

Committee on Standards in Public Life

# **Review of The Electoral Commission**



Summary of  
Eleventh Report

## **The Seven Principles of Public Life**

### **Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

Holders of public office should promote and support these principles by leadership and example.

# EXECUTIVE SUMMARY AND LIST OF RECOMMENDATIONS

## 1. Introduction

- 1.1 The Committee on Standards in Public Life was established in October 1994 by the then Prime Minister, the Rt Hon Sir John Major. It was given wide terms of reference to examine current concerns about the standards of conduct of all public office-holders. The Committee's terms of reference were extended in November 1997, by the present Prime Minister, the Rt Hon Tony Blair MP, to include issues in relation to the funding of political parties. The Committee has published ten reports covering virtually all public office-holders and the funding of political parties.
- 1.2 The Committee's Eleventh Inquiry: *A Review of The Electoral Commission* began in February 2006 with the publication of an Issues and Questions Paper [1]. Since then the Committee has carried out a thorough process of consultation and analysis, taking oral evidence from 83 witnesses and receiving 78 submissions. In addition we have commissioned two pieces of supporting research; and Committee members visited five local authority electoral administration offices and a small group undertook a study tour of comparable institutions in Canada and the USA.
- 1.3 This, our Eleventh Report, sets out the Committee's findings in full and the associated CD-Rom includes all of the evidence, written and oral as well as the research reports and a summary of the overseas study tour. This executive summary provides an overview of the main findings and a full list of the recommendations we have made.
- 1.4 The Electoral Commission was established as an independent statutory body on 30 November 2000, following the recommendations of the Committee's Fifth Report, *The Funding of Political Parties in the United Kingdom* [2] and the subsequent commencement of the Political Parties, Elections and Referendums Act 2000 (PPERA) [3].
- 1.5 The mandate of The Electoral Commission has an impact on key issues such as electoral administration, conduct of elections and standards of propriety in financing political parties. Each of these issues has been the subject of recent public concern, and each affects the way people engage in politics and the broader question of political legitimacy.
- 1.6 For these reasons the Committee believed it was important to ask now, some five years after its creation and following the second general election to be held since its establishment, whether the Commission's current mandate, governance arrangements and accountability framework are appropriate for the purpose required of the Commission [1].
- 1.7 This inquiry is not therefore a review or stock-take of how or whether the recommendations in the Committee's Fifth Report have been implemented by the Government or others. Rather, it looks forward to ensuring that The Electoral Commission can play its important role in delivering the outcomes required from the regulatory frameworks for elections and political parties.
- 1.8 The inquiry took place against a backdrop of continuing public concerns about: the arrangements for voter registration; postal voting on demand, and the link to a number of high-profile legal cases on electoral fraud; and allegedly circumventory loans to political parties with allegations that these were connected to the awarding of honours. The latter influenced the Prime Minister's decision in March 2006 to ask Sir Hayden Phillips to undertake a review of the funding of political parties, which has yet to report [4].
- 1.9 These concerns directly relate to two key pillars of our democratic system that were constantly referred to during our inquiry and have formed the principles against which the standards we wish to see achieved in the areas of interest may be measured:

**1.10 Free and fair elections.** Effective electoral administration underpins our democracy. There cannot be democracy without elections and elections cannot be free and fair unless electoral rules are fair and coherent, unless they are properly administered and unless they are actively enforced [5]. Core functions that must be effectively undertaken to achieve this are:

- ensuring that everyone who is entitled to vote is included on the electoral register before an election and that everyone registered can exercise their vote, in secrecy if they wish. The right to register and the right to vote is an equal right for those who are eligible and should be kept as simple as possible and any barriers kept to a minimum whilst ensuring that;
- everyone not entitled to vote is excluded from the register and from voting. Voting fraud should be minimised by avoiding rules that facilitate such fraud and by proactive deterrence and enforcement; and
- determining electoral boundaries in a way that is fair to electors, non-partisan, immune from political interference and up to date with population movements [6].

