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Parliamentary Parties Panel minutes: 1 June 2021    On this page Introductions  
Post- election review – May 2021 elections Minutes of the last meeting and actions  
arising (PPP 2/2/2021) Commission update report AOB First published: 14 September  
2021 Last updated: 14 September 2021 Who was at the meeting Who was at the meeting  
Scottish National Party: Scott Martin (SM), chair of meeting Conservative Party: Alan  
Mabbutt OBE (AM) Catherine Latham (CL) Liberal Democrats: Kerry Buist (KB) Labour  
Party: Andrew Whyte (AW) Alba Party: Chris McEleny (CM) Electoral Commission: Ailsa  
Irvine, Director of Electoral Administration and Guidance (AI) Craig Westwood,  
Director of Communications, Policy and Research (CW) Laura McLeod, Public Affairs  
Manager (LM) Alex White, Senior Communications Officer (AMW) Cabinet Office: James  
Hairsnape (JH) Guy Daws (GD) Introductions SM welcomed CM to his first PPP meeting.  
SM asked whether the Cabinet Office had any papers to circulate to the PPP members  
regarding the upcoming UK Government legislation, as it had done for the Scottish  
PPP. JH noted he would give an update on the forthcoming Electoral Integrity Bill,  
and proposed changes to notional spending, under AOB. Post-election review – May 2021  
elections Guidance SM asked when all the Commission's guidance would be moving to the  
new format. AI explained that this had now been completed for guidance for Electoral  
Registration Officers, and guidance for parties, campaigners and candidates, as well  
as Returning Officers, would follow from next summer ahead of the May 2023 elections.  
CL requested that when the Commission issues new guidance under the new format, old  
versions are left on the website for reference until the new format is complete. SM  
asked if users would be alerted to guidance changes under the new format. AI  
explained guidance pages would show when they were last updated. She undertook to  
discuss with regulation colleagues how the Commission could update parties on  
guidance changes as it currently does through its electoral administrator bulletin.  
SM noted there had previously been issues with version control, highlighting guidance  
on commonly used names in Scotland as an example. AI explained the Commission has  
quality assurance processes in place, but noted that one of the benefits of the new  
guidance format would be that it will make version control easier. Nominations SM  
said that pre-checking nominations by email was helpful and should be retained for  
future elections. CM agreed, but suggested moving to an all-electronic system for  
handing in nominations in future. AW agreed with the importance of not losing some of  
the Covid-secure changes which worked well in the recent elections, including pre-  
checks for nominations. He noted there had been frustration with some Returning  
Officers not taking BACS transfers for deposits. Absent voting KB and AW both noted  
problems with some local authorities which had been affected by issues with third-  
party printers, resulting in delays to the despatch of some postal votes. AI  
explained the Commission was picking this up with local authorities as part of its  
post-poll work, but noted that affected Returning Officers had made efforts to  
mitigate the impact. GD noted the Cabinet Office was also looking at this issue. SM  
explained the Scottish PPP had discussed whether absent voter files could be supplied  
earlier or by a set date as some local authorities delayed providing the files in  
case of cancellations. He also suggested the possibility of allowing postal voters to  
cancel their postal vote and apply for an emergency proxy, should they find  
themselves away from their home and unable to hand in a postal vote in time.  
Campaigning and polling day KB noted there had been problems with polling agents not  
being given access to polling stations in a couple of areas. CM highlighted that it  
had been hard for campaigners to override wider public health guidance, where  
campaigning guidance was more permissive, suggesting that for any future elections

