



Ein cyf/Our ref: MB/FM/225/06

Sir Alistair Graham
Committee on Standards in
Public Life
35 Great Smith Street
London
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5th May 2006

Dear Alistair

Review of The Electoral Commission

I am writing in response to your letter of 15th February, seeking my views in response to your consultation paper on the Commission's mandate, governance and accountability.

1. Mandate of the Commission

Local elections

The Commission are obliged to prepare reports on general, European and Assembly elections but not local elections, except in certain defined circumstances. Local elections were omitted from its statutory responsibilities, presumably because of the sheer number and frequency of such elections.

The normal date for all ordinary elections to county and community councils in Wales is the first Thursday of May, every four years, with the next due in 2008. The Commission did, indeed, report on the last Welsh local elections in 2004 and its report was generally welcomed but was only carried out at the request of and expense to the Assembly Government.

In England, the multiplicity of local elections might justify the absence of a mandate to the Commission to cover them automatically, but in Wales (and probably Scotland) the case for reporting automatically is strong. This duty could possibly be extended to England if there were a change to the scheme and frequency of local elections there.

Funding of elections

There is a great deal of bureaucracy and duplication associated with the funding of elections, because of the different statutory bodies responsible for their funding.

If the Commission were given central responsibility for the funding of electoral (and referendum) matters, it would bring uniformity and control to an administratively confusing process and could help to secure funding for electoral matters at local authority level, currently under pressure from other budgets.

Boundary issues

I am aware that the Boundary Committee for Wales (BCW) has made representations to the effect that the possibility of their functions being transferred to the Electoral Commission should be removed.

Since 2001, the staffing of the BCW has been provided by the secretariat to the Local Government Boundary Commission for Wales (LGBCW), a body appointed by the Assembly. This arrangement, which is supported by the UK Department of Constitutional Affairs, has the effect of avoiding the need to hire and train new staff for BCW when carrying out reviews as well as occupying the staff of the LGBCW during lean periods. It is cost-effective in that savings are made to the DCA budget and ours. This would mean that the combined expertise lies within Wales.

The joint BCW/LGBCW secretariat recently completed the 5th general review of Parliamentary (and Assembly) constituencies in Wales and it would appear to have been a smooth and successful exercise. Should the functions of the BCW be transferred to the (Electoral) Commission, there is no guarantee either that the expertise of the existing BCW/LGBCW staff would become available to them, nor that the Commission's Boundary Committee and its staff would be Wales-based.

I see strong merit in the argument of the BCW that they should remain as an independent body with a strong Welsh base and propose that their functions not be transferred to the Electoral Commission.

Governance of the Commission

Membership

Your report raises the issue of the existing restrictions on membership of the Commission. Given recent publicity, I think it essential that the prohibition on them being members or employees of a political party, elected politicians or party donors, should remain.

Accountability of the Commission

Assembly role in appointments process

Although there is currently a Commissioner who resides in Wales, there is no statutory provision for there to be such a person, nor for the Assembly to be consulted prior to such appointment. Given the extensive role of the Commission in Wales, including their responsibility to report on the Assembly elections, both these matters appear to be serious omissions which you could consider.

General matters

Postal voting

The Commission was originally supportive of all-postal voting and, following their evaluation of the initial pilots, proposed that all-postal voting become automatically available for any local authority which wished to operate it. It was clear that all-postal voting brought about an increase in turnout.

Following the Assembly elections of 2003, in its report on the elections, the Commission also proposed that the legislation governing the conduct of the Assembly elections should allow for the possibility of the 2007 elections to be conducted by all-postal voting.

It appears that, following events in parts of England in 2004, the Commission changed its position towards all-postal voting. It declared its position that there should be no more all-postal exercises, because of doubts about security, at least until a system of individual registration, viewed as more secure than household registration, were introduced.

The Commission has since informed me, verbally, that they no longer support the recommendation made in their report on the 2003 Assembly elections with regard to postal voting. However, as far as I am aware, no detailed explanation has been provided for this either to the Assembly Government, the Assembly's Presiding Officer or the Secretary of State for Wales. This very significant change of policy and, further, one apparently taken in response to events outside Wales, does not reflect well on the Commission's accountability and transparency. It would be reasonable to expect that full explanations of policy changes would be provided to the public and to interested parties.

Relations with the Assembly

I would like to finish on a positive note by pointing out that the Assembly Government has received a very high level of service and assistance from the Commission's Cardiff office and its Head, Kay Jenkins. They have always been readily at hand to provide advice and guidance, when required, and have been extremely active in the promotion of best practice in Wales and in their liaison with returning officers, electoral administrators and political parties. They and members of the Commission have also attended the Assembly's Local Government and Public Services Committee on a number of occasions. I hope this good relationship will continue to develop.

Yours
Rhodri