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Board minutes: 25 September 2019 You are in the Electoral Commission Board section Home How we make decisions Electoral Commission Board On this page Apologies and introductions Declarations of interest Minutes of the Commission Board meeting of 26 June 2019, note from the Commissioner Day on 17 July 2019, and note from meeting of Commissioners on 5 September 2019 Discussion on imminent political events affecting the Commission (oral update) Policy development grants scheme for 2020/21 Public awareness plans for the May 2020 elections Business planning 2020/21 – planning strategy and themes Performance report Quarter 1 2019/20 Schedule of Commission Board and Committee meetings 2020/21 Chief Executive's update Forward plan of Board business 2019/20 Action tracker Chair and Chief Executive's meetings and meetings of note in Scotland, Wales, and Northern Ireland First published: 20 January 2020 Last updated: 6 February 2020 Meeting overview Date: Wednesday 25 September 2019 Time: 9:30am to 1:15pm Location: Boothroyd Room, 3 Bunhill Row, London Date of next scheduled meeting: Commissioner Day, Wednesday 30 October 2019 Who was at the meeting Who was at the meeting John Holmes, Chair Alasdair Morgan Alastair Ross Anna Carragher Elan Closs Stephens Joan Walley Rob Vincent Sarah Chambers Stephen Gilbert Sue Bruce (Videoconference) Bob Posner, Chief Executive Craig Westwood, Director, Communications, Policy and Research Kieran Rix, Director, Finance and Corporate Services Louise Edwards, Director, Regulation Amanda Kelly, General Counsel David Bailey, Head of Strategic Planning and Performance David Meek, Senior Adviser, Governance Tim Crowley, Head of Campaigns and Corporate Communications Mel Davidson, Head of Support and Improvement Niki Nixon, Head of External Communications (for item 4) Mette Christiansen, Senior Policy Adviser (for item 5) Jess Cook, Senior Communications Officer (for item 6) Apologies and introductions Ailsa Irvine, Director of Electoral Administration and Guidance, gave her apologies. The Chair asked the Board to observe a few moments silence for Jessica Holmes, a valued colleague who had recently passed away. Declarations of interest No new declarations of interest. Minutes of the Commission Board meeting of 26 June 2019 (EC 52/19), note from the Commissioner Day on 17 July 2019 (EC 53/19), and note from meeting of Commissioners on 5 September 2019 (EC 54/19) Action: Amend paragraph 8.2 in the minute from the 26 June 2019 Board to note that the percentage of voters who did not return to vote after being turned away, while small in absolute terms, could still amount to a significant number of voters across all polling stations at an election and therefore affect the outcome. Resolved: That, after an amendment to 8.2, the minutes of the Commission Board meeting on 26 June 2019 be agreed. The records of the Commissioner Day on 17 July 2019 and of the Meeting of Commissioners on 5 September 2019 were noted. Discussion on imminent political events affecting the Commission (oral update) The Chief Executive gave an overview of political events relevant to the Commission, including a new Speaker, the approaching Brexit date, and potential electoral events. There was also consideration of the recent outcomes of referrals of certain individuals to the police. The Director of Corporate and Financial Services provided an update on our no-deal Brexit planning. It was noted that we had calibrated our thinking with the release of Operation Yellowhammer documents. For our own internal operations outside of an electoral event we did not expect to be significantly affected. We had offered support to non-UK European Union staff. One possible area of wider concern for local authorities was supplies of paper in the event of a snap election. The Board discussed contingency planning for an unscheduled UK Parliamentary General Election. We would continue to work with Returning Officers and the Cabinet Office to support their contingency planning. The Board discussed

