



The Government Response to the Committee on Standards in Public Life's Eleventh Report

Review of the Electoral Commission

**Presented to Parliament
by the Lord Chancellor and Secretary of State for Justice
By Command of Her Majesty
November 2007**

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INTRODUCTION

1. The Government welcomed the Committee on Standards in Public Life's (CSPL) decision in 2006 to undertake a Review of the Electoral Commission. The Electoral Commission was created by the Political Parties, Elections and Referendums Act (PPERA) 2000 and has been in operation since 2001 when its first Commissioners were appointed. So it was timely that after five years a review of its experience was undertaken from which valuable lessons for the future have emerged.
2. The Review began in February 2006 with the Committee's publication of an Issues and Questions paper inviting written and oral evidence from key stakeholders in response to 14 questions about the Electoral Commission's mandate, governance and accountability. The Government's written response to the issues was submitted in June 2006, and Ministers from the then Department for Constitutional Affairs and from Communities and Local Government gave oral evidence at the Committee's hearings in July and September.
3. Many diverse views were put forward by a range of stakeholders about the Electoral Commission's mandate, governance, and accountability – and the Commission's performance in relation to its wide range of statutory duties. But one issue on which there appears to be general consensus is the vital role which the Commission has to play in ensuring the health of our democratic system. And so the Government is very grateful for the work of the Committee in closely examining the issues and making recommendations to enhance the Commission's effectiveness.
4. The Committee published its report on the Commission in January 2007. The Report makes 47 recommendations for improvement to the Commission's mandate, governance and accountability, and the integrity of the electoral system. Some of the recommendations are directed at Government, whilst others are directed at the Electoral Commission and the Speaker's Committee.

5. The Commission responded to the Committee's report in March 2007, and the Speaker's Committee published its response to the recommendations relevant to it in August. The Government response takes into account the responses of those and other stakeholders.

6. Two other reports which also have a bearing on the Commission's work are the then Constitutional Affairs Committee's and Sir Hayden Phillips' Reports on party funding published in December 2006 and March 2007 respectively. Given the Commission's role as regulator of party funding and campaign expenditure, the recommendations from these inquiries, and decisions on next steps on party funding, will also have an important part to play in shaping the Commission's future role.

7. This is the Government response to the specific issues raised by the Committee on Standards in Public Life's Review of the Commission. It follows the structure of the Committee's report.

MANDATE

PRINCIPAL ROLE OF THE COMMISSION

(recommendation 1)

- 1. The mandate of the Electoral Commission as set out in PPERA should be amended and refocused so that it has two principal statutory duties: as a regulator of political party funding and campaign expenditure in the UK; and as regulator of electoral administration in Great Britain with the aim of ensuring integrity and public confidence in the system of political party funding and campaign expenditure, and in the administration and conduct of elections.**

The Government agrees this recommendation which is the key to the Electoral Commission refocusing on its dual regulatory role. The Commission indicated in its response to the Committee's report that it sees its key priorities for the next five years as building its effectiveness as the regulator of party and election finance, whilst developing its function as a standard setter in electoral administration. We will work with the Electoral Commission as it develops this agenda, and in particular consider how far legislative changes are necessary to achieve this.

REGULATION OF POLITICAL PARTY FUNDING AND EXPENDITURE

(recommendations 2 - 8)

- 2. PPERA should be amended to make it clear that the Commission has a duty to investigate proactively allegations or suspicions of failures to comply with the regulatory framework. We recommend that the term 'monitor' be replaced by 'regulate'.**
- 3. The Electoral Commission should establish a compliance unit, separate from the administration of the regulations, which can take prompt investigative action, using the power provided in PPERA following information received either externally or internally of possible breaches of the regulatory framework. If necessary the results of any investigation**

should be referred to the Crown Prosecution Service. Unless there is evidence of breaches of the law, other than PPERA, the Committee would question the need for the Commission to refer any such investigations to the police.

