# Committee on Standards in Public LifeRoundtableReview into the Regulation of Election Finance17 September 2020

**Attendees**

*Lord (Jonathan) Evans of Weardale KCB DL, Chair CSPL*

*Jane Ramsey, Independent Committee Member CSPL*

*Dr Jane Martin CBE, Independent Committee Member CSPL*

*Dame Shirley Pearce DBE, Independent Committee Member CSPL*

*Rt Hon Lord (Andrew) Stunell OBE, Liberal Democrat representative CSPL*

*Rt Hon Jeremy Wright QC MP, Conservative representative CSPL*

*Robert Connelly, Assistant Director Governance and Returning Officer for Birmingham.*

*Lindsay Dixon, Senior Manager, Electoral Services and Deputy Electoral Registration Officer, Sunderland City Council*

*Graham Farrant, Chief Executive, Bournemouth, Christchurch and Poole Council*

*Mark Heath, Returning Officer and Electoral Registration Officer, Southampton City Council*

*Chris Highcock, Secretary to the Electoral Management Board for Scotland*

*Fiona Ledden, City Solicitor, Manchester City Council*

*Virginia McVea, Chief Electoral Officer for Northern Ireland*

*Glynne Morgan, Electoral Services Manager, Pembrokeshire County Council*

*Louise Round, Chair of Solace Electoral Matters Panel*

**Lord Evans**

First of all, thank you very much for being here, everybody. I am Jonathan Evans. I am the Chair of the Committee on Standards in Public Life. I am joined this morning in helping to chair this roundtable by Jane Ramsey, who is a member of the Committee and is helping to lead this particular review. We also have other members of the Committee taking part: Dr Jane Martin, Shirley Pearce and Lord Andrew Stunell. I believe that Jeremy Wright MP is likely to come in for part of the session. We also have support staff.

By way of admin, we will be tweeting themes from this roundtable through a tweet feed, which is ‘#cspl\_election\_finance’. We will not attribute particular comments to individuals. I probably ought to say that we are going to have a full transcript of the meeting. I am grateful to the staff and team for providing a transcript. That will be available subsequently.

By way of context, the Committee on Standards in Public Life is an independent nonpartisan organisation. We advise the Prime Minister on ethical standards across public life. A major part of the way in which we do that is by conducting inquiries into standards, institutions, policies and practices. We then report on those to the Prime Minister. There will normally be a response from Government to our recommendations and reports. You are probably aware of the review that we conducted into local government in 2018/19 under the leadership of Jane Martin. The report benefitted from contributions made by many of the councils that are represented here today.

Our current focus is on the regulation of electoral finance. The Committee has a history of taking an interest in electoral matters. The Electoral Commission was established under PPERA following recommendations by the CSPL. We reviewed the functioning of the Commission in 2007. The purpose of our current review is to take the specific subject of election finance and take a holistic look at how elections are regulated in the UK for parties, nonparty campaigners and candidates. I should make clear that the review is not covering wider aspects of the administration of elections or the overarching arrangements for the funding of political parties.

The review began in June. We have had a long series of meetings with individual stakeholders, which has been very illuminating from our point of view. We have had contributions from political parties, the Electoral Commission itself, academics, law enforcement bodies and others. While the views expressed differ as you would expect, the complexity of the law and regulation in this field and the need for proportionate regulation are very prominent themes. I would imagine that we may well touch on some of that in the course of today. A number of people have also pointed to the importance of ensuring that what we recommend and any regulations in place are not so complex or draconian that they deter the many volunteers who actually run the electoral system and the campaigns. There is a balance to be drawn.

We are looking forward to hearing from you today. You have a unique position as practitioners responsible for the delivery and administration of elections. This roundtable will form an important part of the evidence for the review. As I said, the transcript is being taken and will be sent to participants for checking after the event. It will be published in due course. In order to move into the actual discussion, I am going to invite Jane Ramsey to take the chair. We will then move between Jane and me to chair this roundtable. Thank you once again for taking part.