complications associated with a possible winter poll, including the proximity to the annual canvass, potential issues resulting from bad weather, and the fact that many polling stations were usually located in schools, which might be in session on the day of a potential election. There was discussion of the potential difficulties for overseas British nationals registering and participating in any unscheduled election. We had recommended that Returning Officers contact registered overseas voters to inform them of the advantage of appointing a proxy to vote for them to mitigate any difficulties. The Board discussed the anticipated Queen's Speech and what impact legislation being developed by the government would have on the Commission's work programme. There was an expectation that the new Speaker would be elected in early November. There would also be a new Clerk to the Speaker's Committee. Plans were in place to ensure that both were well-briefed on the work of the Commission, as soon as they were in place. The Board received an update on recent police and National Crime Agency (NCA) investigations of cases we had referred to them. We were following up with the police, the NCA and the Crown Prosecution Service (CPS) to understand better how they had reached their conclusions. In due course the Board might need to consider how best the Commission should proceed in future when evidence of possible criminal behaviour not covered by the Political Parties, Elections and Referendums Act (PPERA) was uncovered. Policy development grants scheme for 2020/21 (EC 55/19) The Director of Communications, Policy, and Research outlined the recommendations made and the associated considerations of timing. Owing to the volatile political environment, further recommendations might be required before the 7 March 2020 deadline. The Cabinet Office had nevertheless said that recommendations now would be helpful. The Board discussed the value of a more fundamental look at the system in the future, including whether providing funding for compliance might be more appropriate than providing funding for policy development. This would of course require new legislation. It was confirmed in response to questions that the political parties, including the smaller parties for whom the grants were proportionately more important, were already aware of our likely recommendations. Resolved: That the Commission recommend to government that they amend the statutory instrument so that: the Independent Group for Change, which currently had more than two Members of Parliament (MPs), be included in the list of eligible Great Britain-wide parties for the coming year the European Parliamentary Election data be removed from the formula once the United Kingdom had left the European Union The Board delegated responsibility on agreeing any necessary further recommendations to government on including or removing a party from the scheme in accordance with the statutory eligibility criteria, for example following a General Election, to the Chief Executive, in consultation with the Chair. Public awareness plans for the May 2020 elections (EC 56/19) The Director of Communications, Policy, and Research noted that this was the usual annual consideration of the plans and budget related to the scheduled May polls. He highlighted the value of a campaign planned well in advance, both for its own sake and to ensure that the Commission had scope to react quickly to any unscheduled polls. The Board heard that the May 2020 media-buying environment would be less complicated than the May 2019 environment as the areas were more closely geographically located. There had been conversations with large social media organisations about their involvement in potential voter registration campaigns. The Board considered the difficulties in collecting information that would assist with decision-making on these campaigns. The Board noted that it was not possible to track the number of voters who took action as a result of our media spend, how many of those who took action were already registered, nor how many of those then went out

and voted. The Board heard that research conducted around the May 2019 elections had found that there was high awareness of our campaign, but that this did not always lead to action by voters. This had been factored in to our brief to agencies in developing the 2020 campaign. The Board discussed the possibility of focussing our resources more in advance of national elections where there was a higher level of public awareness. The Head of Campaigns and Corporate Communications confirmed the continued refinement to the 'Got 5?' campaign, including changing the mix of media (broadcast, out-of-home, social, and digital). The Board noted that our creative and media planning agency would submit three fully costed options as part of the campaign. In response to questions about the merits of a campaign promoting online registration, when some of our target audience could not access online registration options, the Director of Communications, Policy, and Research noted that a simple message that promoted one method of registration was more likely to result in action. Voters who could not access online registration options would be targeted separately through partner agencies who already had relations with these audiences. The Board sought an assurance that there was sufficient provision to influence hard-to-reach groups, including through partnerships. The Board heard that the current partnership strategy had evolved significantly over the past five years and that this strategy was kept under review to ensure the appropriate balance between resource, potential impact, and supporting partners working with hard-to-reach groups. The Board heard that a generic partner pack would be launched during National Democracy Week, to support partner organisations to register voters throughout the year. The Board encouraged continued and indeed increased focus on the harder to reach groups, making the most of existing networks, including schools, colleges and universities. The Board asked whether the level of duplicate registrations had dropped. The Head of Campaigns and Corporate Communications confirmed some progress in reducing this, but it was still a continuing challenge. Action: The Director of Communications, Policy, and Research to circulate the list of partner organisations used in voter registration campaigns. Resolved: That the paper be agreed. Business planning 2020/21 – planning strategy and themes (EC 57/19) The Chief Executive explained why this was being considered earlier in the year for 2020/21, to guide work by the Executive before it became set in stone. More specific, costed ideas would come to the Board in December. He identified four new priority areas for possible extra work and funding: building local authority resilience and capacity, promoting compliance, improving voter education, and responding to government initiatives and priorities. The Board encouraged the Chief Executive to ensure that the Commission's own existing reform agenda was being pushed forward, in addition to efforts to support government reforms. The Chief Executive noted that in the current year we had demonstrated our ability to improve our effectiveness and efficiency, and to maintain projects and work-streams while delivering on unexpected events. The extra resources agreed by the Speaker's Committee for the current year had been an important part of this. The Chief Executive invited each director to explain any possible new corporate initiatives in their area. The Board discussed the four priority areas. This included the initiative to enhance our support work on democratic education and digital literacy. There was also consideration of opportunities from effective partnership working, for example with other regulators. The new priority areas looked promising, including new support for compliance. Nevertheless the Commission should be clear in ensuring the scope and nature of new initiatives e.g. over digital literacy is consistent with the Commission's role and remit. The Board encouraged an approach that emphasised building the resilience of the electoral system. This would allow us