- 4. The Electoral Commission should ensure that the compliance unit has a robust and effective system for assessing the potential seriousness and potential risk to public confidence of any allegation.**
- 5. The Electoral Commission should establish the practice of issuing timely advisory opinions, based upon sound and competent legal advice, on areas of concern or uncertainty about the practical interpretation of the relevant legislation.**
- 6. The Commission should decentralise responsibility for monitoring and regulating campaign and constituency expenditure in Scotland, Wales and Northern Ireland to its regional offices.**
- 7. The Government should consider introducing a system of financial penalties, with an appropriate appeal mechanism, that could be applied by the Commission for non-compliance with regulatory requirements. Responsibility for prosecution for criminal offences should continue to lie with the Crown Prosecution Service.**
- 8. If the review being conducted by Sir Hayden Phillips results in greater frequency of reporting on donations, or other additional reporting requirements, the Government should consider a lighter reporting regime for very small political parties that have no representation at European, national, devolved or local level.**

Sir Hayden Phillips reported in March 2007, outlining general principles upon which a reformed system of party funding might be agreed. Inter-party talks to discuss this further were suspended at the end of October as it was not possible to reach consensus. The Government is now considering what steps to take next. The Government agrees however with the general thrust of recommendations 2-8 above which will assist it greatly in its further consideration of these issues. The

Government believes it is important for all political parties to understand the financial regulations under which they operate and to know that they will be enforced fairly and without favour, and agrees that the future role of the Commission must be that of an effective regulator.

REGULATION OF ELECTORAL ADMINISTRATION

(recommendations 9 - 14)

9. The posts of Regional Electoral Officers should be established in statute, accountable through the Chief Executive to the Electoral Commissioners, with the responsibility for monitoring and reporting on performance standards of local authorities in the region.

10. Regional Electoral Officers should be appointed for Scotland and Wales with the same status, responsibilities and accountability as for each region of England.

The Electoral Commission has established, with effect from 1 January 2007, four new regional offices to serve England. The Commission is of the view that these should be given the chance to tackle the issues, particularly the new performance standards issue, before any consideration is given to establishing Regional Electoral Officers in statute. The Commission has committed to review how the new structure has worked after twelve months.

The Government believes that the Commission's new regional arrangements should be allowed to develop. However, the Government notes the recommendations of the CSPL in this area with interest and believes that a review of the Electoral Commission's regional arrangements is a useful exercise and an appropriate opportunity to assess whether more substantive change along the lines suggested by CSPL is necessary. The Government looks forward to examining the results in due course. The CSPL will also wish to assess the results of that Review against its recommendations.

11. The Commission should use its powers enacted in the Electoral Administration Act to establish, monitor and report on performance

standards for electoral administrators in the areas of electoral registration, the conduct of elections and minimising electoral fraud.

12. The Electoral Commission should make public reports on their assessment of levels of performance of electoral administrators. In circumstances where it has identified and publicised unacceptably low standards, and where there has been failure by the relevant electoral administrators to agree to implement the necessary measures for improvement, the Electoral Commission should formally request the Secretary of State for Constitutional Affairs (Secretary of State for Scotland if electoral administrator is Scottish) to exercise his existing powers of direction contained in the Representation of the People Act 1983 over the said officers. In the event that any such request is declined then the Secretary of State should be required to report to Parliament on the reasons for his refusal to exercise the power.

13. The Commission should report to Parliament annually on standards of electoral administration, including any action it is proposing to tackle areas of underperformance in relation to electoral registration, the conduct of elections and minimising the risk of electoral fraud.

The Government supports the Commission's role in seeking to improve performance in electoral administration, which is critical to local democracy. The Electoral Administration Act 2006 provides for the Commission to establish performance standards, then monitor and report publicly on the performance of election officers against those standards. The Government will work with the Commission, to see how its exercise of these powers could be aligned with the relevant aspects of the new performance framework for local government set out in the White Paper *Strong and Prosperous Communities*. This would include ensuring any performance standards that are introduced, reported and monitored are consistent with the principles of a limited, outcome-focused and less burdensome set of measures which underpin the national indicator set for local government.