**1.11 Healthy, competitive political parties.** Political parties are essential to democracy. We elect a Government through a parliamentary democracy which is not about voting on single issues but about a wide range of important choices and priorities [7]. The way in which political parties are funded, and how those funds are expended, are therefore a matter of legitimate public interest. People ask who is paying? And how much? In return for what? Is it British or foreign money? [2]. A regulatory framework for the funding of political parties has therefore been required to eradicate the grounds for criticism and suspicion which leads to public scepticism, and damages the political parties. The successful implementation of the regulatory framework, however, depends upon the approach taken by the regulator who must:

- show courage, confidence and competence in pursuing an independent and impartial approach to ensuring compliance with the regulations. It must accept that it will not always be popular with the parties and that pressure, overt and covert, will always be applied in attempts to influence its approach. It must use a risk-based approach to decisions and actions<sup>1</sup>; and, at the same time
- recognise that political parties are much more like large voluntary organisations than organisations in the public or private sector usually subject to regulation. Behind each career politician stands a regiment of dedicated voluntary party workers; even the local treasurers and election agents (who are subject to regulation) of the largest parties are mostly volunteers. The approach of the regulator must be sensitive and proportionate to the voluntary nature of much of political parties' infrastructure.

**1.12** It is within this framework that the Committee has considered the role of The Electoral Commission.

## 2. Overview

**2.1** The Electoral Commission is a necessary and, if effective, vital part of the modern institutional architecture needed to support and maintain our democratic system. Its creation five years ago was, in the view of many, overdue and occurred long after many comparative democracies created similar institutions.

**2.2** Since its creation the Commission has been welcomed by many electoral administrators and some politicians. Its expertise, guidance and role as a central point on electoral issues has been helpful and, without doubt, its presence has been a significant factor in highlighting the importance of electoral issues to the democratic process. All this is to be welcomed.

<sup>1</sup> Which, in this case, means where the risk of non-compliance or lack of clarity in the regulations could lead to a significant undermining of the confidence the public and political parties have in the regulatory framework.

2.3 However, in terms of the principles that are set out in paragraphs 1.10 and 1.11 above, are the **outcomes** in the period since the Commission's formation, highlighted in evidence during our inquiry, point to substantive matters of concern:

- a reduction in the confidence of the integrity of the electoral administration process. This has been caused, in part, by the introduction of postal voting on demand and subsequent incidents of electoral fraud and perceptions that this may be increasing. Added to this are concerns about the accuracy and comprehensiveness of the electoral register, and the significant variations in standards of electoral administration across the country; and
- a reduction of confidence in the framework for the regulation of political party funding and campaign expenditure, caused in part by the controversy surrounding large loans taken out by the main parties and undeclared at the time of the last general election.

2.4 Responsibility for this lowering of confidence must not be laid solely at the Commission's door. It can be argued that some changes were made against its advice, or without the safeguards they had identified and is a result of its advisory rather than regulatory role in relation to electoral administration. It can also be argued that the Commission was merely operating in the regulatory role it understood Parliament had prescribed for it, and that it is not responsible for decisions the parties themselves took in relation to their own finances.

Nevertheless the evidence received during this inquiry suggests that:

- the very wide breadth of the Commission's mandate has led to a concentration on issues such as policy development and voter participation work at the expense of a more contentious proactive regulatory and advisory role;
- that this breadth of mandate introduced potential conflicts between a clear focus on ensuring the integrity and effectiveness of the electoral process and encouraging

voter participation, combined with a wish to work closely with government on its electoral modernisation programme;

- the Commission has not fulfilled its role as a regulator of party political funding and campaign expenditure. Uncertainty over its statutory role (in PPERA) combined with a degree of timidity, has led to an administrative rather than a proactive risk-based regulatory approach. This has contributed to what the Committee regards as regulatory failure and has undermined the confidence of the public and political parties in the regulatory framework; and
- disproportionate restrictions (in PPERA) designed to protect the independence and impartiality of the staff of the Commission, have contributed to a lack of necessary expertise within the Commission for it to perform its role effectively.

2.5 The Committee's recommendations have been made to ensure that The Electoral Commission will operate as a tightly focused, independent, strategic regulator with the necessary leadership, governance, skills and experience to enhance the integrity and effectiveness of our electoral processes.