**Jane Ramsey**

Thanks, Jonathan. Good morning, everybody. It is nice to virtually meet so many returning officers and deputy returning officers. I am a former deputy returning officer myself, although it was two decades ago. I am very out of date compared to you, who are all very current experts. I know that it can be a difficult and challenging role.

We would be interested in asking about your experiences in exercising your legal obligations as returning officers in relation to collecting expense returns, sending them to the Electoral Commission and making them available for inspection. We had a very helpful submission from your Association of Electoral Administrators, so we have some indication of what that collective view has been, but hearing about your experiences would be very helpful.

We have heard from them that it is a timeconsuming and administrative burden. I would be interested in hearing how you manage that process most effectively and where there are things that you think just simply do not work and need changes. I would also be interested in hearing any other suggestions you have about improving the system.

**Mark Heath**

There are two things, if I may. The Association of Electoral Administrators represents the administrators; it is Solace that represents returning officers.

**Jane Ramsey**

I beg your pardon. You are quite right. We do indeed have Louise Round here with us. Sorry about that. Thank you for that correction.

**Mark Heath**

It is just that there have been some failings in previous reports, not by yourselves, but by bits of Parliament. From my perspective as a current returning officer, it is fair to say that the process of dealing with returns is honoured in the name of the law, but there is never really any significant enforcement or other activity taken by the police. To be blunt, they have better and larger things to deal with. We certainly had a number of issues in Southampton where I am the local returning officer. There were also poor practices in terms of lodging returns for the last few regional elections. The police tend to go and visit people, but it does not tend to go much further than that, to be honest with you. From my experience, I would say that it is a bit of a ‘paper exercise’ rather than a real exercise from the RO’s perspective.

**Jane Ramsey**

Thanks. Does anyone else want to come in? We have also heard that online submissions would be preferable as you operate as an intermediary between the electoral process and the Electoral Commission.

**Fiona Ledden**

I would agree entirely with what Mark has said. My experience is very much that it is honoured more in the breach than the observance. Sometimes candidates who are not from a major political party really struggle to understand what they need to provide. Ensuring that they have independent advice, which cannot be from the returning officer in my view, is important.

The other aspect is that the press will very often ask repeatedly about an individual candidate. When we had Tommy Robinson stand in Manchester, we were constantly asked when his return was going to be published because he was very late in doing so. In my experience, that noise sometimes creates more of a reminder to candidates to put their expenses in.

**Graham Farrant**

I am the Chief Executive of Bournemouth, Christchurch and Poole Council, one of the new unitary authorities formed 18 months ago. I have just realised that this is actually the fourth local authority for which I have been returning officer: one in London, two in Essex and now down here. I have had an interesting range of experiences.

My sense is that this is absolutely an area that is ripe for digitisation and automation. We have to get an online system. That would make it so much easier not only for the Electoral Commission to be able to access the information that we have, but it would also allow us to issue automatic reminders. It would then be really clear in a public-facing way when we do not have submissions by the deadlines. My sense is that this is absolutely ripe for automation.

The other issue I just wanted to flag was that we have heard a number of issues about viewing. It was not possible to do, particularly during the COVID pandemic. How do you do that face to face? Redaction is another issue they have come up with where the guidelines are not clear enough. I could really imagine an online system on which we have the records available for indepth inspection by us and a version that could be automatically redacted because we would know which fields would not be available for public inspection. My sense is that that is the area to focus on for this. It would make life much easier for us all. My team reports that this is one of the most timeconsuming bits of work that it has to do in the whole of the election process.

**Jane Ramsey**

Thanks. Can you just briefly explain an example of why you would want redaction?

**Graham Farrant**

At the moment we redact names of individuals and bank details on the returns. We redact signatures before anybody sees as well because signatures are clearly sensitive. That is the issue. My team said the guidance is not really clear. We do that as a practice; I do not know if everybody or anybody else does that. Signatures are certainly a really good example of where we would not want people to view or witness somebody’s signature.