The Government recognises that there are no specific sanctions established yet for dealing with under-performing elections officers. The existing power only applies in respect of maintenance of the register (the Electoral Registration Officer), not the running of actual elections (the Returning Officer). We believe that the new standards being developed by the Commission should be given time to bed down. Following this, it would be appropriate to assess whether some form of publication of under-performing election officers is sufficient to generate improvements, or whether further levers prove to be necessary (and, if the latter, what those should be). The Commission should consider how any proposals for intervention or engagement could be co-ordinated with the approach taken in the local government performance framework.

As far as recommendation 13 is concerned, the 2006 Act already requires the Commission to publish reports of authorities' progress against the performance standards. Parliament did not consider that it was necessary to require that the reports also be laid before Parliament. At this stage, that remains the Government view.

14. The Government should consider whether Northern Ireland should adopt these arrangements once they have been successfully established in the rest of UK.

The Chief Electoral Officer for Northern Ireland (CEO) is already required to report annually to the Secretary of State on the delivery of his statutory objectives relating to electoral registration, set out in the Northern Ireland (Miscellaneous Provisions) Act 2006. Further to the implementation of performance standards in Great Britain, and any subsequent revision in light of experience, the Government will consider in conjunction with the CEO whether it would be appropriate to extend similar performance monitoring arrangements to Northern Ireland. Any such additional standard would need to be appropriate and meaningful in the context of the different registration arrangements which exist there.

FUNDING OF ELECTORAL ADMINISTRATION AND ELECTIONS

(recommendations 15 - 16)

15. The current funding arrangements for electoral administration and for elections should be retained. The Department for Constitutional Affairs should publish annually indicative levels of local authority expenditure allocated to deliver electoral services.

16. The Electoral Commission should consider the level of funding provided for electoral administration as part of its monitoring and reporting on the performance of individual local authorities

Currently funding arrangements are split. Funding for the running of national elections (i.e. Parliamentary and European Parliamentary) is provided centrally from the Ministry of Justice and Scotland Office to returning officers. Funding for the running of local elections and the maintenance of the electoral register are the responsibility of local authorities (so funding needs to come from their own resources through Revenue Support Grant monies). The Electoral Administration Act 2006 already provides for the Commission to monitor expenditure of electoral officers as well as their overall performance.

In respect of national elections, PPERA includes a provision for the transfer to the Electoral Commission of the responsibility for paying the fees and charges of returning officers at national elections (and agreeing the rates for such payments with HM Treasury). However, that provision has not to date been commenced and implemented. The CSPL does not believe such a responsibility would be compatible with the Commission's role as regulator of electoral administration performance.

The Government is not persuaded that the provisions already approved by Parliament in PPERA for the transfer of this funding function to the Commission should be repealed. We do not share the CSPL's view that such a function would be incompatible with a regulatory function. On the contrary, we would see provision of the funds and subsequent monitoring of their expenditure as being complementary.

However, before these PPERA provisions can be implemented, there will be significant work to do to consider the details of any transfer, particularly taking into account the relationship with the new provisions for financial reporting of electoral expenditure to the Commission set out in the 2006 Act.

As regards the funding of local electoral services, as long as electoral services fall to be funded by a local authority, it remains appropriate that the decision as to exactly how much of their overall funding is put into electoral services should be a matter for each local authority, based on their assessment of the particular need and priority of the service in their locality. That said, we fully support the introduction of monitoring and reporting by the Commission of expenditure by local electoral officers. This will greatly increase the transparency of the process, so that all concerned can see more clearly exactly how much is spent in each local area.

