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Speech, and related matters Discussion on the findings from the winter-tracker
research Scoping for procurement of external facilitator for 2020 Board effectiveness
review First published: 22 January 2020 Last updated: 6 February 2020 Meeting
overview Date: Wednesday 30 October 2019 Location: Boothroyd Room, 3 Bunhill Row,
London 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 Sue
Bruce Sarah Chambers Stephen Gilbert Bob Posner, Chief Executive Ailsa Irvine,
Director, Electoral Administration and Guidance Kieran Rix, Director, Finance and
Corporate Services Amanda Kelly, Interim General Counsel Majella La Praik, Head of
Registration and Reporting Niki Nixon, Head of External Communications David Bailey,
Head of Strategic Planning and Performance David Meek, Senior Advisor, Governance Tim
Crawley, Head of Campaigns and Corporate Communications (for item 1) Petra Crees,
Planning, Performance and Governance Manager Phil Thompson, Head of Research (for
items 1 and 2) Tom Hawthorn, Head of Policy (for items 1 and 2) Emma Rose, Senior
Research Officer (for item 2) Helen Lyon, Research Officer (for item 2) Apologies
Craig Westwood, Director, Communications, Policy and Research and Louise Edwards,
Director, Regulation gave their apologies. Consideration of likelihood of unscheduled
electoral events, Queen's Speech, and related matters The Chief Executive discussed
the preparations that staff had undertaken in response to the vote in Parliament on a
proposed UK Parliamentary General Election on 12 December 2019. The Chief Executive
noted the preparation work we had undertaken in advance of this election. We had
moved into operational mode, with daily meetings to ensure that we were able to
deliver our functions in relation to the election. The Chief Executive assured
Commissioners that they would be briefed on any developments throughout the campaign.
The Director of Finance and Corporate Services discussed the financial implications
of the unscheduled event. We had submitted a request to Her Majesty's Treasury for an
advance from the Contingency Fund to deliver our work for the election. We were now
able to proceed on staffing and advertising resources needed. Recruitment activity
had started to fill the contingency roles that were required. The Chief Executive
noted that we had grown our core staffing numbers in the wake of the recent budget,
so there were fewer additional staff required, and they weren't needed with the same
urgency as in previous instances of unscheduled electoral events. The Director noted
that there was essential Information Technology (IT) activity underway, work on which
would continue, but disruptive work would be minimised. The Director explained that
the Commission would be required to submit a new five year corporate plan in the new
Parliament as required by the Political Parties, Elections and Referendums Act
(PPERA), by February 2020. The timing of the election gave a very short period for
forming the plan. We were therefore planning to propose this would be a detailed plan
for year one and a high-level summary for the subsequent four years. We would then
request the opportunity to deliver a new, more considered, corporate plan to the
Speaker's Committee later in 2020. The Board would consider for approval the new
corporate plan in the coming months. The Head of External Communications explained
that we had already briefed our creative and media strategy agencies on our campaign
work, and would finalise the media strategy soon. We had also updated all our voter
content on our new website, which would go live immediately. The Board heard that we
had an agency based in Northern Ireland to run campaigns there, and another agency in

Great Britain. These campaigns would be comparable but different, and would be nation-sensitive. We had had initial conversations with large social media companies about voter registration reminders. We had begun to increase our staffing numbers in the public information and press office teams, and both teams had already started to see an increase in enquiries. The team were providing support for the registration campaign. The research team had set up a contract for our post-poll public opinion survey, and work was underway to capture requirements for other key areas of research such as electoral data, candidates' survey, and Returning Officer feedback. The policy team had started the daily internal monitoring process to identify emerging external issues and assign actions throughout the election period. They would also monitor policy announcements from the major parties to identify any commitments that were relevant to the Commission. The Head of Registration and Reporting advised that regulatory guidance would be published as soon as we had certainty over the regulatory timetable. We would also publish guidance that covered pacts for parties, such as where one party stood aside for another. The Board heard that the rules in this area were complex and could vary depending on specific circumstances. We were due to send a regulatory bulletin out to registered parties and registered non-party campaigners. Due to the short timeframe before close of nominations and statutory requirements for consideration of registration applications, we were unable to decide new registration applications in time for the election. We would make this clear on our website. We would continue to register non-party campaigners right up to polling day. We had planned to use our resources flexibly, and would be undertaking real time regulation. Our resources would focus on parties and campaigners where there was greatest risk of non-compliance. As in 2017, we would provide the Police with information on key dates and links to the approved professional practice website. We would continue to provide reactive general advice about potential offences. The Director of Electoral Administration and Guidance provided an update on the guidance we had issued