**Louise Round**

I am the Managing Director of the South London Legal Partnership, which provides legal services to five London boroughs. For these purposes, I speak for Solace on elections matters together with Mark.

I wholeheartedly agree with what Graham just said about digitising it. If you went into the darkest corners of electoral services offices, you would find box files full of scrappy old receipts. It is not a very satisfactory way in this day and age, particularly when, in the current climate, one cannot actually allow people physical access to those documents to inspect them, as Graham says. It does call into question the role of the returning officer and whether it should be our legal responsibility. We have to collect them and we have to publish the notice in the papers, but then I do not really see our role as one of answering questions about the content of them. We have to refer people elsewhere for that.

I am interested in what Mark said about the police. I have never felt it incumbent upon me to go and report it to the police if someone does not file their return. I chase them, or my officers chase them, and then I publish. If they have not, that is not really my business. It echoes what we find in lots of areas of the law. The returning officer has a role that the parties and candidates do not always understand. They think we are the enforcers, whereas we really are the administrators. We are there to ensure a robust election, not to police the participants.

**Chris Highcock**

I just want to agree with what has already been said about the value of electronic submission. We often end up as a repository for the returns. The candidates and agents make a big fuss about handing them in and then we just put them in a file and hold onto them. As has been raised, we then have to go through the process of redacting. It is usually redacting the details of individual people who have made contributions to campaigns. It takes a long time to take addresses, take names out and pass those on before they get copied and put out to anyone who wants to see them. Just having them submitted electronically, able to be looked at electronically, and consulted that way would save an awful lot of work and make the whole thing a little bit more efficient.

There is also the element that has come up of the confusion in candidates and agents about what we do with them. The fact that they come to us at all sometimes seems strange given that we are really just holding onto those documents. As has already been said, we always make it very plain that we do not police the campaigns; we just run the election. Passing these forms onto the returning officers at all gives the wrong impression of what our role is. We always say to people, ‘If there is a complaint about the campaign, go to the police or the Electoral Commission.’ They come to us because we are the ones who are holding onto their records of spending. It might be necessary to look at who the right person is to hold these at all in the first place.

**Jane Ramsey**

Would you have a suggestion as to who would be the right person, if not you?

**Chris Highcock**

I would say the Commission, and particularly if it is being held electronically. If it is being submitted electronically anyway, it could be given straight to the Commission.

**Jane Ramsey**

Is this a resources issue that would have been easier and better 20 years ago when local government funding was not so tight? Louise, I know you were around 10 or 20 years ago, youthful though you look. Would you like to comment? Is this just something that has always been a problem? Is it something that is more of a problem because you have fewer staff to do it?

**Louise Round**

I think everything is more of a problem now because we have fewer staff to do it, but it just feels a bit stuck in the dark ages. Many people’s receipts will not be physical copies anyway; they will be credit card entries or bank statement entries because they will have paid for it online. I just think we need to move away from scruffy old boxes of paper receipts and people in coming to rifle their way through them. Anything we could do to make the process more efficient and take tasks away from the administrators would be better, especially as we are coming up to five or six polls all at once in May that they are going to have to deal with without having to administer expenses returns too.

I think I am right in saying we have to send them onto the Commission for the parliamentary elections anyway. It really does beg the question of why we are acting as the intermediary for parliamentary elections.

**Jane Ramsey**

Thanks. Mark, you say that you are old too, which is very impolite to me and Louise. I will forgive you and bring you in, and then Robert, please.

**Mark Heath**

I was going to clarify that I am older than Louise. I have been doing this since 1994. I can remember doing them in 1994 and 1995. We were having the same experience. Nothing has changed for me. I have always referred them to the police, not least of which because I tend to think they have very little to do, joke. My threshold has always been that I refer it to the police if it is not done in time, and then they do the eyeballrolling thing.