ELECTORAL BOUNDARIES

(recommendations 17 - 20)

In responding to the recommendations, the Government would make it clear that in those areas that fall to the devolved administrations, it is for them to take a view on how to respond to, or act on, the Committee's recommendations

17. The Electoral Commission should no longer have any involvement in electoral boundary matters and the provision in PPERA to allow the transfer of boundary-setting functions to the Commission should be repealed.

The Government agrees that the provisions to transfer operational responsibility for conducting electoral boundary reviews to the Electoral Commission should be repealed. The existing independent review bodies perform well within the terms of their remit, and it seems a better fit with the spirit of devolution that work to determine electoral boundaries should continue to be undertaken in that part of the UK to which the work relates.

The PPERA provisions were in part intended to help ensure consistency of approach to reviewing and determining boundaries. We therefore propose that the

Electoral Commission should retain an oversight role in relation to the review of electoral boundaries.

The Electoral Commission should have an express power to review the local and parliamentary boundary review process as it operates in any part of the UK, and make such recommendations for improvement of the process as it considers appropriate.

The Government believes there is value in having an independent body make the executive Orders to actually implement boundary changes once the review process is complete. In England, we will therefore wish to consider if the Electoral Commission should retain its role in making the Orders that change local government electoral boundaries in England. In Scotland, Wales, and Northern Ireland scrutiny of local government boundary Orders is undertaken by the Scottish Parliament, National Assembly for Wales, and Northern Ireland Assembly, respectively. Responsibility for the local government boundary reviews in Scotland, Wales and Northern Ireland is devolved and it is for their respective administrations to determine the effectiveness of the current arrangements.

18. The Boundary Committee for England should become an independent body in line with local government boundary commissions in the rest of the United Kingdom.

This recommendation flows as a consequential from R17, and the Government therefore agrees with it. We will put matters in hand to make the necessary practical and legal arrangements to remove the English local government boundary review work from the Electoral Commission. As with R17, primary legislation will be required to give effect to this recommendation.

19. The Parliamentary Boundary Commission and local boundary commission in each of the four home countries should share joint secretariats.

The Government supports this recommendation. In Wales, a single joint secretariat already serves the Parliamentary and local government boundary

commissions. This seems to work well, operates on a non-statutory basis, and appears to offer a good model for how we could proceed in England.

In England, we will look to harmonise taking forward the unification of the Parliamentary and local boundary commission secretariats with the likely removal of the Parliamentary secretariat from its current host organisation (the Office for National Statistics) consequential upon the statistical reform agenda. The Government will wish to consider whether there should be a greater degree of merger between the Parliamentary Boundary Commission and the Boundary Committee in due course.

In Northern Ireland, it is agreed that there would be benefits in the Parliamentary and local government boundary commissions sharing joint secretariats. Such an arrangement would need to be underpinned by arrangements to ensure that the different lines of accountability that would exist for the secretariat (to the Speaker, the Secretary of State and the Assembly) remained clear. The Northern Ireland Assembly would need to be content to participate in the creation of a joint secretariat if it were to be fully comprehensive.

In Scotland, the post of Secretary to the Boundary Commission for Scotland and the Local Government Boundary Commission is a shared post, but the Commission Secretariats largely work as two separate organisations. The Local Government Boundary Commission is accountable to Scottish Ministers. We are currently considering whether there is a case for more shared posts and functions, and are in discussions with the Scottish Executive about this.

20. There is a strong case for the current legislation in relation to the conduct of parliamentary boundary work to be reviewed and where necessary amended before the commencement of the sixth general review due around 2012.

The review should, in particular consider:

- **addressing the progressive inequality of electoral quotas, and increase in the size of the House of Commons that appear inbuilt to the operation of the current rules;**

- **the time taken to conduct reviews, particularly where, in addition to changes to the procedures, the possibility of carrying out inquiries on a regional basis should be considered;**
- **alignment between the timing of local and parliamentary boundary reviews to ensure stable local government boundaries as the basis for each parliamentary review; and**
- **the question of a role for keeping the operation of the rules under review and ensuring consistency of approach by the four Boundary Commissions.**

The review should not be undertaken by the Electoral Commission. An independent review commission for this purpose could be established and overseen by the Speaker's Committee with the outcome presented to Parliament through the Speaker.

