

Letter from Commissioners: Strategy and Policy Statement measures in the Elections Bill | Electoral Commission    Search    Letter from Commissioners: Strategy and Policy Statement measures in the Elections Bill    You are in the Key correspondence section Home    Key correspondence First published: 21 February 2022 Last updated: 21 February 2022 Summary of the letter Date: 21 February 2022 To: The Rt Hon Michael Gove MP - Secretary of State for Levelling Up, Communities and Housing The Rt Hon Kemi Badenoch MP - Minister for Levelling Up Communities The Rt Hon Lord True CBE - Minister of State, the Cabinet Office From: John Pullinger – Chair and Electoral Commissioner Sarah Chambers - Electoral Commissioner Rob Vincent - Electoral Commissioner Dame Sue Bruce - Electoral Commissioner (Scotland) Professor Dame Elan Closs Stephens - Electoral Commissioner (Wales) Dr Katy Radford - Electoral Commissioner (Northern Ireland) Alex Attwood - Electoral Commissioner (nominated by the smaller parties) Alasdair Morgan - Electoral Commissioner (nominated by the Scottish National Party) Joan Walley - Electoral Commissioner (nominated by the Labour Party) Format: Sent by email Full letter Dear Ministers, As the Elections Bill enters its Lords stages, we write to you to urge the Government to reconsider those measures which seek to change the oversight arrangements of the Electoral Commission. Our aim, which we anticipate you share, is to maintain the Commission's current independence and its accountability to all parties elected to the parliaments of the United Kingdom. Reflecting the significance of this matter, this letter is signed collectively from the full board of the Commission, save for Lord Gilbert of Panteg (our Conservative nominated Commissioner) because the House of Lords where he sits is now considering this legislation. It is our firm and shared view that the introduction of a Strategy and Policy Statement – enabling the Government to guide the work of the Commission – is inconsistent with the role that an independent electoral commission plays in a healthy democracy. This independence is fundamental to maintaining confidence and legitimacy in our electoral system. If made law, these provisions will enable a government in the future to influence the Commission's operational functions and decision-making. This includes its oversight and enforcement of the political finance regime, but also the advice and guidance it provides to electoral administrators, parties and campaigners, and its work on voter registration. The Statement would place a duty on the Commission to have regard to the government's strategic and policy priorities and to help the government to meet those priorities. The Statement would also place a duty on the Commission to have regard to guidance issued by the Government relating to any of its functions. It would thereby provide a mechanism, driven by the then governing party, enabling that party's ministers to shape how electoral law is applied to them and their political competitors. While the stated position of the current government is that it would not intend to use these powers to impact on the Commission's independent oversight and regulation of the electoral system, no such assurances can be given about how the broad scope of these powers would be used over time. The Statement has no precedent in the accountability arrangements of electoral commissions in other comparable democracies, such as Canada, Australia or New Zealand. Indeed, the Code of Good Practice in Electoral Matters of the Venice Commission, of which the UK is a member, states that "Only transparency, impartiality and independence from political motivated manipulation will ensure proper administration of the election process". The Commission's accountability is direct to the UK's parliaments and should remain so, rather than being subject to government influence. The current mechanism for scrutiny and accountability to UK Parliament – with parallel arrangements in the Scottish Parliament and the Senedd – is through the

Speaker's Committee on the Electoral Commission, a cross party committee which scrutinises the Commission's financial, operational and strategic planning. This is appropriate and we would welcome such additional scrutiny as the Speaker's Committee saw fit to take into account government and other views on the priorities and performance of the Commission, in determining that the Corporate Plan and work of the Commission is focussed and delivers on its statutory obligations. This would meet the Government's stated objective of more effective and full accountability to Parliament, while maintaining a cross party setting. We therefore urge the Government to think again about these measures, to remove the provisions, and to work with the Commission and Speaker's Committee to ensure that suitable accountability arrangements are in place to ensure confidence across the political spectrum. Strong accountability is essential for this, but so too is demonstrable independence. The Commission's independent role in the electoral system must be clear for voters and campaigners to see, and preserved in electoral law.