I do not think it has changed. I do not think it is a resourcerelated issue. It is a paper exercise in effect and it should not be a paper exercise. That is because it is in the wrong place for all the reasons everyone has said about digitisation and looking at the Commission. It is not a change in local government resources; it is just a bit of the jigsaw puzzle that frankly has not worked terribly well because it is in the wrong place.

**Robert Connelly**

I will try not to repeat all the comments that have already been made because I agree wholeheartedly with them. I would say that I do view this pretty much as an administrative exercise at times. We are little more than a post box. Particularly for, say, local elections, we will spend some considerable time chasing all our candidates for their expenses, and we will find that 80% or 90% are not even looked at by anyone. You do raise the question. In my view, the answer to that is still to have everything online so that it is equally transparent to everyone.

I fully endorse Graham’s concerns about signatures, and what have you, and the need to redact certain elements. We were very concerned about having signatures, home addresses, anything like that, for the ability for scammers to get that information and somehow use it fraudulently. I do think that, if we are going to modernise this area, it would simply be making use of technology. Everything goes online. It is open to free inspection by anyone, obviously subject to the various caveats I have already been mentioned. Thank you.

**Jane Ramsey**

Thanks very much. Unless there is anything else, I think we have covered that very thoroughly. There is a great deal of consensus, so thank you very much. I will hand back over to Jonathan.

**Lord Evans**

Thank you very much for that. The next area we would like to talk about is the Electoral Commission itself. In particular, we would be interested in your views on the Electoral Commission as a regulator of political finance. We appreciate that the Commission does not enforce candidate finance laws but has a monitoring role. We would be interested in your observations of the Electoral Commission more broadly. What do you see as the strengths and the weaknesses? We are not specifically reviewing the overall functioning of the Commission, but it is obviously an important part of the electoral finance system.

The Commission explained to us that it approaches its role as a regulator of political finance by working to ensure compliance through the advice and guidance it provides. We are interested in hearing your view on how it performs the guidance aspect as well. Perhaps we could start with any observations you have on the strengths and weaknesses of the Electoral Commission from your perspectives.

**Louise Round**

I am happy to just come in briefly. You are probably getting a bit of a silence because people are either wanting to be tactful or actually do not really have much experience of the Electoral Commission’s role in this area apart from knowing it is there. I might be speaking out of turn; some of you may have had more dealings with them.

The guidance is actually quite helpful from someone running an election’s point of view. When I scan down what they issue to the parties and the agents, it also looks to be fairly comprehensive. One of my bugbears always used to be that they never referred to the legislation in it, so that has been a vast improvement in the latest version. You can actually find what they are talking about at source, which is always helpful. I think we have a reasonably good relationship working with them through Solace. Mark, you hopefully agree. I do not think I have anything else to add.

**Robert Connelly**

I am not sure I am best qualified to talk to you regarding the Commission about their function as a regulatory election finance board. I endorse Louise’s comments about their advice. It is very helpful and it is one area that I am very reluctant to provide any advice whatsoever to candidates on as a returning officer. It is such a big minefield and the potential for me or my staff to get something wrong is enormous. Candidates are also very relieved that they have somewhere like the Commission to go for that expertise. Being the regulator for finance and having the guidance fits quite nicely together in some respects because the expertise flows from one to the other. Thank you.

**Lord Evans**

That is helpful. Do you have other thoughts, particularly on the question of whether the guidance aspects of this fit well together with the regulation of the processes?

**Graham Farrant**

I slightly hesitated because I did not want to sound too sycophantic, but one of the general comments from my team is that the Electoral Commission provides great guidance and resources in a timely manner. I think that is right. When I look at them over the last five or 10 years, they have got a lot better. They provide some really good support and guidance. Some of that is really targeted and they can provide some really good individual support. As a sweeping generalisation, I have been really impressed with them, particularly over the last 18 months. The Commission is doing a really good job generally.