The Government agrees that it is appropriate to review this legislation again, to assess whether it remains fit for purpose some 21 years after it was first made, and 15 years after it was last amended. We are, in particular, conscious of particular concerns expressed in recent years about the current arrangements. These concerns have been expressed, and often recommendations for improvement advanced, by individuals in Parliament, academics working in the field, and, significantly, sometimes by the Parliamentary Boundary Commissions themselves.

We depart from the recommendation of CSPL in one regard, in that the commissioning of this review should rightly be the responsibility of the Government rather than the Speaker's Committee on the Electoral Commission. It is, however, undisputed that the review itself should be run quite clearly independently of Government, and Parliament should be given the opportunity to debate the conclusions and recommendations of the review.

As to the extent of the review, we see no good reason why it should not take the opportunity to look at all aspects of the current legislation on Parliamentary Boundary Reviews, with two specific exceptions: 1) the deliberate over-representation of Wales and Northern Ireland in the UK Parliament; and 2) that

each constituency shall return a single MP. In both cases, the underlying concepts involve much wider constitutional issues than a simple consideration of the boundary review process. On over-representation, this would require consideration of fundamental pillars of the devolution settlement, which we do not believe would be an appropriate topic for this review. The question of single member constituencies is really about the voting system used to elect MPs – this is already the subject of a specific Government review, so would again be inappropriate to include in this context.

INCREASING PARTICIPATION IN THE DEMOCRATIC PROCESS

(recommendations 21 - 22)

21. The Commission should retain a clearly defined statutory duty for the provision of public information on the mechanics of the electoral process including electoral registration procedures, how to vote and explaining any changes to the electoral system.

The Government believes that informing the public on the mechanics of the electoral system, including the registration process, is key to maintaining a strong democracy and we agree that the Electoral Commission should continue to fulfil this role.

Although there are non-governmental organisations (NGOs), such as the Hansard Society, which provide educational information about the democratic process, the Electoral Commission has increasingly developed a reputation as the recognised national source of definitive information about how to register and vote in elections. It is also important that there remains a statutory provider of such information, in case for financial or other reasons voluntary NGOs are unable to do so at any time.

22. The Electoral Commission should no longer have the wider statutory duty to encourage participation in the democratic process.

The Government agrees this recommendation as there is now general consensus, including from the Commission itself, that the Commission should withdraw from a wider role of encouraging democratic engagement. Given this agreement we do

not feel that legislative change to Section 13 of PPERA (which sets out the Commission's duties in this area) is necessary as this section can be interpreted more narrowly to reflect the restricted remit of the Commission (it was previously interpreted more broadly).

Whilst accepting the Commission's withdrawal in the area of democratic engagement to focus specifically on registration and voting, we recognise that the wider democratic engagement debate is still very important. Some feel the task of encouraging greater engagement in democracy is the job of political parties, while others view the democratic engagement portfolio as being wider than just party politics. The Government will continue to play a part both in enabling and encouraging citizens' engagement in democracy and in providing a wide range of engagement opportunities outside of elections which allow citizens' voices to be listened to and fully considered.

POLICY DEVELOPMENT AND ADVICE

(recommendations 23 - 24)

23. The Electoral Commission should no longer have a role in undertaking policy development in relation to electoral legislation. This function should be the responsibility of the appropriate Secretary of State.

24. The Commission should continue to provide advice on suitability of existing and new electoral legislation in respect of its ability to perform its two principal statutory duties.

