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2020 Last updated: 21 June 2021 Meeting overview Date: Wednesday 18 March 2020 Time:

9:30am to 12:20pm Location: By video conference to Boothroyd Room, 3 Bunhill Row,

London Date of next scheduled meeting: Wednesday 22 April Who was at the meeting Who

was at the meeting John Holmes, Chair Alasdair Morgan Anna Carragher Elan Closs

Stephens Joan Walley Rob Vincent Sarah Chambers Stephen Gilbert Sue Bruce Bob Posner,

Chief Executive Craig Westwood, Director, Communications, Policy and Research Kieran

Rix, Director, Finance and Corporate Services Louise Edwards, Director, Regulation

Ailsa Irvine, Director, Electoral Administration and Guidance Amanda Kelly, Interim

General Counsel David Bailey, Head of Strategic Planning and Performance David Meek,

Senior Adviser, Governance Andy O'Neill, Head of Electoral Commission, Scotland (for

item 2) Mel Davidson, Head of Support and Improvement (for item 8) Apologies and

introductions No apologies. The Chair welcomed everyone to the all-virtual Commission

Board meeting, and confirmed that, in the circumstances, the agenda would be varied,

including a deferment of the scheduled item on policy priorities. Section 10 request

by Scottish Government for the Commission to provide advice and assistance by

considering the wording and intelligibility of a potential referendum question (EC

24/20) The Chair informed the Board that the Scottish Government had written to the

Commission late on 17 March 2020 regarding this matter. This correspondence would be

shared with the Board, who it was agreed should have time to consider it before

discussing the Section 10 request. The Board noted that the work could not commence

currently in any case as a consequence of the Covid-19 pandemic. This item should

therefore be deferred to a future meeting. The Board requested that an estimate of

the total cost and total time required of Commission staff in undertaking the

assessment be provided to inform that discussion. The Chief Executive reminded the

Board of previous legal advice received on participation by nominated Commissioners

in this discussion. Action: That the letter received from the Scottish Government on

this matter be circulated to Commissioners. Resolved: That this item be deferred for

consideration to a later meeting. Declarations of interest No new declarations of

interest. Minutes of the Commission Board meeting of 26 February 2020 (EC 22/20), and

the minutes from the meeting of the Audit Committee meeting on 25 February 2020 (EC

23/20) Resolved: That the minutes of the Commission Board meeting on 26 February 2020

be agreed. That the draft minutes of the meeting of the Audit Committee meeting on 25

February 2020 were noted. Governance update (EC 32/20) The Chief Executive provided

an update on the impact of Covid-19 on the Commission and on its work. The elections

in England and Wales scheduled for May 2020 had been postponed for one year. The

Board discussed how the decision to provide advice to the UK Government on this

matter was reached. The Chair confirmed that the Chief Executive made this decision

in consultation with the Chair. The Director of Communications, Policy and Research

confirmed that the decision to postpone the elections had been made in time for the planned public awareness campaign to be cancelled. The Board heard that the release of our report on the UK Parliamentary General Election (UKPGE) would be slightly rescheduled. The May 2021 polls would be a very busy election day, with multiple elections on the same day using different electoral systems. Work had begun on understanding the implications for our work, including in relation to the support that could be provided to local authorities. There were still outstanding issues to resolve, such as any by-elections that would otherwise be held between March 2020 and May 2021. The Commission was also working to understand any impact on the annual canvass in Great Britain, noting the postponement of the canvass in Northern Ireland to 2021, and would continue to engage with Cabinet Office and others about this. The Director of Regulation confirmed that we had contacted all registered parties and campaigners to explain that our advice service would remain open, and that a sensible and pragmatic approach would be taken to financial returns due during this period. We had asked parties to keep us informed of any impact of Covid-19 on their ability to meet statutory deadlines. We had also continued our publication, monitoring, compliance and enforcement work. The Chief Executive advised the Board that Commission staff had moved to home working, except for a brief transition period for a small number of staff who were needed on site at our London offices. We were conscious of staff welfare in these circumstances, and support was being provided to all staff. We had spoken to the Speaker's Committee about updating our draft Corporate Plan and Main Estimate in light of the delay to the May 2020 elections. We had also had initial discussions with the Speaker's Committee on any potential impact on the renewal and/or appointment of Commissioners over the next six months. The Board welcomed the Commission's ability to carry out efficiently business-as-usual work from home, and encouraged the Commission to support stakeholders to do likewise. The Head of Strategic Planning and Performance explained the proposed changes to the urgency procedure, decision-making by electronic means, written comments, and the decision-making procedure. The Board agreed with the proposals, and noted that they would also apply to Committees and sub-committees of the Board. The Board requested revisiting the Standing Orders at a future meeting, and paying particular attention to the standing orders relating to when votes could be re-taken. The Board discussed the position of nominated Commissioners as relates to quorum and decision-making. The Chief Executive noted we were required to write the Standing Orders in this way, as nominated Commissioners must be in the minority in decision-making. We were bound to follow that position consistent with the intention of Parliament. Action: That the Chief Executive convene a meeting with the Chair and the nominated Commissioners to discuss further the role of nominated Commissioners. Resolved: That the proposed changes to our Corporate Governance Framework be agreed. Update on legal proceeding (EC 28/20) The Chief Executive (who declared a conflict of interest) and the Head of Strategic Planning and Performance left the meeting for this item. The Interim General Counsel provided an update on legal proceedings involving the Commission. The Board agreed with the recommendations in the report. Action: That regular updates on the litigation would be provided in the Legal Matters section of the Chief Executive's update. Resolved: That the Board agreed to defend the potential proceedings brought against the Electoral Commission and its Chief Executive alleging defamation and misuse of private information. That the Director of Finance and Corporate Services as Deputy Accounting Officer's decision to fund the Chief Executive's legal costs and to keep him indemnified against monetary award made against him be endorsed. That the Deputy Accounting Officer's conclusion that the