I would comment on them less in terms of the party finance role because very few cases actually ever get to prosecution. You just wonder what the significance of most of those issues is. I do not know whether that is because it is really difficult to take a prosecution through. I do not know whether it is because most of the things that we are seeing are actually pretty minor where there are breaches or whether most people actually just generally comply.

One issue that we did want to flag is that campaigning is going to become increasingly difficult to monitor as it moves more and more online and using social media. A lot of these things are actually difficult to put a financial value on. I just wanted to flag that that whole area is going to become more complex, but our experience of the Electoral Commission has certainly been overwhelmingly positive.

**Mark Heath**

I just want to echo what Rob said very briefly. Similarly, I was going to say that the ability to tell candidates and agents that there is an expertise on party finance to refer to is absolutely critical when you are running an election. That is a role they perform well. It works well within their regulatory and advisory role.

Generally speaking, I would simply endorse everything that others have said about the quality of their guidance. It is their strongest, aspect, actually. Authoritative guidance is really important. Regarding the addition from a lawyer’s perspective, I agree completely with Louise that the statutory references do not half help. Thank you.

**Chris Highcock**

I just want to agree with that. Just on principle, the Electoral Commission has got a role across a number of things in elections of both being the regulator and providing the guidance that supports them in that regulatory role. It is a consistent position for them to have that role with respect to party finance. They are the ones who will make the decision, so it is right that they are the ones who are putting the guidance in place. It is good guidance. Whenever we point candidates and parties towards it, they get both the written guidance and the personal support from the Commission that they need on those occasions.

**Lord Evans**

It is interesting. There have been some reservations in some of the other discussions that we have had, in particular the feeling that some of the guidance is at the level of principle rather than practicality. People therefore feel vulnerable because they want to understand what they should do in a particular circumstance, but they do not feel able to get that guidance from the Commission. My impression from those people who have spoken so far is that that is not your experience. Is that right?

**Chris Highcock**

Yes. When they do get the support and the advice, it tends to be good. It can be such a complex issue. It might be easy to find problems with it, but from the candidate’s perspective it is an area where they will get the support they need if they get the right people and they can engage in that level of discussion.

**Louise Round**

It is hard to draft guidance that covers every permutation of something someone might want to ask. They have to keep it at a relatively high level to an extent. There are always exceptions. Lawyers love the answer ‘It depends,’ but it often does depend.

**Lord Evans**

It is all fact dependent. Do you think that the Commission is constrained in providing its guidance because it is also the investigator of breaches and therefore feels the need not to commit itself too strongly on a particular issue in case it has to then make adjudication? Is there a tension between its roles as provider of guidance and investigator of breaches?

**Louise Round**

If it got into the business of giving lots of detailed guidance on an individual person’s question, then yes. It would compromise itself if it advised someone to do something and it transpired that that was wrong or someone reported that activity. That is probably why its guidance needs to be at a generic level. It is not an advisory body. You do not call it up and ask it what you need to do in a particular case. That is where it has to keep a Chinese wall between its two functions. As monitoring officers in councils, we find ourselves having the same issue with our members who might ask us for advice on conduct issues. They might get reported for doing what we told them they could.

**Fiona Ledden**

I just wanted to come in very briefly. It was on an earlier point, really. The finance is so complex and the law is so specialist that it is important that it is held centrally. The Electoral Commission does it well. It is also important that it is held centrally because we do need to have that consistency across the whole of the country. If we do not have that consistency, we always end up with real issues and problems.

I agree with what Louise has just said in relation to the duality. There is an element of sometimes having to do that. As monitoring officers, we have to do it frequently. It is not problematic as long as it keeps its Chinese wall in existence.

**Robert Connelly**

The Commission has to be very careful on that point. It cannot be seen to be giving legal advice. That sometimes raises another question. What is the level of support that is given to candidates and agents by their political parties? That is often overlooked. They will come to us and say, ‘What is the answer to this?’ and we cannot tell them. I do not think the Commission can. We have just got to be very careful in that respect.