### 3. **Mandate**

3.1 The Commission's current mandate is too broad, diffuse and potentially conflicts with the core tasks we believe it should be in business to deliver. We therefore recommend that its statutory mandate should be amended and refocused so that the Commission's two principal statutory duties are as regulator of political party funding and campaign expenditure; and as a regulator of electoral administration; with the stated aim of ensuring integrity and public confidence in both. We recommend that certain current statutory duties of the Commission are removed or significantly curtailed so it can focus on these fundamental roles.

### **Regulation of political party funding and campaign expenditure**

- 3.2 In order to ensure that the Commission has the necessary clarity of mandate and arrangements to ensure a proactive risk-based approach to the regulation of political party finance, we make a number of further recommendations, most significantly:
- removal of any uncertainty about the regulatory role Parliament requires the Commission to play – it should no longer be required in statute to “monitor” but to “regulate”;
  - establishment of a compliance unit within the Commission, separate from the administration of the regulations, which can take prompt, proportionate, investigative action;
  - adoption by the Commission of the practice of issuing advisory opinions on areas of uncertainty and lack of clarity in the law, based upon sound competent legal advice; and
  - the introduction of a system of financial penalties which can be applied by the Commission for non-compliance, with an appropriate appeal mechanism. This would supplement the existing criminal sanctions that would continue to apply for the most serious breaches.
- 3.3 However, these measures on their own will not produce the necessary transformation of the Commission to a strategic risk-based regulator. This will also require leadership, a change of culture, and staff with the necessary specialist skills and experience to perform this role. The recommendations that result from Sir Hayden Phillips’ review may also add to the Commission’s regulatory tasks in this area and the Commission must consider carefully how best it can effectively deliver these. Where, for example, there may be a requirement for a programme of risk-based audit, the Commission must consider contracting this out to an organisation such as the National Audit Office, which already has the skills and experience in this field.

### **Regulation of electoral administration**

- 3.4 We have aimed to build upon the measures contained in the Electoral Administration Act 2006 which, for the first time, provided the Commission with a regulatory role in respect of electoral administration through the responsibility to set performance standards for local authorities. The Committee recommends that, in light of the significant concerns about the variation in standards of electoral administration, this role is strengthened and deepened. Most importantly we recommend the creation of **regional electoral officers**, as statutory office-holders in each of regions in England, and in Wales and Scotland. Their responsibility will be to monitor and report on performance standards and, in co-operation with local authorities, to drive up standards of electoral administration in each region. In extreme cases, where there has been a failure to agree or to implement measures for improvement in a particular local authority, the regional electoral officers, via electoral commissioners, should be able to request the Secretary of State to exercise powers of direction over particular electoral officers.
- 3.5 The regional electoral officers are therefore critical to the regulatory framework that we propose for electoral administration. Equally important will be the performance standards themselves which must be proportionate and based on outcomes, not process. We believe the Commission should develop these standards working closely with local authorities and also with the Audit Commission, which has extensive experience in this area. Further, the Commission, for this part of its mandate in England should be included in the ‘family’ of regulators that will come under the Audit Commission’s ‘Lead Inspectorate’ framework.
- 3.6 In light of the Commission’s regulatory role in electoral administration we have concluded that to enable a clear focus and to avoid potential conflicts, the responsibility for directing funding of electoral administration and of elections should remain with central government. However, levels of funding provided for electoral administration should form part of the Commission’s considerations when reporting on the performance of individual local authorities.

## **Electoral Boundaries**

- 3.7 The Committee agrees with The Electoral Commission that it should withdraw from all boundary-setting work. In reaching this conclusion the Committee has been guided by “if its not broken then don’t fix it”; and the current process has been shown to be impartial and independent. Nor do we believe it is necessary for the Commission to have an oversight role concerning the boundary commissions. However, we do believe that there are significant benefits from having joint secretariats of the respective parliamentary and local boundary commissions in England, Scotland, Wales and Northern Ireland.
- 3.8 During the inquiry the Committee received strong evidence pointing to deficiencies in the rules governing the review of parliamentary boundaries and the length of time such reviews take. These are serious problems which can undermine our electoral system and must be addressed. Following the recent completion of the fifth general review, the opportunity exists now for a review of the rules that could be implemented in time for the sixth general review due around 2012. We recommend that the Speaker’s Committee should commission such a review.