for Returning Officers for administering the polls. We had confirmed the election timetable, following a technical amendment to the election bill which ensured there was the same registration deadline across the UK. We had also shared supplementary guidance around managing unscheduled polls, with a particular focus on the specific circumstances relating to a poll in close proximity to the end of the canvass period and in the winter. We would issue a survey this Friday to get information on how the polls would be managed, which would help us build up a picture of arrangements across the UK and identify any potential issues which we would then follow up. We would continue to use the Electoral Coordination and Advisory Board structure that worked well in the European Parliamentary Election. Cabinet Office would be involved in this group, which was important as they were responsible for the funding of the elections. The Director also provided information on key dates in the timetable for a UK Parliamentary General Election. The Chair sought greater clarity on how we would regulate electoral pacts. The Head of Registration and Reporting said this would depend on the individual arrangements, and how money was being spent in each pact. We had raised awareness, and asked such campaigners to contact us so that we might provide bespoke advice to them once we understood their circumstances. Where we saw such pacts, we would be proactive in offering them advice. The Board questioned how we identify third-party campaigners, and how we would know if they had crossed the spending threshold. The Head of Registration and Reporting explained that this would be determined by the monitoring we do, and in some cases requests for information on how much they had spent on such campaigns. The Board discussed the implications of one party spending money on another party's candidate, and who needed

to declare such spending. The Chief Executive explained that such spending could fall under two different pieces of legislation (Representation of the People Act and Political Parties, Elections and Referendums Act), which had different rules and different levels of allowable spending. The Board sought clarity on the proposed real-time regulatory interventions. The Head of Registration and Reporting explained that this covered a range of different methods, such as directly contacting someone to provide advice and guidance. The Board considered the circumstances under which a stop-notice would be issued by the Chief Executive. We had not had to issue a notice in the past, but the option was available if it was needed. If this was not complied with then it would become a court matter. The Board discussed the risk of regulating digital campaigning. The Board heard that we had put extra resources into this, and these staff would be monitoring online activity and media libraries. The Board was reminded that digital campaign spending was reportable in the same way as other campaign spending. The Board also discussed the activity that would be outside our remit, but would reflect on the Commission, such as a late-in-the-campaign “deep fake” video, which would be circulated before an election and could change the narrative. This would be outside the scope of electoral law. The Board raised concerns about the prospect of foreign interference. The Chief Executive reminded the Board that we had made recommendations on how electoral law should be changed, and none of these changes had yet been implemented. The Chief Executive advised the Board that the Cabinet Office’s Election Cell had been set up and tasked with monitoring security risks around the elections. This was similar to the approach taken by other countries. The Chair advised the Board that we had spoken to the security services about what could be learnt from recent elections around the world. The Electoral Commission had been invited to be a member of this Cell, and we had agreed to take part. This enabled us to assert where the government should not interfere in matters that were more appropriately in our remit. The Election Cell would monitor any foreign interference and deep-fakes, and decide any action to take. The Cell was chaired by the Deputy National Security Adviser. The Board discussed our ability to robustly refute inaccurate accusations and allegations. The Chief Executive noted that our future work could cover digital literacy, including encouraging voters to question sources of information, and the validity of information received. However, we were not in a position to lead in this area at this time. The Chair noted our role as being calm and reassuring. The Board heard that we did proactively rebut falsehoods on social media where possible, but that it could be hard to keep up with the volume. We had the ability to contact the social media company and have the information removed. We had built and maintained good relations with the public policy teams of the major social media companies so we could raise issues with them throughout the campaign period. The Board heard that we were proactive in monitoring developments throughout the election campaign which would assist us in preparing for future policy developments. The Board heard that we had identified the potential impact of a strike at the Royal Mail, and were working to develop an appropriate response. We were in regular contact with the Royal Mail to understand their operating environment. The Board heard that local authorities had been working on securing sufficient polling stations for the General Election over the past few weeks. The Board discussed the political situation in Northern Ireland, including the possibility of an electoral event such as a Northern Ireland-only referendum as part of the Withdrawal Agreement Bill. The Board heard of the preparation that we had undertaken for a potential Assembly Election in early 2020. We had not discussed specific referendums with the government, but there had been general discussions.