under Covid restrictions, guidance on campaigning should set out a clear number of campaigners allowed in a group. Verification and count AM explained that generally, Returning Officers had allowed good access to counts, but it took negotiations in some situations, while in others there were insufficient people to observe counts fully, and noted the importance of candidates and agents having visibility of the process. AM also raised the forthcoming Chesham and Amersham by-election, suggesting allowing access to counting agents should be a priority over any press access. KB agreed and noted the Liberal Democrats had been told they could only have three people at the by-election count. AW agreed that most ROs had been helpful, but some appeared to have used Covid restrictions to make things harder for parties and candidates, and that it would be helpful to make clear that these elections were unique given the circumstances, and that access should be allowed as normal in future. SM also suggested updating RO guidance to allow more counting agents to be appointed than expected, in case an allocation isn't taken up. He noted this was particularly important for list elections, where not all candidates take up their allocation. KB noted there was an issue with consistency across count venues, with some requiring lateral flow Covid tests, and others not, despite being in the same region, which made it difficult to brief activists. CM also noted inconsistency across venues, with the example of mobile phone use being allowed at some counts but not others. AI thanked the parties for their feedback on the May elections, explaining it would be helpful for the Commission's post-poll reporting work and also in highlighting areas for consideration in relation to future guidance updates. Minutes of the last meeting and actions arising (PPP 2/2/2021) KB said she had not heard back from NPCC regarding a request to meet with the parties, and would follow this up. On the Commission's actions relating to guidance on ROs accepting bank transfers, AI explained the guidance had been updated, but noted it would be helpful to hear examples of which ROs could be encouraged further, which AW agreed to provide. AI explained the majority of guidance updates are highlighted in the Commission's EA Bulletin, and the bank transfer guidance was included in the supplementary guidance on Covid-secure elections which the Commission drew attention to. SM requested a correction to the minutes regarding line 4.1 on Political Finance Online, and also asked for an update on the project including whether there was an opportunity to input further to the development of the spending and reporting side of the project. CW said the Commission had been in touch regarding training, but agreed to provide more detail on development. The minutes were agreed. Commission update report CW explained the report was relatively short this month as most of the Commission's focus has been on May's elections. He noted John Pullinger, who has now been appointed as Commission Chair, is keen to engage with the parties. There was a brief discussion on the publication of spending returns. SM asked if the Commission would publish a spending tool for the recent elections as it had for the 2019 UK Parliamentary general election. AM asked when the Commission would be finished with publishing the 2019 UKPGE returns, and SM asked if the Commission would publish a report on spending. CW agreed to follow up in writing after the meeting. AOB Notional spending JH provided an overview of the UK Government's Electoral Integrity Bill, and noted that the Cabinet Office had recently written to parties on two aspects of the legislation relating to notional spending and digital imprints. He also noted that reforms to undue influence, and extending electoral sanctions to cover intimidation, would be of interest to the parties. AM explained he had not seen the letter from the Cabinet Office relating to notional spending, and had only seen a similar letter which had been sent to the Scottish PPP members. He set out his concerns with that

letter, in particular how it appeared to change the interpretation of what spending should be reported under section 75 of the Representation of the People Act, and the impact this could have on volunteers. He explained it was important to make returns as easy as possible. JH set out the UK Government's objective to make sure candidates and agents understand the law, so it is easier for them to comply, and explained the letter should have been sent to the parties on 7 May. He noted the need to clarify spending under section 90C and section 75, as a lot of activity which should be reported under section 75 is currently reported under section 90C. He explained the UK Government aimed to make changes to section 90C to provide reassurance and communicate how reporting requirements under that provision are distinct from section 75 reporting. JH explained the Cabinet Office would be working with the Commission on these changes to ensure clarity. AM explained that most parties avoided spending under section 75 as once they give a third-party that power, the political party lost control of the spending returns but would still be legally responsible for it. He reiterated concerns about the changes being communicated to the parties after a large set of elections where most people would have been acting under the previous interpretation. KB raised concerns about losing volunteer agents if the proposed changes are not clear, and that there is an urgency about introducing the changes if the parties are to train activists in time for the next general election. JH explained the whole objective is to make spending requirements clear, and that Cabinet Office expects to work with the Commission on near-term guidance, and will collaborate with parties before the Bill becomes law. He noted the Cabinet Office is mindful that the parties need guidance in advance. SM noted the need to not rely too much on guidance at the expense of clear and workable legislation. JH agreed to bring parties together for a separate meeting, and to recirculate the letter of 7 May.

Codes of Practice and digital imprints SM asked whether Codes of Practice spending categories would be picked up in the forthcoming legislation. JH noted the Cabinet Office was aware of concerns, but this would not be in the Bill as the plan is to allow for reworking of the Codes in light of changes brought forward by the Bill before putting them on a statutory footing. SM asked if there would be further consultation with the parties; JH said he expected there would be if there were major changes, but would need to confirm this. JH raised the introduction of digital imprints, explaining the proposed definitions and which content would be covered. SM asked if there was much difference with the digital imprints regime in Scotland; JH confirmed there are broad similarities but that there are some key differences between how the two regimes have been constructed. For example, the current version used in Scotland uses the concept of a personal opinion exception whereas the UKG version does not, the UKG proposal includes a broader definition of material for paid-for political advertising, and there are differences in terms of enforcement powers, amongst others.

Next meeting SM asked the Commission if any consideration had been given to inviting Commissioners and party treasurers to future PPP meetings. CW said that the Commission is giving ongoing consideration of where best to fit this into the meeting schedule. The date of the next meeting was confirmed, Tuesday 7 September 2021.

Commission actions

Status To provide the following updates on Regulation work: The development of the spending elements of Political Finance Online 2019 UKPGE spending returns, including whether the Commission intends to publish a report. Confirm whether the Commission will publish a spending tool for the 2021 elections. Complete To consider how the Commission can update parties on future guidance changes as it currently does with EA bulletins. Cabinet Office actions

Status To arrange a follow-up meeting on notional expenditure