## **Increasing participation in the democratic process**

- 3.9 The Commission’s statutory duty – supported by a ring-fenced £7.5m per annum budget – to increase participation in the democratic process does not, in the Committee’s view, support or fit with its core regulatory tasks. It is clear that the Commission has performed this role with great professionalism and its work is widely respected by experts in this field. However the evidence of any impact of this work, in terms of increased turnout at elections, is at best mixed. Some have argued there has been negligible impact. The Commission’s own work suggests that it is competitive political parties that motivate people to exercise their right to vote. We therefore recommend that this broad statutory duty be removed from the Commission. However, we recognise the importance of creating effective public information campaigns and publicity on the mechanics of the electoral process. The Commission should retain this duty as it is clearly allied to its core role.

## **Policy development and advice**

- 3.10 In the Committee’s view, the Commission’s responsibility to develop policy on electoral matters sits uncomfortably and is potentially in conflict with its core role as a regulator of electoral matters. The Department of Constitutional Affairs now has the capacity to develop electoral policy on behalf of the Government which is wholly appropriate. This responsibility should therefore be removed from the Commission’s mandate. We strongly believe, however, that the Commission should continue to advise on the suitability of existing and new electoral legislation but in respect of its core duties – that is, to ensure integrity and public confidence in the electoral process.

## **4. Governance**

- 4.1 Striking the right balance between governance arrangements that ensure independence and impartiality, and the need for contemporary experience and knowledge of the sector, is a challenge faced by all regulators. But getting the right balance is critical. It will help secure the confidence of the public and those being regulated, demonstrate independence and impartiality, and ensure the regulator’s competence to fulfil its mandate.
- 4.2 The restrictions governing who can be an employee of the Commission or become an electoral commissioner has, in our view, led to a shortfall in experience and knowledge of the contemporary political process in the Commission. Evidence gathered during this inquiry shows that this has reduced the confidence of political parties and politicians who are subject to regulation, and this in turn has had an impact on the Commission’s effectiveness. We have therefore recommended a relaxation of these restrictions that will:
- avoid direct conflicts of interest;
  - maintain the independence and impartiality of the Commission;
  - retain the unified nature of the board of commissioners, also taking account of the devolved administrations;
  - enable the appointment of staff who have direct contemporary experience and knowledge of politics and political parties; and

- enable the appointment of a minority of commissioners who also have direct contemporary experience and knowledge of politics and political parties.

4.3 We also believe that the chair and commissioners should now play an explicitly non-executive role in their governance of the Commission. Under the chair's leadership, the commissioners must now assume collective responsibility, as non-executive board members, for setting the Commission's overall strategy and overseeing its effective delivery by the executive team. Finally, we recommend that the Speaker's Committee should oversee the process of appointing the chair and commissioners, and that these appointments are made through an open, competitive and independent process in line with the requirements of the Commissioner for Public Appointments.

## 5. Accountability

- 5.1 Establishing effective accountability arrangements for The Electoral Commission presents a particular challenge. As a mechanism the Speaker's Committee does, in principle, strike the right balance between holding The Electoral Commission to account for the use of public money in fulfilling its statutory functions and protecting its independence and impartiality from possible undue influence for partisan political electoral advantage.
- 5.2 However, evidence and experience indicates that the Speaker's Committee could operate more effectively if its deliberations were made more transparent and if more resources were made available to support it. We have made recommendations that we believe will enable this.
- 5.3 The Committee also considers that more formal arrangements should be put in place for The Electoral Commission to give a wider account of its activities to Parliament. These would significantly improve the engagement between the Commission and Members of Parliament. The Committee believes that this can be achieved if the Constitutional Affairs Select Committee (CASC) were to become the main mechanism through which the Commission can account for its performance to Parliament; and also by holding regular parliamentary debates about the Commission's work.