The Government agrees with the above recommendations which support the Committee's recommendation about the principal role of the Commission. We share the Committee's and the Association of Electoral Administrators' (AEA) view that all substantive policy development work in relation to electoral legislation should be reserved to the Government Department responsible. The Commission should restrict its policy activity to consideration of changes (based on their practical operational experience of the electoral and party funding regimes) that would better enable it to perform its core regulatory duties, rather than leading policy development.

REPORTING ON ELECTIONS

(recommendations 25 – 26)

25. The Electoral Commission's reports on each election should cover incidents of electoral fraud and the actions taken to minimise fraud, also the effectiveness of the new provisions on postal voting on demand. This should apply in reports for the May 2007 local elections.

26. The Electoral Commission's statutory remit to report on the conduct of elections should be extended to cover local elections in Northern Ireland, Scotland and Wales.

Electoral Commission reports already include consideration of any alleged fraud around an election and responses to it. They have said that they propose to continue that practice, and the AEA support this. The Government welcomes this assurance.

Both the Commission and AEA take the view that the Commission's statutory responsibilities should include reporting on all local elections in the UK. They are currently able to produce such a report only in response to a specific request from the Secretary of State. In practice this has always happened in Wales, Scotland, and Northern Ireland, but a request has never been made in England.

The Government believes that there should be a duty placed on the Commission to report on scheduled local elections in any part of the UK (except Scotland, unless asked to by the Scottish Executive), and a power given to them on the same basis to report on local by-elections. Commission election reports should, as discussed above, address the issue of electoral fraud at the relevant election, but we agree with the Commission that allegations should only feature in the report if they are substantiated.

GOVERNANCE

(recommendations 27 - 33)

27. The current ban on employing individuals at the Electoral Commission who have been politically active over the previous ten years should be reduced to one year. For senior management and regional electoral officers the length of the ban should be reduced to five years.
28. The total number of commissioners (including the chair) should be increased to ten.
29. The current restrictions on who may become an electoral commissioner should be revised for four commissioner appointments to enable the appointment of individuals with recent experience of the political process. New commissioners would be appointed as individual members of a unitary board, not as representatives or delegates of a particular political party.

On taking up appointment, such commissioners:

- must not be an employee or officer of any political party and/or an elected representative (at European, national, devolved or local level) or an appointed Peer who takes the political party whip; and
 - would cease being a commissioner on becoming any of these during their term of office.
30. The background and political experience of the four new commissioners must respectively represent the three main political parties (Labour, Conservative and Liberal Democrat) and one of the minor parties in the House of Commons. Although individuals may be encouraged to apply by political parties each post should be publicly advertised and candidates must satisfy all the criteria that apply for commissioner posts and be subject to a selection process based upon merit following the Commission for Public Appointments' Code of Practice (OCPA).

The Government supports the principle of this group of recommendations which is to allow for political experience to be brought to bear on the Commission's work. The Government believes that allowing for a minority of Commissioners with experience across the political spectrum will improve the overall effectiveness of the Commission. Legislative changes to PPERA will be required to bring the thrust of the recommendations into effect and we intend to make these changes when a suitable legislative opportunity arises.

As the CSPL, the Commission and the Speaker's Committee have noted, it will be important for appointees to bring their political experience to bear in a non-partisan manner and not act as representatives or delegates of their parties. The Government is confident that the appointments process adopted by the Speaker's Committee for the recruitment of these Commissioners will be consistent with this. It will, however, wish to consult the Speaker's Committee and the political parties on how best to legislate to enable these appointments.

31. The practice of appointing a commissioner from Scotland and a commissioner from Wales who have a lead interest in Scottish and Welsh matters should continue and the Speaker's Committee should proceed with appointing a commissioner from Northern Ireland who will play a similar role to those commissioners.

As the Speaker's Committee explains in its response, it supports the continuation of the practice of appointment to the Commission on merit; however, it recognises the value of Commissioners having close links with particular parts of the United Kingdom.

