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25 April 2006

Sir Alistair Graham  
Chairman  
Committee on Standards in Public Life  
35 Great Smith Street  
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Dear Sir Alistair

**Electoral Commission**

Following my letter to you of 13 April about preserving campaign literature, yesterday I discovered a bizarre feature of the 2000 PPERA which ought to be remedied.

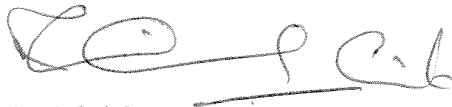
You may have seen from yesterday's broadcasts and today's press that yesterday the Electoral Commission responded to several requests from journalists to go and view the files of invoices submitted by each political party for the 2005 election.

In fact, these files have been available for inspection for several months now; it was just that nobody asked to inspect them until the Cherie hairdresser story last week, and so the EC organised a mass viewing. Similar files were available, of course, after the 2001 election, only in that case, an EC official told me, not a single journalist asked to see them, though a few academics did inspect them. The absurdity is, though, that the 2001 invoices no longer exist, because the 2000 act requires that the EC destroy them after two years, and in just the same way they will have to destroy the 2005 invoices after two years.

This is bonkers. I know that the EC is obliged by law to do this, but your committee should consider recommending that the law be changed. My brief examination of the 2005 files yesterday shows they give a wonderfully rich and detailed picture of how the national election in 2005 was conducted, and this would be of huge value to future historians. Presumably the two-year destruction clause in the 2000 act is an extension of similar provisions which have long related to constituency receipts, but I can think of no logical reason why such material should be destroyed, other than to help political parties cover up their misdeeds. This law seems particularly absurd in the new climate of Freedom of Information.

What makes this law even more barmy is that there would be nothing to stop me buying photocopies of all the receipts in the EC's 2005 files and keeping them for ever, or donating them to the National Archives, or to an academic library. Yet it seems an outrageous waste of resources and paper to organise some such copying operation simply to compensate for the destruction of similar documents as ordered by a silly and ill-thought law. Instead, why not transfer the files of receipts to the National Archives once the two years are up, and thereby preserve them for posterity?

I do hope your committee will consider these matters with sufficient urgency to preserve the 2005 receipts.



**Michael Crick**

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19 APR 2005

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13 April 2006

Sir Alistair Graham  
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Committee on Standards in Public Life  
35 Great Smith Street  
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Dear Sir Alistair

#### **Electoral Commission**

I understand you are undertaking a review of the work of the Electoral Commission, to see how it might develop in future. Please can I make a small suggestion?

How about getting the EC to set up a library of election literature? I suggest this should involve amending the law to oblige all candidates and parties to submit one (or more?) copies of everything they publish to the EC's new library. I recommend that this should not just include traditional election addresses and leaflets, but also copies of all modern campaign publications - the DVDs and videos which parties often issue to voters these days; all pages on websites promoting candidates and parties; copies of posters which parties erect on public billboards; newspaper ads; and the set scripts which party phone banks use in telephone canvassing. Such a national and public collection would have a number of advantages.

First, it would make it much easier for the EC itself, as well as parties, candidates, the media and the general public, to monitor how much activity is going on in each constituency and nationally, and whether parties really are sticking to the rules, particularly those on spending limits. As you may know from contact I had with your committee in Lord Nolan's time, I believe spending limits have been grossly abused in the past.

Second, I believe it would keep a small check on standards of behaviour by political candidates. For example, constituency campaigns often issue leaflets which masquerade as being published by an opposing party - one example occurred in Chris Huhne's campaign in Eastleigh in 2005, and I am told there have been others, and not just by Lib Dem candidates. I suspect that politicians would be slightly less willing to get up to such tricks if they knew such publications would be on permanent record in the EC library, available for public inspection in perpetuity.

Third, such a library would be of huge historic and academic interest, building up a valuable archive of elections in this country, providing an election-by-election tapestry of the issues, candidates and techniques of each campaign. It would be valuable addition to the nation's heritage.

The new system could be viewed as being in spirit with the new Freedom of Information obligations on government bodies, only FOIA does not currently apply to political parties.

In a way, the obligation I propose on candidates and parties to submit their material would be similar to the copyright law, whereby any publisher of a new book is obliged to submit one copy of the book to each of the six copyright libraries in the British Isles. Indeed, for all I know, the copyright law may even extend to election literature, though I doubt whether many parties do actually submit their leaflets to the British Library and other copyright libraries.

At the moment there are several academic libraries which collect election literature – the LSE, Bristol University and Brunel University – and a lot of local history libraries collect such material from their localities. But these collections are inevitably patchy and incomplete, especially since parties are under no obligation to respond to such academic requests.

I don't believe that storing such material need be very expensive for the EC: collecting and keeping it could probably be handled by one person. It would probably involve about 15,000 pieces of paper per election – on a very rough guess of four leaflets per candidate. Indeed, the EC might want to team up with a university for long-term storage.

I think it would be asking too much of the EC to collect literature from local government elections, but it might be possible to apply the same rules to parties and candidates in local government, and make local authorities the collecting bodies, through their local history libraries or local archives.

It's just a thought, which would fit quite neatly with the EC's other work. I would be happy to come and discuss it further if you so wish.

I have tried to contact Sam Younger about this, but he hasn't responded yet.

A handwritten signature in black ink, appearing to read 'Michael Crick', with a horizontal line underneath.

**Michael Crick**