## 6. Integrity of the electoral process

- 6.1 Maintaining integrity in the electoral process is central to the success of the Commission's work. During the inquiry we received evidence regarding some well publicised concerns about the electoral process including:
- the introduction of postal voting on demand, the subsequent piloting of all-postal voting and the most recent changes to postal voting;
  - incidents of electoral fraud and perceptions that this may be increasing; and
  - the accuracy and comprehensiveness of the electoral register, and the system of electoral registration itself.
- 6.2 We recommend that in future The Electoral Commission must spell out, clearly and publicly to government and Parliament, if proposed changes to electoral law have the potential to undermine confidence in or the integrity of the electoral process.
- 6.3 Electoral fraud is a serious matter and the Committee believes that the political parties and Parliament should be continually vigilant about any threats to our democratic processes. Evidence presented to the Committee, and cases that have gone to court, indicate that electoral fraud is, if not entrenched, then a serious problem in certain groups, and affecting particular communities. We believe it is essential for The Electoral Commission to seek to minimise this problem as a key part of its regulatory approach. Regional electoral officers, working closely with electoral administrators, will have a critical role in identifying weaknesses in current practices and improving standards of fraud prevention and detection.
- 6.4 Finally, the system of electoral registration is perhaps the most critical element of the electoral administration process. It is therefore essential that the electoral register and the system of electoral registration retains the trust and confidence of both the electorate and political parties. There appears to be a consensus among political parties, The Electoral Commission and most electoral administrators that individual registration, as opposed to registration completed and signed by one named person in the



household, is likely to be a more accurate means of registering eligible voters. Individuals would then be responsible for their own registration in order to vote. There are however differences of view as to the pace at which such an important change should be made. We recommend that the decision should be made now to introduce a system of individual voter registration that includes an additional, objective, personal identifier, immediately following the next General Election or by 2010 at the latest.

## 7. Resources

7.1 In the current financial year (2006/07) the Commission is expecting to spend about £27.4 million under its current statutory mandate [8]. In the Committee's view, savings made from our proposals to remove or significantly curtail a number of its current statutory duties will offset the additional resources required to implement our recommendations for a strategic and proactive regulatory approach and the new framework of regional electoral officers. Clearly where functions continue but are to be transferred, such as for English local government boundary reviews, then the expenditure will also transfer, although we anticipate some savings from joint boundary commission secretariats.

7.2 The budget for increasing voter participation, £7.5m per annum, will be freed up and could be used to help fund the introduction of individual registration. The evidence received on this issue firmly pointed to increasing voter participation as being principally the responsibility of political parties. However it is unlikely that political parties have the capacity to do any more specific work in this area than they do already. Therefore, the question of some limited public funding arises. This falls clearly to Sir Hayden's Phillips' review of political party funding, whose remit includes consideration of increased state funding of political parties. The Committee has alerted Sir Hayden to its conclusions in respect of the Commission's mandate on voter participation and no doubt he will consider this issue as part of his wider review.

## 8. Conclusion

8.1 An effective Electoral Commission is a necessary and vital part of the modern institutional architecture. Its core duties should be as a regulator to ensure integrity and public confidence in the electoral process and in the framework that governs the political party funding and campaign expenditure. Through a combination of deficiencies in its current mandate, that is too weak in some areas and too broad in others, combined with a lack of courage, competence and leadership in its regulatory and advisory approach, it has not successfully performed these core duties. This has contributed to a loss of confidence by the public and political parties in the integrity of both the electoral process, and in political party funding and campaign expenditure. As to the former, the Commission should have shown greater focus and courage in alerting the risk to the integrity of the system from legislative changes, principally postal voting on demand. On the latter, its passive regulatory approach has led to regulatory failure on the issue of loans to political parties.

8.2 The Committee has therefore made a range of recommendations designed to refocus the mandate of the Commission on these two core duties and to provide the framework that will enable it to deliver this mandate successfully. Implementation of our recommendations will not, however, on their own be sufficient to avoid the problems that have arisen in the last five years.

- First, government, Parliament and political parties have a duty to heed and consider with care the advice the Commission will give on the potential impact of changes to our electoral law upon the integrity and public confidence in the electoral process; and
- Second, political parties also have a responsibility, not just to endeavour to comply with the letter of the regulatory framework, but also with the spirit of transparency that underpins it. The regulatory framework was established to help eradicate grounds for suspicions and criticism about the way they are funded; it was agreed by all parties and passed by a parliament made up of representatives of all major parties. Public scepticism is justified if parties are subsequently seen to avoid or circumvent the principle of transparency.