32. The Chair of the Electoral Commission should be a part-time non-executive role. Commissioners should also be non-executive and part-time.

As the Speaker's Committee explains in its response, with the exception of the Chairman, the original appointments to the Electoral Commission were made on a part-time, non-executive basis. The Committee believes that this continues to be the right basis for such appointments. The Government supports this view. The next year or so will see a considerable amount of change at the Commission as it

adjusts to meet its refocused regulatory role. Over the same period the original Commissioners will all have retired. It will be important therefore to have a full-time Chairman able to commit fully to the success of this process.

33. PPERA should be amended to make clear that the responsibility for the oversight of the recruitment and selection process for electoral commissioners lies with the Speaker's Committee, including setting the role specification and convening an independent selection panel. Either PPERA or the Speaker's Committee procedures should stipulate that the Commissioner for Public Appointments' Code of Practice will be followed in such appointments.

Whilst the Speaker's Committee agrees that there is a case for the statutory framework for Commissioners to be clarified, it considers that the existing procedures, which have regard to the Commissioner for Public Appointments' Code are effective and do not need to be amended.

The Government welcomes the opportunity for clarification of the existing legislative framework and will work together with the Committee to agree how best this might be achieved.

ACCOUNTABILITY

ROLE OF THE SPEAKER'S COMMITTEE

(recommendations 34 - 37)

34. Evidence-gathering meetings of the Speaker's Committee should be held in public and the transcripts published. Committee deliberations may continue to be held in closed session as may certain evidence sessions where the subject matter makes this necessary

35. The Speaker should assume a role similar to that he performs for the Boundary Commissions, standing back from the day to day running of the Committee. A senior backbench MP possibly from the Opposition, as

deputy Chair could assume the day to day running for the Committee including chairing meetings.

These recommendations are for the Speaker and the Speaker's Committee to comment on. The Speaker's Committee is sympathetic to the arguments underlying recommendation 34, and sees the advantage of holding sessions in public (except when the Speaker attends meetings). The Speaker's Committee response states that "It must, in the Committee's view, be for the Speaker of the day to judge the extent to which he or she needs to attend meetings to be sufficiently personally involved in the work of the Committee for it to operate as the House intended. The Speaker therefore needs, in the Committee's view, to remain a full member of the Speaker's Committee and it would therefore not want to see the level of the Speaker's involvement reduced to that of his formal involvement in the work of the Parliamentary Boundary Commissions".¹ The Speaker's Committee does however recognise that there may be advantage in introducing greater flexibility in this area.

The Government supports the stance taken by the Speaker's Committee, and welcomes the Committee's intention to investigate other ways of providing more information on its work. The Government would also be content to explore with the Speaker's Committee what, if any, legislative changes might facilitate this process.

36. There should be an appropriate increase in the allocation of resources given to the secretariat support for the Speaker's Committee.

37. The House of Commons Scrutiny Unit should be given a formal role to scrutinise the Electoral Commission's annual financial plans and to advise the Speaker's Committee.

The Speaker's Committee supports recommendations 36 and 37. The Government also welcomes these recommendations which will assist in the continuing effective scrutiny of the Electoral Commission as it moves forward.

¹ The Speaker's Committee First Report 2007, p.12.

OTHER PARLIAMENTARY OVERSIGHT

(recommendations 38 - 39)

38. There should be an annual debate in Parliament on the work of the Electoral Commission. It may be helpful if this followed the Commission's annual report on standards of electoral administration in the UK (R13).

39. The Select Committee on Constitutional Affairs (now Justice Committee) should build upon its emerging practice of taking regular opportunities to scrutinise the Electoral Commission's policies, actions and decisions.

The Government welcomes the general thrust of these recommendations. As the Committee notes in its report, the Estimates Day debate in July 2006 on the Electoral Commission drew considerable interest from MPs, and the Government would be content to see further such useful debates.