**Lord Evans**

The other question that we need to keep in mind from our perspective is those candidates who are independent and therefore do not have other sources of advice who may be in a more vulnerable position. I do not know whether that is an issue that anybody has had to grapple with.

**Robert Connelly**

It is, but that is where the Commission comes in helpful. Equally, we have to be careful not to treat independent candidates more favourably than we would someone from a political party.

**Jane Ramsey**

You may be aware that the Electoral Commission has called for its role to be expanded. In particular, it wants to be able to enforce alleged breaches of candidate finance laws. It says it wants that to give it flexibility, which will help avoid the ‘cliff edge’ for candidates where the enforcement option is prosecution or nothing. We would also welcome your thoughts on whether civil sanctions should be available for some breaches of the RPA, what types of offences are best addressed in that way and whether this role should be performed by the Electoral Commission. Do you have thoughts on that? Maybe not.

**Graham Farrant**

I am happy to go early again if nobody else is.

**Jane Ramsey**

Yes, please do.

**Graham Farrant**

The current system of having to report things to the police just feels over the top, particularly given the competing priorities. We would absolutely support some form of civil sanction through the Electoral Commission. That would be helpful. At the moment, the referral of those matters to the police just does not feel like the right balance. Yes, we would support that.

**Jane Ramsey**

Can I just check? I think Mark mentioned that you do report to the police. Do you know what then happens after you have reported it?

**Mark Heath**

Yes. The situation with both the current SPOC, where that single point of contact would be the police officer that I deal within Hampshire, and the previous one, was that they do follow them up, but it does take time. In essence, it usually results in somebody going round and having a firm, fairly formal word with the individual in question and ‘putting them straight’. That is as far as it goes. Insofar as they do something with it, bless them. That is pretty good with everything else they are doing and the scale of it, but it is the wrong agency doing the wrong thing in the wrong way. I completely agree with what Graham has said. That is absolutely right. It does not belong there. It is not for them to deal with.

**Graham Farrant**

I have actually had a couple of cases that have gone a little bit further and have resulted in the Crown Prosecution Service saying it is not in the public interest to prosecute. It is another load of wasted time. A civil sanction would be really helpful.

**Jane Ramsey**

The Electoral Commission is also interested in expanding its role beyond the advice guidance and investigation role into prosecution. Do you have any views? Would you not regard that as a matter for returning officers or deputy returning officers to have a view on?

**Virginia McVea**

We liaise directly with the prosecution service here and in effect bypass the police. ‘It seems a very frivolous task,’ is their usual response, even in terms of best efforts and good faith. There has been some experience here of something reaching court before my time. A very minimal fine was put in place, sending a message that this was not in the public interest. It has created a deep concern about moving things forward.

**Louise Round**

If there are to be criminal offences associated with this, there is an argument for the Commission having the power to prosecute for the reasons Graham and Mark have just said. The police and the CPS are very unlikely to take this very seriously locally unless it is a particularly egregious breach and it is a really complicated area of law. A bit like the Health and Safety Executive, have both a guidance and advisory role and the ability to prosecute. I would have thought that was quite a good analogy with the Commission, actually.

This is the time to plug this. I know it is not within your remit, but it would make life an awful lot easier for everybody if we could ever get a bit of consolidating legislation around electoral law on the statute books. It would make life an awful lot easier for everybody.

**Jane Ramsey**

It would be perfectly reasonable for us to mention that in our report Louise.

**Graham Farrant**

Jane, can I come back in just to support Louise’s view?

**Jane Ramsey**

Please do.

**Graham Farrant**

My original qualification was as an environmental health officer. When you look at what local government does by way of enforcement, most of these offences are of that scale, but it would actually be inappropriate for the local authority to do it given the position of returning officers. My sense is that these are not police prosecutions; these are things like those sorts of health and safety, food hygiene, and housingtype issues that a local authority would normally do. That is the sort of scale I see most of these things in. Therefore, the Electoral Commission doing it visàvis the Health and Safety Executive would be a really good suggestion. That is the right sort of scale.