recommendations were consistent with 'Managing Public Money' be noted. Key messages for the annual report (EC 27/20) The Board recommended that the list of issues arising from the year should include the number of recall petitions that took place during the year, separate from the comments on the elections that were held. There should also be a more detailed explanation on the level of complexity involved in the investigations undertaken during the year. The Board also requested that the recent report from the Law Commissions on electoral law reform be highlighted, and mention be made of ensuring the accessibility of elections. Resolved: That the paper be noted.

Review of Electoral Registration Officers performance standards (EC 25/20) The Director of Electoral Administration and Guidance explained that the next canvass in Great Britain would run under the new legislation for the reformed canvass, subject to approval of the one remaining piece of required legislation by the Scottish Parliament and subject to any further changes that might emerge as a consequence of the Covid-19 pandemic. We had focused on supporting Electoral Registration Officers (EROs) with the implementation of canvass reform. The proposed performance standards work formed a key part of this. We had developed a new framework designed to help EROs and the Commission better understand performance and to identify and drive improvements where necessary. We had focused on working with EROs to help them make better use of the data they collect to understand the impact of their activities and to evaluate their practices. We would use this data to improve our reporting processes so we could make clear publicly what we knew about ERO performance. We were unable to complete the consultation process on the original timeline due to delaying the start of the process as a consequence of the UKPGE. However, we had been able to speak to stakeholders over the past three months, including at all Association of s branch meetings across England and Wales and with the Scottish Assessors' Association. Feedback was broadly positive. The consultation period was ten weeks, and closing at the end of March 2020. We had been issuing reminders as the deadline approached, and would continue to do so. The Director of Electoral Administration and Guidance explained the difficulties in setting targets for EROs, which could be strongly influenced by the circumstances in individual local authorities. The proposed changes would allow for reports on performance to be run more regularly, rather than waiting nine to twelve months after the event as was currently the case. More regular reporting would allow the Commission to highlight issues and drive performance improvement. The new standards should reduce the burden on EROs as the data reports should be automated within software systems. We would provide tools and templates so that local authorities could report on their performance locally. The Board discussed ways to evaluate success in the new system, and ways to report on how the system as a whole was performing. The Director of Electoral Administration and Guidance confirmed that this was being explored. Action: The Director of Electoral Administration and Guidance to provide an update to the Board in Spring 2021 once the standards have been implemented. Resolved: That the paper be noted and that the Director of Electoral Administration and Guidance undertake approval of the final performance standards framework.

Reappointment of member of Remuneration and Human Resources Committee Resolved: That Rob Vincent be reappointed to the Remuneration and Human Resources Committee, and that he be reappointed as Chair of that Committee

Corporate planning 2021/26 - session 2 Commissioners were asked to send suggestions of stakeholders to consult with to the Head of Strategic Planning and Performance. Resolved: That the item be noted.

Forward plan of Board business (EC 29/20) Action: That for the present Board meetings include an update on Covid-19 and how this affects the Commission. Resolved: That the paper be noted. Commission Board action

tracker (EC 30/20) Resolved: That the paper be noted. Meetings of note (EC 31/20) The Chair highlighted key points from a meeting earlier in the week with Chloe Smith MP. Resolved: That the paper be noted.