliamentary Under Secretary of State for Housing and Communities

Department for Levelling up, Housing and Communities
Fry Building
2 Marsham Street
London SW1P 4DF

Email: [redacted]
Website:

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John Pullinger CB
Chair of the Electoral Commission
3 Bunhill Row, London
EC1Y 8YZ

18 October 2022

Dear Mr Pullinger,

CONSULTATION ON THE DRAFT STRATEGY AND POLICY STATEMENT FOR THE ELECTORAL COMMISSION

Thank you for your letter of 4 October and the accompanying response to the consultation setting out the views of the Electoral Commission on the draft Strategy and Policy Statement.

The Government takes very seriously the role of consultation, including on this draft Statement. Once the consultation has closed, the Secretary of State will consider the views of the Commission alongside those of the other statutory consultees and make any changes deemed necessary before laying the draft Statement in Parliament alongside a response to the statutory consultation.

I agree with you that it is important to be clear that the Strategy and Policy Statement must always be compatible with the foundational principle that the Commission should remain operationally independent. As set out on several occasions during the passage of the Act and in Minister Scully's letter to you dated 22 August, the Commission will remain operationally independent and governed by its Commissioners. The duty on the Commission to have regard to the Statement in the discharge of its functions will not replace or undermine the Commission's other statutory duties and in no way allows the government of the day to instruct or direct the Electoral Commission.

As you will be aware, I will also be giving evidence to the Levelling Up, Housing and Communities Committee tomorrow as part of the consultation process. I am confident that the consultation and the parliamentary scrutiny process which follows will deliver a Strategy and Policy Statement which is helpful to the work of the Electoral Commission and contributes positively to public confidence in its work. I look forward to continuing the constructive relationship that my predecessors have had with the Commission and to meeting both you and Mr McNally soon.

Yours ever,



Rt Hon Andrew Stephenson
Parliamentary Under Secretary of State for Housing and Communities

Lord True CBE
Minister of State
Cabinet Office 70 Whitehall London SW1A 2AS

John Pullinger, Chair Electoral Commission
Sarah Chambers
Rob Vincent
Dame Sue Bruce
Professor Dame Elan Closs Stephens
Dr Katy Radford
Alex Attwood
Alasdair Morgan
Joan Walley

31 March 2022

Dear Commissioners,

I am writing to respond to your letter of 21 February 2022, regarding the measures set out in the Elections Bill regarding the Electoral Commission. I am replying as the Bill Minister in the House of Lords, where the Bill is currently being considered.

It is vital that we have an independent regulator that commands trust across the political spectrum. The public rightly expects efficient and independent regulation of the electoral system. As part of this, we must reflect on the current structures charged with this important responsibility, and where there is a need for change, be prepared to make it. In bringing forward these measures, the Government is seeking to address the concern raised in the (then) Sir Eric Pickles' *Securing the Ballot* report into electoral fraud which concluded that the current system of oversight of the Commission is not effective. I would also note the comments in the report in relation to the Electoral Commission and the London Borough of Tower Hamlets (paras 217-220).

I do not agree with your letter's characterisation of the provisions pertaining to the Strategy and Policy Statement. The measures in the Bill will not affect the Commission's operational independence or its line of accountability to the UK Parliament, Scottish Parliament and the Senedd. I am clear that the measures brought forward by the Bill will not enable the Government of the day to unduly interfere with the Commission's day-to-day running and responsibilities or have power to direct the Commission's decision-making. The governance of the Commission will remain unchanged with the Commission governed by its Commissioners.

The duty to 'have regard' (introduced by clause 14) is not a novel concept in primary legislation. It works in similar ways to other existing statutory duties which require public bodies to 'have regard' to specific considerations in the carrying out of their functions. The duty to have regard to the Statement will not replace or undermine the Commission's other statutory

duties. For this reason, I reject the assertion that the introduction of a Statement is inconsistent with the role of an independent Commission.

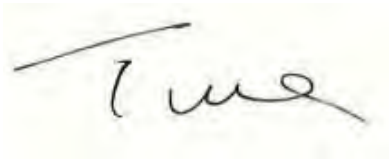
As is the case now, the Commission will remain accountable to the UK Parliament through the Speaker's Committee on the Electoral Commission, which is chaired impartially by the Speaker of the House of Commons. The Statement will provide an opportunity for greater parliamentary accountability on a cross-party basis, giving the UK Parliament an opportunity for greater visibility and scrutiny of the Commission's work. This will be done by expanding the functions of the Committee to give it the power to examine the Commission's compliance with the duty to have regard to the Statement. In addition, approval of both Houses of Parliament will be required before any new or revised Statement (except for typographical or clerical errors) can be designated. The UK Parliament will therefore be able to reject in full any draft Statement it disagrees with.

I am confident that the measures introduced by the Elections Bill are both necessary and a proportionate approach to reforming the accountability of the Electoral Commission to the UK Parliament whilst respecting its operational independence.

The Statement will provide the Commission with a clear articulation of principles and policy priorities, approved by Parliament, to have regard to when going about its work - particularly in areas where primary legislation is not explicit.

The Statement will help to ensure that any Government is able to secure in often fast evolving environments its commitments to secure and defend the integrity of elections.

Yours sincerely,



LORD TRUE CBE