**Jane Ramsey**

I should just say that there is an argument against. Some people who have given evidence feel that to build up a prosecution capacity effectively from scratch is quite a different thing for the Electoral Commission. I will just mention that we have heard mixed evidence, but the point and the analogy with both the Health and Safety Executive and your former life around inspection and prosecutions in local authorities is an interesting one, Graham. Does anyone else want to come in on anything else to do with the avoidance of the cliff edge with an expansion on candidate finance laws for the Electoral Commission?

**Fiona Ledden**

Jane, could I come in on the earlier point? That was to very much back what Louise had said about consolidation of electoral law. That was a point that I was going to make, so I would agree entirely with that. I am also in agreement with the Electoral Commission having its role expanded to undertake prosecutions. The local authority does this in relation to its own powers. I do not see it as a huge capacity issue. Because they have the expertise and knowledge already, I think they would be able to build on that really quickly.

**Lord Evans**

The next area that we wanted to talk about was the parallel regimes between the Representation of the People Act on the one hand and PPERA on the other. In the conversations we have had with quite a lot of the stakeholders in this, there has been a feeling that the two regimes, one of which is very old legislation and one of which is much more modern legislation, do not actually sit together well. There appear to be contradictions in the approaches that the two pieces of legislation take. Some form of rationalisation therefore might be a good idea.

I just wondered what views you had as to whether the two current sets of legislation create complications and difficulties in terms of regulation. Would some form of rationalisation of that between the candidate regime on one hand and the party and nonparty campaigners regime on the other hand therefore make sense?

**Louise Round**

Yes.

**Lord Evans**

If it did make sense, how would you see it turning out under a new arrangement?

**Mark Heath**

I will bang in first. The current regime of having two regimes is utter nonsense; that is the first thing to say. It is completely confusing for anyone attempting to interpret it, advise on it or comply with it. It really is very cumbersome. I personally prefer more of the civil sanctiontype regime, but I think the key point is that, as with all electoral law, the point has already been made that we are frankly working on the basis of the ballot act being slightly modernised. Therefore, I think modernisation is much more important. There is codification, simplification and above all an understanding of what is required.

A lot of my problems have not necessarily been people deliberately breaking the rules; they have just been people failing to understand that there was a rule or what the rule actually meant. What hope does an independent candidate have when they pick up the electoral law to try and follow it? They have no hope. They just have none. They are reliant on other people’s guidance and goodwill. Modification, codification and simplification are almost more important than what it then says. I personally would err towards the civil side because it is more appropriate, but just modernising it is absolutely essential.

**Lord Evans**

There was an amusing moment that I think was not confidential in the conversation that we had with the President of the Liberal Democrats. His doctoral thesis was in early 19th century electoral law and he said that he had not realised that this was going to be vocational training rather than a piece of academic endeavour. I think others wanted to come in. Louise, I do not know whether you were going to come back on my question as to how the integrated set of legislation or the new regime would look.

**Louise Round**

I think Mark said it, really. It just needs to all be in one place. It needs to be clear what the requirements are. It needs to be clear what the sanctions are for breaching them, whether they are civil in minor cases all the way through to criminal, deliberate, egregious, repeated offending. Who has responsibility for enforcing either or both of those? Clarity is all in this area, I think.

**Lord Evans**

We are finding that we have gone through the questions that we wanted to address very quickly. It is probably good news because it may well give everybody an hour back, which is always good when you are sitting on Zoom, Teams or whatever it is. I am just going to ask Jane and other committee colleagues, if there are questions that they would like to take the opportunity to pose to the roundtable at this point. If anybody would like to come in, please feel free to do so.

**Shirley Pearce**

Thank you. It has been absolutely fascinating to listen to this. The real clarity of message that you are all giving is perhaps not surprising. There is not much difference between the messages that you are all giving. That is very comforting for us in thinking about what recommendations we might make.