## References

1. *Review of The Electoral Commission, Issues and Questions Paper*, The Committee on Standards in Public Life, February 2006.
2. Committee's Fifth Report, *The Funding of Political Parties in the United Kingdom* (Cm 4057- October 1998).
3. Political Parties, Elections and Referendums Act 2000, c41.
4. The Review of the Funding of Political Parties: Terms of Reference available from [www.partyfundingreview.gov.uk](http://www.partyfundingreview.gov.uk).
5. Dr Michael Pinto-Duschinsky, Brunel University, written evidence to the inquiry 41/1.
6. Dr David Butler and Professor Iain McLean, Nuffield College Oxford, opening statement to the inquiry 13/07/06.
7. *The Review of the Funding of Political Parties: An interim assessment*, Sir Hayden Phillips, October 2006.
8. The Electoral Commission, 2006.

# LIST OF RECOMMENDATIONS

CHAPTER 2: MANDATE		
RECOMMENDATION	MECHANISM	TIMEFRAME
<b>Overview: principal role of the Commission</b>		
R1. 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 regulator of political party funding and campaign expenditure in the United Kingdom; 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.	Government to bring forward legislative changes to PPERA	During 2007/08 parliamentary session
<b>Regulation of political party funding and expenditure</b>		
R2. PPERA should be amended to make it clear that the Electoral 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”.	Government to bring forward legislative changes to PPERA	During 2007/08 parliamentary session
R3. The Electoral Commission should establish a compliance unit, separate from the administration of the regulations, which can take prompt investigative action, using the powers 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.	Electoral Commission	Within one year
R4. 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.	Electoral Commission	Within one year
R5. 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.	Electoral Commission	Immediate
R6. The Electoral Commission should decentralise responsibility for monitoring and regulating campaign and constituency expenditure in Scotland, Wales and Northern Ireland to its regional offices.	Electoral Commission	Within one year

<b>CHAPTER 2: MANDATE (continued)</b>		
<b>RECOMMENDATION</b>	<b>MECHANISM</b>	<b>TIMEFRAME</b>
<b>Regulation of political party funding and expenditure (continued)</b>		
R7. The Government should consider introducing a system of financial penalties, with an appropriate appeal mechanism, that could be applied by the Electoral Commission for non-compliance with the regulatory requirements. Responsibility for prosecution for criminal offences should continue to lie with the Crown Prosecution Service.	Government to bring forward legislative changes to PPERA	During 2007/08 parliamentary session
R8. 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.	Government to bring forward legislative changes to PPERA	During 2007/08 parliamentary session
<b>Regulation of electoral administration</b>		
R9. The posts of regional electoral officers (REOs) should be established in statute, accountable through the chief executive to the electoral commissioners, with the responsibility for monitoring and reporting on the performance standards of local authorities in their region.	Government to bring forward legislative changes to PPERA	During 2007/08 parliamentary session
R10. The standards of electoral administration must be maintained in every part of Great Britain. Regional electoral officers should be appointed for Scotland and Wales with the same status, responsibilities and accountability as for each region of England.	Government to bring forward legislative changes to PPERA	During 2007/08 parliamentary session
R11. The Electoral Commission should use its powers enacted in the Electoral Administration Act 2006 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.	Electoral Commission	Within one year
R12. 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.	Electoral Commission	Within one year

<b>CHAPTER 2: MANDATE (continued)</b>		
<b>RECOMMENDATION</b>	<b>MECHANISM</b>	<b>TIMEFRAME</b>
<b>Regulation of electoral administration (continued)</b>		
R13. The Electoral 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.	Electoral Commission	First Report during 2007/08 parliamentary session
R14. The Government should consider whether Northern Ireland should adopt these arrangements once they have been successfully established in the rest of the United Kingdom.	Government to consider legislative changes	Within three years
<b>Funding of electoral administration and elections</b>		
R15. The current funding arrangements for electoral administration and for elections should be retained. The Department of Constitutional Affairs should publish annually indicative levels of local authority expenditure allocated to deliver electoral services.	Government	Within one year
R16. 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.	Electoral Commission	Within one year
<b>Electoral boundaries</b>		
R17. 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.	Government to bring forward legislative changes to PPERA	During 2007/08 parliamentary session
R18. The Boundary Committee for England should become an independent body in line with local government boundary commissions in the rest of the United Kingdom	Government to bring forward legislative changes to PPERA	During 2007/08 parliamentary session
R19. The Parliamentary Boundary Commission and local boundary commission in each of the four home countries should share joint secretariats.	Parliamentary Boundary Commissions and local government boundary commissions	Within one year

