

Evidence submitted by the Electoral Reform Society

## Review of the work of the Electoral Commission

The Society has appreciated the extent of its relationship with the Commission and with individual Commissioners. We have welcomed the opportunity to meet with the Commission and its staff and to develop what we believe to be mutually beneficial work on key projects—particularly in outreach work. The campaign for individual registration has been one on which there has been much co-operation and consultation.

Not all of the issues set out by the Committee as under their inquiry are relevant for us. However, from its long experience, the Society has a number of proposals which it believes will assist the Commission to develop a more forthright and influential role.

We start by congratulating the Commission on its work to date and by stating that we believe that the existence of the Commission is vital to reinforcing the confidence of the general public in free and fair elections in the UK.

### **Mandate**

The fundamental question at the heart of any review of the Electoral Commission is whether its role should be one of advisor or regulator. The Electoral Reform Society would argue that the Commission has suffered in that its role to date has, at times, been unclear. In most countries the role of the Electoral Commission is as the key authority overseeing elections and with the final say (subject to court challenge) over all matters electoral. We would see this as defining the crucial authority for the work of the Electoral Commission in the UK. On those matters where it has legitimate authority, we do not believe it is appropriate for the Commission simply to advise - we believe that the Commission should have the power to regulate. Whilst significant progress has been made over recent years, we believe that there is still more that could be made in shifting the burden of composing delegated legislation from ministers to the Commission. Where proposals are made which require Parliamentary approval, it should be expected that this should be given.

Whilst much of the work of a reformed Electoral Commission would therefore be regulatory, core work of the Commission should include the provision of key information and the execution of ongoing reviews on electoral systems and electoral practice.

We believe that the role of the Commission with regards the provision of neutral voter education material is vital. This should be both as part of the citizenship education provision in schools and information direct to electors at election time. Where we talk about elections, this should also be taken to include referendums. The Commission should be in charge of a significant budget for voter education, particularly at election time and consideration given to Commission election broadcast slots alongside party political broadcasts. It should be a stated aim of the Commission's work to increase understanding of elections and electoral systems?

We believe that the Commission's current outreach work, aimed at 16-24 year olds and delivered outside formal education, has made significant strides in terms of informing and involving young people with regard to voting. However, the major market over which the Commission has no influence is the school-based audience. We believe that high quality citizenship education is essential if we are to develop an informed electorate and we therefore support moves to improve the quality of the current provision. Whilst citizenship education will cover far more than simply voting and elections, it is right that the Commission should have significant influence over those sections which relate to its work. We believe that the Commission should therefore add to its remit the provision of, or ensuring the provision of, information and materials for the citizenship curriculum and involvement in planning the way-such education is delivered.

Whilst it is right that the Government or Parliament might request reviews on certain subjects, we believe that the Commission should feel free to look into any matter within its overall remit. We are strongly of the view that electoral practice and voter perception of elections are heavily influenced by the voting system itself and, for this reason, the remit of the Commission should include the voting systems.

## **Governance**

We believe that the Commission might, on occasions, have benefited from the involvement of people with recent election campaigning experience. When it was established, the decision was made that commissioners and Commission staff should have been free of party involvement for at least 10 years. We believe that this decision should be changed.

Whilst we believe that it is right that the majority both of staff and commissioners should be politically neutral, we would recommend that an element with party backgrounds would be an advantage to the Commission. The key benefit would be of poachers turned

gamekeepers, often seeking the gaps in the legislation which parties might be able to exploit.

We would therefore recommend that a small number of Commissioners, perhaps up to three, be drawn from party backgrounds. We do not believe that this should be regarded as a quota, simply as an upper limit. There should be a requirement that these should always be outnumbered by those without such backgrounds and that the Chair of the Commission should still be someone who is politically neutral. This change can be accomplished within the current statutory provisions. Similarly, we believe that there should be a relaxation in the current rules to permit staff with recent party experience to be employed.

### **Accountability**

We do not believe that the current system of accountability or reporting is sufficient. One option would be to look at the situation of the Chief Returning Officer for Northern Ireland who is a Crown appointment and as such has a clear and formal constitutional independence from government and parliament.

At present, the Commission reports to a Speaker's Committee which, in turn, appoints one of its number to answer questions on the work of the Commission in the House of Commons. Such question time sessions take place for 15 minutes once per month and the session is shared with the MP answering questions on behalf of the Church Commissioners.

By its very title much is expected of the Electoral Commission. Until now it has been constrained and constricted by its flawed constitutional setting. It needs urgently to have the powers to make it effective as the upholder of the rights and privileges of the electors. As such it needs the right to present its case, and be answerable to, both Houses of Parliament and to have the resources to communicate directly with the electors themselves.