not only to help local authorities directly ourselves but also to promote support for them in receiving the resources they needed to achieve what was asked of them.

Resolved: That the paper be agreed, taking into account the specific points noted above. Performance report Quarter 1 2019/20 (EC 58/19 and 59/19) The Chief Executive explained the details of the new format of the report. The Chief Executive reminded the Board of the changes in how performance was rated. For example, we had reinterpreted red to mean action must be taken in a particular area, not that there was necessarily a major concern across the whole of that area. This allowed a more open approach to problems. The Director of Finance and Corporate Services provided more detail of the rating of Goal Two, and the first quarter issues in delivering Political Finance and Regulation online. We were using agile project management, where we actively tested stages of the project throughout the development of the new system. Progress on the project was now getting back on track. The Director of Finance and Corporate Services provided an update on the budget forecast, which was currently projecting an overspend. He explained that the volume of litigation had been higher than expected, meaning higher associated costs. There was also a further impact from the costs arising from the European Parliamentary Election: more of the spending than anticipated had fallen in this financial year, compared to the previous one, because of the very late confirmation of these elections. The Director said that budgets were being closely managed to compensate for these pressures but there could still be a need for supplementary budget approval from the Speaker's Committee at some stage. Action: The Director of Finance and Corporate Services agreed to provide more information in future quarterly performance reports on the next steps of the projects detailed in slide 22 and 23 of this paper. Resolved: That the paper be noted. Schedule of Commission Board and Committee meetings 2020/21 (EC 60/19) Action: That the Remuneration and Human Resources Committee meeting proposed for 24 June 2020 be moved to 22 July 2020. Resolved: That, subject to the amendment above, the paper be agreed. Chief Executive's update (EC 61/19) The Chair invited the Director of Finance and Corporate Services to comment on the search for an effective formula for funding for the devolved legislatures in Wales and Scotland, given the need to make progress with this quickly. The Director noted that this was under consideration by finance officials in the devolved legislatures, and raised complex questions for them both about the source of the funding, and how it should be accounted for. He agreed that it needed constant and timely attention. The Board passed on their congratulations on the appointment of Cahir Hughes to the recently vacated position of Head of the Electoral Commission, Northern Ireland. The Board discussed the impact of an unscheduled UK Parliamentary General Election on the registration of new political parties. The Director of Regulation confirmed that party registrations were assessed on a first-come, first-assessed basis, and that given the multiple legal tests involved, a six-week notice period before a poll would likely be too short to register a party that applied only once an election was called. The Board noted the outcome of the recent court case regarding BeLeave, including costs associated with the case. Resolved: That the paper be noted. Forward plan of Board business 2019/20 (EC 62/19) The Chief Executive confirmed that the prosecutions policy discussion scheduled for December would be deferred for a short period to allow for a delay to the public consultation on this item in the light of the current uncertain political situation. The Board asked for further discussion of modernising voting registration to be scheduled for a future meeting. The members of the Audit Committee would discuss outside the meeting any contingency plans for the October 2019 Audit Committee. Resolved: That the paper be noted. Action tracker (EC 63/19) Resolved:

That the paper be noted. Chair and Chief Executive's meetings and meetings of note in Scotland, Wales, and Northern Ireland (EC 64/19) Resolved: That the paper be noted.