<b>CHAPTER 2: MANDATE (continued)</b>		
<b>RECOMMENDATION</b>	<b>MECHANISM</b>	<b>TIMEFRAME</b>
<b>Electoral boundaries (continued)</b>		
<p>R20. There is 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.</p> <p>The review should, in particular consider:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• the time taken to conduct reviews, particularly in England where in addition to changes to the procedures the possibility of carrying out inquiries on a regional basis should be considered, and</li> <li>• alignment between the timing of local and parliamentary boundary reviews to ensure stable local government boundaries as the basis for each parliamentary review; and</li> <li>• the question of a role for keeping the operation of the rules under review and ensuring consistency of approach by the four Boundary Commissions.</li> </ul> <p>This review should not be undertaken by the Electoral Commission. An independent review commission for this purpose could be established, overseen by the Speaker's Committee with the outcome presented to Parliament through the Speaker.</p>	Speaker's Committee	The review to begin by the end of 2007
<b>Increasing participation in the democratic process</b>		
R21. The Electoral 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.	Government to bring forward legislative changes to PPERA	During 2007/08 parliamentary session
R22. The Electoral Commission should no longer have the wider statutory duty to encourage participation in the democratic process.	Government to bring forward legislative	During 2007/08 parliamentary session
<b>Policy development and advice</b>		
R23. 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 for Constitutional Affairs.	Government to bring forward legislative changes to PPERA	During 2007/08 parliamentary session

<b>CHAPTER 2: MANDATE (continued)</b>		
<b>RECOMMENDATION</b>	<b>MECHANISM</b>	<b>TIMEFRAME</b>
<b>Policy development and advice (continued)</b>		
R24. The Electoral Commission should continue to provide advice on the suitability of existing and new electoral legislation in respect of its ability to perform its two principal statutory duties.	Government to bring forward legislative changes to PPERA	During 2007/08 parliamentary session
<b>Reporting on elections</b>		
R25. 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.	Electoral Commission	From May 2007
R26. 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.	Government to bring forward legislative changes to PPERA	During 2007/08 parliamentary session

<b>CHAPTER 3: GOVERNANCE</b>		
<b>RECOMMENDATION</b>	<b>MECHANISM</b>	<b>TIMEFRAME</b>
R27. 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.	Government to bring forward legislative changes to PPERA	During 2007/08 parliamentary session
R28. The total number of commissioners (including the chair) should be increased to ten.	Government to bring forward legislative changes to PPERA	During 2007/08 parliamentary session
R29. 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 politics and 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:  (i) 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  (ii) would cease being a commissioner on becoming any of these during their term of office.	Government to bring forward legislative changes to PPERA	During 2007/08 parliamentary session
R30. 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 other 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.	Speaker's Committee	Within two years
R31. The practice of appointing a commissioner from Scotland and a commissioner from Wales who have the 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.	Speaker's Committee	Ongoing
R32. The chair of The Electoral Commission should be a part-time non-executive role. Commissioners should also be non-executive and part-time.	Speaker's Committee	Within two years



<b>CHAPTER 3: GOVERNANCE (continued)</b>		
<b>RECOMMENDATION</b>	<b>MECHANISM</b>	<b>TIMEFRAME</b>
R33. PPERA should be amended to make clear that 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.	Government to bring forward legislative changes to PPERA	During 2007/08 parliamentary session