These were positive discussions, where we were able to encourage the government to ensure there would be sufficient time to prepare for any referenda. The Board enquired about our approach to involvement in media news programmes about elections. The Board heard that we had been sharing information in areas where there had been discussion on elections, but avoided involvement in political discussions. The Head of External Communications advised that we would shortly be pro-active in media interviews, focused on registration of voters, delivery of the election and compliance with the campaign rules. Discussion on the findings from the winter-tracker research The Head of Research presented the findings of the 2018/19 winter-tracker to the Board. We run this public opinion survey annually, and had been since 2006. The Board heard that the responses were collected online, as had been the case since 2017. The total number of responses was 1,731 from a nationally representative sample. The Board discussed the value of conducting these surveys annually. The Board heard that this information was published and used by the wider electoral community, including academics and think tanks. The three words that respondents used to best describe the Electoral Commission were 'important', 'professional', and 'independent'. The research found that confidence in casting a vote and registering to vote were high. Confidence that elections were well run was more volatile, but this could have been influenced more by external events. Confidence in well-run elections varied by age; with younger people less confident that elections were well run. This would be monitored to determine if it was indicative of a trend. Satisfaction with the process of voting at elections, the system of registering to vote, and that elections were well run was also variable, and might be influenced by results rather than what was under our control. The research asked those that indicated they were dissatisfied with the system of registration and the process of voting what would improve their satisfaction. Responses included automatic registration and the ability to check online whether a voter was registered or not, and the ability to vote online. The Board questioned whether we should ask all respondents what would improve their voter satisfaction, rather than limiting our data to the respondents who had indicated they were unsatisfied. Some of the areas of concern identified in the research included media bias, low voter turnout at elections, and inadequate regulation of the money political parties spent on their election campaigns. Different age groups had different perceptions of problems, and the research team would continue to monitor these responses to confirm whether these perceptions were linked to particular age groups. The research found low awareness of the way in which parties raised money to pay staff and contest elections, low confidence that spending and funding was transparent, or that voters could easily determine how parties were funded. However, half the respondents believed that authorities would take appropriate action in these areas. Sarah Chambers, Ailsa Irvine, Niki Nixon, and Majella La Praik left the meeting at 12.30pm. Scoping for procurement of external facilitator for 2020 Board effectiveness review The Director of Finance and Corporate Services asked the Board for suggestions on what topics they would like to cover with an external facilitator in February 2020. The Chief Executive suggested assessing the Board's impact or innovation as potential themes for discussion. The Chair suggested a broad look at the Board before assessing specific areas. The Board then discussed what kind of organisation would be best placed to lead this discussion. The Board suggested a more bespoke, tailored service most likely from a smaller organisation would be best. The Board discussed the value in having someone sit in on a Board and Committee meeting to observe how Commissioners interact. This would ensure that the review would cover the way the

Board works through its agenda and monitors the wider organisation, while also reviewing the dynamic of interactions. Some Commissioners said they would pass on the name of organisations they had previously worked with on similar reviews. The Chief Executive explained that the scheduled Board meetings would be affected by the General Election. The Board agreed that the Remuneration and Human Resources Committee meeting scheduled for 4 December 2019 would be moved to 22 January 2020. The meeting finished at 12.45pm.