I was wondering whether you could envisage that some of these recommendations might be resisted by other groups, and if so, what those angles might be. It would help us see it in the round. Jane has mentioned that there is a view that the separation of powers of advice versus prosecution should remain separate and should not be in one organisation. For example, are there people who might take a different line from the clear one that you have said about putting all the advice, sanctions, and the legal position in one place? Are there people who like the two systems which cause your role such difficulty and which don’t seem to make sense when you look at it from the outside? Are there people who might, if they were listening in on this call, say, ‘Yes, but you have got this all wrong?’

**Louise Round**

There are not on that aspect of things. I read some of the submissions to your Committee about the Commission more generally, and some of them are obviously quite colourful. It is hard to see anyone with any ounce of common sense who does not think you should have a piece of legislation that covers all the angles in a clear and understandable way. The Public Administration and Constitutional Affairs Committee has recently reported upholding the recommendations for the Law Commission from 100 years ago to consolidate the legislation. Everybody who is interested would probably support that at least. I am happy to be proved wrong.

**Mark Heath**

I agree completely with Louise, but if you wanted to drive a coach and horses through the regulatory regime, you would have a poor, weak, indecipherable, incomprehensible, contradictory regulatory regime. That is what you have. The only people I would see trying to argue against it would have a vested interest in trying to screw it up; that is just something to be watchful of.

At the end of the day, we are here in order to deliver a democratic system on behalf of the electorate that has all the things that one would see in the Nolan Principles like integrity and all the rest of it. Frankly, it is unarguable when you take that into account. You might have one or two people who will argue against it, not least of which because they do not like the Electoral Commission, as Louise has also said. That is tough, I am afraid. Maybe they came on a bad day.

**Shirley Pearce**

Thank you.

**Lord Evans**

Thank you, Shirley. Does anybody else want to come in? I am always conscious on these occasions that people come and sometimes we may not have actually touched on the areas that people feel should be touched upon. If there are areas that anybody feels we should touch on but have not, then please indicate, and we will take the conversation in that direction. That not being the case, I think I will move towards a close.

First of all, thank you. It has been a short discussion for a variety of understandable reasons. I think it is slightly more difficult to run a roundtable than it is in the real world, partly because of the remote format. We are very grateful for the comments that have been made.

If I can just run down what I think are some of the key themes that have emerged from this: on the role of the returning officer, the call for digitalisation of the system; access by the Electoral Commission, and possibly greater access in terms of the public if people want to look at the material that has been submitted, which I think is a very good point; and the need for greater advice on redaction of personal data. Those are the key points that I took from the first section.

There was very positive feedback on the role of the Electoral Commission from your perspectives, which is helpful. We have had a whole variety of views ranging from very positive to very negative, as some of you will have detected. It is interesting to see that spread. There is support for the way in which the Electoral Commission provides guidance. There is also the view that the regulatory and the advisory roles are not necessarily in conflict.

There was quite a lot of support for a more flexible regime on civil sanctions and recognition that the CPS and the police do not always seem to be the right people to take these issues up because they are minor infringements; that was interesting. There was also some support for the Electoral Commission developing its prosecution capacity. Most of the people we have talked to so far have had reservations on that for a variety of reasons; that is interesting. There is a very strong view that the key challenge is to rationalise the electoral framework to provide greater clarity. Having two overlapping and incompatible regimes does not make sense and is contrary to good practice in terms of elections, even those with proper party backing, but particularly for those who are independent.

From our perspective, those are the main themes that we would take away. If anyone wants to add anything before we close and say, ‘No, you have missed out X, which is really important,’ then please feel free to indicate. That not being the case, can I say, ‘Thank you very much for your time?’ If necessary, we would be very grateful to be able to come back to follow up any of those themes if we think ‘We really would like to talk or ask more about X or Y,’ in the course of the inquiry. I hope that is alright. We will try not to be too time consuming, recognising that everybody has more to do than they can cope with at the moment. That is the end of the roundtable from our perspective. Thank you very much for coming. We have all saved an hour, so thank you very much.

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