<b>CHAPTER 4: ACCOUNTABILITY</b>		
<b>RECOMMENDATION</b>	<b>MECHANISM</b>	<b>TIMEFRAME</b>
R34. 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.	The Speaker's Committee	Immediate
R35. 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 back bench MP, possibly from the Opposition, as deputy chair could assume the day-to-day responsibility for the Committee including chairing meetings.	Mr Speaker, the Speaker's Committee	Immediate
R36. 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	Immediate
R37. There should be an annual debate in Parliament on the work of The Electoral Commission. It might be helpful if this followed the Commission's annual report on standards of electoral administration in the UK (R13).	The Speaker's Committee	Immediate
R38. The Select Committee on Constitutional Affairs should build upon its emerging practice of taking regular opportunities to scrutinise The Electoral Commission's policies, actions and decisions.	Select Committee on Constitutional Affairs	Immediate

<b>CHAPTER 5: INTEGRITY OF THE ELECTORAL SYSTEM</b>		
<b>RECOMMENDATION</b>	<b>MECHANISM</b>	<b>TIMEFRAME</b>
R39. The Electoral Commission should undertake detailed research into the scale of electoral fraud in the United Kingdom.	Electoral Commission	Within eighteen months
R40. The Electoral 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.	Electoral Commission	By November 2007
R41. It should be a requirement that the Electoral Commission's views (see R24) on proposed primary and secondary legislation on electoral issues should accompany the draft legislation when it is introduced into Parliament.	Government	During 2007/08 parliamentary session
R42. 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.	Government	Within one year
R43. 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.	Political Parties	By 2010
R44. The Electoral Commission's implementation plan for the new system should include a focus on measures to minimise under-registration.	Electoral Commission	By 2010
R45. Any agreed system of individual registration should include at least one objective identifier such as the National Insurance number.	Government/ Political Parties	By 2010
R46. 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.	Government/ Political Parties	By 2010

## ABOUT THE COMMITTEE

### Terms of reference

The Rt Hon Sir John Major KG CH, the then Prime Minister, announced the establishment of the Committee on Standards in Public Life in the House of Commons on 25 October 1994 with the following terms of reference:

*To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.*

For these purposes, public office should include: Ministers, civil servants and advisers; Members of Parliament and UK Members of the European Parliament; members and senior officers of all non-departmental public bodies and of National Health Service bodies; non-ministerial office-holders; members and other senior officers of other bodies discharging publicly-funded functions; and elected members and senior officers of local authorities. (Hansard (HC) 25 October 1994, col 758)

### The remit of the Committee excludes investigation of individual allegations of misconduct.

On 12 November 1997 the terms of reference were extended by the Prime Minister:

*To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements.*

The Committee on Standards in Public Life has been constituted as a standing body with its members appointed for up to three years. Sir Alistair Graham succeeded Sir Nigel Wicks as Chairman on 26 April 2004. Sir Nigel succeeded Lord Neill as Chairman on 1 March 2001. Lord Neill succeeded Lord Nolan, the Committee's first Chairman, on 10 November 1997.

## Membership of the Committee

**Sir Alistair Graham**  
**Chairman**

Lloyd Clarke QPM

Rita Donaghy CBE

Professor Dame Hazel Genn DBE

Dame Patricia Hodgson DBE

Rt Hon Alun Michael JP MP

(from 1 October 2006)

Baroness Maddock

Rt Hon Baroness Shephard JP DL

Dr Elizabeth Vallance JP

Dr Brian Woods-Scawen DL

The Committee is assisted by a small Secretariat: Dr Richard Jarvis (Secretary), Peter Hawthorne (Assistant Secretary), Jan Ashton (Secretariat Manager), Gemma Craigan (Secretariat Coordinator) and Gloria Durham (SPS to the Chairman and the Secretary).

Advice and assistance to the Committee for this study was also provided by: Radio Technical Services Ltd for the provision of sound recording; WordWave for the provision of transcription services during the public hearings; and Giles Emerson of Words for editing the draft report.

Copies of the Eleventh Report of the Committee on Standards in Public Life *Review of The Electoral Commission* (Cm 7006) are available, priced £18.63, from The Stationery Office, their agents and good booksellers or online [www.tso.co.uk/bookshop](http://www.tso.co.uk/bookshop).

The main report can be accessed via the TSO website [www.official-documents.co.uk](http://www.official-documents.co.uk) or through the Committee website [www.public-standards.gov.uk](http://www.public-standards.gov.uk). Further information about the Committee is also available from this website.

Additional copies of the summary are available from the Committee by telephoning 020 7276 2589.

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January 2007

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