

Submission by The Labour Party to the review by The Committee on Standards in Public Life into The Electoral Commission.

1. Introduction

1.1 The Labour Party very much welcomes this review into The Electoral Commission by The Committee on Standards in Public Life, which comes just over five years after its establishment as an independent statutory authority. In addition to this written submission the party, wishes to give oral evidence at one of the public hearings to be held later this year.

1.2 The party has responded in the terms as outlined as outlined in point 1.19 and 1.20 of the consultation paper. We have responded to questions raised but have included other issues where we think they need consideration by the committee.

1.3 The Labour Party fully supports the Electoral Commission, but believes there are areas which revision is necessary to give it a clearer focus, a sharper perspective and a real insight into the workings of political parties and thereby be a better regulator and further engage the public and improve the democratic process.

2. The Mandate of The Electoral Commission

2.1 We see that through its many functions and responsibilities the position sometimes becomes blurred between its role as a regulator, its advisory role and its role in promoting public awareness and involvement in the democratic process. We think that it should focus on its roles as a regulator and in its advisory capacity. But with an absolute duty to make it clear to the public in what capacity it is involving itself and / or commenting on matters.

2.2 A level playing field and the appearance of a level playing field is of the utmost importance when the commission is discharging its regulatory functions. In publishing its annual report the commission should detail complaints received and actions taken.

2.3 The duty of the commission to promote public awareness and involvement in the democratic system should be considered in the light of its other functions and whether or not this would be better undertaken by another body solely charged on this area of work. A Foundation for Democracy, with terms of reference focused, would in our opinion, give both itself and a sharper Electoral Commission the ability to more effectively undertake their responsibilities.

2.4 The roles of the Commission in registering and regulating political parties and of donations is clear and we have no suggestions to change this but invite the commission to consider a review of the complexity of the regulations with respect to largely voluntary party structures in the UK.

2.5 On the question of the control of campaign expenditure, the cap on spending on the national campaign is a new device which came into force for the 2001 General Election. The party is very supportive of this and would want to see the commission take a leading role in controlling any pressures to increase this limit for future elections.

3. The Governance of the Electoral Commission

3.1 We believe that the status of The Electoral Commission as a regulator is probably its most important function. But unlike other regulators, it does not have the voice of the industry represented as Commissioners. This is a significant weakness when it is dealing with issues concerning parties, and the electoral process.

3.2 We would suggest that the number of Commissioners be increased to twelve, of which seven (including the Chairman) would be independent as set out in the PPERA 2000 as present. The remaining five would be appointed on the following basis. One Commissioner appointed by each of the three major parties in the House of Commons (The Labour Party, The Conservative Party, The Liberal Democrats) one commissioner appointed by the other minor parties in the House of Commons, and one Commissioner appointed by the Association of Electoral Administrators.

3.3 Further we suggest that the position of Vice Chairman of The Electoral Commission be created and this post be occupied by one of the remaining five industry commissioners on a yearly rotating basis.

3.4 It is important that all Commissioners are appointed for the same length of office, though the times people come on and off may vary. Equally, there may be merit in limiting the number of terms of office all commissioners can serve to no more than two terms of five years, to ensure the flow of new blood into the body. But still giving Commissioner the opportunity to serve for at least the equivalent of two parliamentary cycles.

4. The Accountability of the Electoral Commission

4.1 We believe that greater accountability would be achieved if The Electoral Commission reported not to the Speaker's Committee and various Select Committees on different matters, but to one Select Committee only on all matters. This should be the Select Committee on Constitutional Affairs; this committee already looks closely at many aspects of its work and also deals directly with the Dept of Constitutional Affairs.

4.2 The Political Parties Panel while having been a useful body for consultation and discussion, it has not been the vehicle which has enabled the parties to have a dialogue with the Commission in the appropriate manner.

5. In conclusion

5.1 The Labour Party believes that The Electoral Commission has made a very positive and useful contribution; it does though feel that this is the time for a review of its functions and to refocus its work on its regulatory and advisory functions.

5.2 In particular by the introduction of Commissioners appointed by the industry, we feel that it will gain a better insight to the workings of parties and election officials and thus help it become a better regulator. This will also bring it into line with other regulators in the UK.

5.3 Finally, by having the Select Committee for Constitutional Affairs as the parliamentary committee it reports to on all matters rather than the present system, whereby it reports to a number of Select Committees and the Speakers Committee, will produce better scrutiny and accountability.