As for scrutiny by a select committee of the House of the Commission's work, there is clearly precedent for this. Where that work touches on issues that are already the responsibility of the Justice Committee it would seem appropriate if that Committee were to initiate an inquiry that touches on the Commission's role.

INTEGRITY OF THE ELECTORAL SYSTEM

(recommendations 40 - 47)

40. The Commission should undertake detailed research into the scale of electoral fraud in the UK.

The Electoral Commission has already begun to examine case files of the Crown Prosecution Service opened under election offence provisions in the legislation, from 2001-2006. The Commission has subsequently released the initial findings, and has said it will do further more detailed analysis, which will also be published.

The Government welcomes the above recommendation and agrees that the Commission should continue to research the nature and extent of electoral fraud in

the UK, as this will provide an objective evidence-base, facilitating better-informed political and media debate around the issue.

41. The Commission should, as part of its statutory reports on the 2007 elections, include a specific section dealing with the impact of, and any problems encountered in the implementation of the new measures on postal voting. In light of this report the Government should consider similar measures in relation to registering immediately before an election as have been put in place for Northern Ireland in the Miscellaneous Provisions (Northern Ireland) Act 2006.

The Commission has undertaken a formal evaluation of the new measures on postal vote identifier checking and published its report in July. As is the case with every election, the Ministry of Justice and the Electoral Commission will review the administration of the election to determine what refinements to the process may be appropriate.

42. It should be a requirement that the Commission's views on proposed primary and secondary legislation on electoral issues should accompany draft legislation when it is introduced into Parliament.

The Government believes that the current arrangements are adequate, whereby the Commission is: a) consulted early in the policy development process, so that their views can be reflected early in the drafting of the legislation; b) formally consulted again on the final draft of the legislation under an existing statutory requirement; and c) at liberty to make its views publicly known on draft electoral legislation before Parliament. We believe formal new requirements to lay a copy of their views alongside the draft legislation before Parliament would be an additional burden for no added benefit.

43. A decision should be made and legislation developed to implement a system of individual voter registration immediately following the next General Election or by 2010 at the latest.

44. Political parties should start discussions now in order to reach agreement on the precise form the new system may take and the measures needed to assure comprehensiveness and accuracy.

45. The Electoral Commission's implementation plan for the new system should include a focus on measures to minimise under-registration.

During the passage of the Electoral Administration Act last year, Parliament voted against introducing individual registration to Great Britain. The Government supports the principle of individual registration but it has not been determined how it could be implemented without causing significant numbers of eligible people to fall off the register.

We need to ensure that our system is secure, but at the same time also encourages participation and encourages people to register to vote. The Committee's report ignores the evidence that three and a half million people have been disenfranchised by not being on the register.

Should Parliament decide to introduce individual registration, all concerned parties will need to work together to minimise under-registration. This will include the Electoral Commission as well as the political parties, the Ministry of Justice and electoral administrators.

46. Any agreed system of individual registration should include at least one objective identifier such as the National Insurance number.

Individual registration alone will not increase security. The introduction of personal identifiers would be one way of doing this but there is a concern that it would lead to a drop in the number of eligible people who are registered. The Government is committed to ensuring that the voting system is secure and will continue to keep under review a range of options for the registration process including the introduction of personal identifiers.

47. If the new arrangements in Northern Ireland, including the abolition of the annual canvass, are successful they should be adopted as part of the new system of individual registration in the rest of the United Kingdom.

If the Northern Ireland system is successful there is no guarantee that it would be successful in Great Britain. Any registration system should be designed specifically for the communities it serves and not merely introduced because it has been seen to work in a different set of circumstances. While the Northern Ireland system may be suitable for the rest of the UK, this issue would need to be fully explored.



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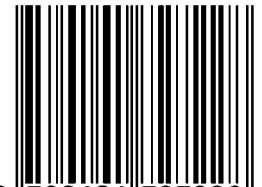
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