

Public Administration and Constitutional Affairs Committee

Oral evidence: The work of the Electoral Commission, HC 560

Tuesday 6 March 2018

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Members present: Mr Bernard Jenkin (Chair); Dame Cheryl Gillan; Kelvin Hopkins; Dr Rupa Huq; Mr David Jones; Sandy Martin; David Morris.

Questions 1 - 140

Witnesses

I: Bob Posner, Director of Political Finance and Regulation and Legal Counsel, Electoral Commission, Claire Bassett, Chief Executive, Electoral Commission, and John Holmes, Chair, Electoral Commission.

Examination of Witnesses

Witnesses: Claire Bassett, John Holmes and Bob Posner.

Q1 **Chair:** Can I welcome our witnesses from the Electoral Commission at this session to review the general election of 2017? Could I ask each of our witnesses to identify themselves for the record, please?

Sir John Holmes: I am John Holmes. I am the Chair of the Electoral Commission.

Claire Bassett: Claire Bassett, Chief Executive of the Electoral Commission.

Bob Posner: Bob Posner, Director of Political Finance at the Electoral Commission.

Chair: Thank you very much for joining us today. We will ask brief and snappy questions. If you can keep your answers relatively short, it does help us and we can get through the agenda.

Could I ask at the outset, this was a very suddenly called general election—I should just say, one or two of us will declare interests that are not on the register, but nevertheless may be germane for us to declare. I



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was a director of Vote Leave. I do not know if anybody else wants to declare their interests now.

Mr Jones: Yes. I was a member of the compliance committee of Vote Leave.

Kelvin Hopkins: I was co-chair of Labour Leave. I do not know if that counts.

Chair: Cheryl.

Dame Cheryl Gillan: Yes. I sit on the Constitution Unit's Independent Commission on Referendums at the moment and I am the rapporteur for the Council of Europe for the Political and Democracy Committee, of which I am a vice-president, on the updating of the rules on referendums, working with the Venice Commission.

David Morris: I was on the battle bus investigations.

Chair: We are all members of political parties of one sort or another. To start with, this was a very snap election, called on a very tight timetable. How well did the Electoral Commission do?

Sir John Holmes: Perhaps I can start with that, Mr Chair. Obviously calling a snap election does compress the timetables very significantly, but we had contingency plans in place for a snap election, because it was clear from the referendum onwards that there might be a possibility of that, therefore we had our contingency plans and rehearsed plans, which we are able to put into place quickly. For example, we were able to produce most of our guidance to local authorities and others in three days, and the complete suite of our guidance, including to political parties, in a couple of weeks, leaving a reasonable amount of time for everybody to work effectively.

It also poses problems for our awareness campaigns about registration, because again, you do not have the lead-up that you would normally have for a pre-planned election. That meant that, for example, it is harder to book some kinds of billboards, it is harder to set up partnerships of the kind that we always do to get our messages across with the Foreign Office or the Ministry of Defence or some other private partners we work with, such as Facebook and Instagram. But again, I think we were able to get over that and to produce a full-blown awareness campaign, which was shown in the number of people who did register during that campaign.

Overall, I think not only the Electoral Commission but the system responded well, despite the challenge of local elections as well shortly before the general election. The system performed well. The evidence we have from voters and from candidates is that they thought the process was well-run.

Claire Bassett: The only thing I would add, we were also able to mobilise our support for candidates and parties very quickly, so we were proactively offering them advice and support from a very early point. We



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had our helplines both for parties and candidates and for the general public up and running very quickly as well.

Q2 Chair: What were the most challenging issues for the Electoral Commission and for the electoral system more generally on the short timeline?

Sir John Holmes: The main challenge for us perhaps was on the awareness side, as I say, mobilising a rapid campaign, which we could not really start in much of the country until after the end of the campaign for the local elections for fear of confusing voters, because of course they were in different places around the country. That was a particular challenge for us.

There is a wider challenge for the electoral system, which was dealing with the local elections, which were on 4 May. The election was on 8 June and there were also combined mayoral elections at the same time, so they were already fully engaged in running an election, with all the extra work that that involves and at a time when I think that electoral system, the electoral administrators, are under strain through general resources strains in local authorities, and I think perhaps more importantly in some ways, a haemorrhaging of experienced electoral officials. That was an extra strain for them. It meant they had to work extremely hard to cope with that. They did a very good job in the circumstances but I think that was where the biggest strain was for them, not for us.

Chair: We will come back to the local authority capacity later.

Claire Bassett: May I just add one other thing? A unique challenge of this election as well was in the run-up to it we obviously had a number of cyber threats, WannaCry and another activity, and then the physical terrorist events in Manchester and London Bridge as well. I think they added to the pressure and they added to that challenge. One of the things that we were able to do again was to mobilise our support for returning officers, so that we were having very regular dialogue with them. We were also having dialogue with NCSC, the civil contingencies, and Cabinet Office to make sure that we were able to keep planning in case of an event very close to the election, to make sure that took account of the legal position of elections and also make sure that returning officers were clear about what they could do, the guidance that was available and the support that they were getting.

Q3 Chair: What about the internal challenges for the Electoral Commission?

Claire Bassett: We had established contingency plans that we had tested and were in place. As John said, we were able to mobilise them very quickly. Obviously we had to move around some of our resourcing and we had to recruit some temporary staff very quickly, which is what we would do in a normal scenario as well, so we were able to do that. Probably the proximity of previous significant electoral events meant that we knew who we could call on and we were able to get back some staff who had previous experience with us. I think we were able to respond



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really well. We did move some resourcing around. Of course for the Electoral Commission, it is not just the polling day and the immediate run-up to polling day, but our work goes on afterwards as well and that is continuing work that we are resourcing and managing still.

Q4 **Chair:** Who are these people who you just ring up and happen to be spare and available?

Claire Bassett: What we do is we use our existing staff in the more skilled jobs, so we have quite a flexible staffing structure now, which means that we have staff who have clear roles when there are elections going on, but are also involved in project work and other activity outside of the busy election period.

Q5 **Chair:** So there is a lot of reassignment?

Claire Bassett: Yes, so we reassign those. Then, for example, we have the helplines that I mentioned earlier. We will need people to answer those phones, people to answer the fairly straightforward questions and then signpost the more complex ones to more experienced people. A number of those people came back; they had worked for us previously. They tend to be temporary staff that we have and we can train up quite quickly to those roles. Where we need the skills and experience, we reassign.

Q6 **Chair:** In terms of the challenges you were dealing with, what was the worst moment?

Sir John Holmes: The biggest fear was of an attack during the election or immediately preceding the election or an attack on a polling station during the election. That was the one we would have struggled most to deal with, if you like. The preparation for that and the discussions for that and, as Claire was saying, the co-ordination with the returning officers around the country and police forces and so on was something that preoccupied us, because it was something different from what we faced in previous elections. Most of it was straightforward but telescoped it, if you like.

Claire Bassett: But it was something we managed to do well and it is something that Solace, AEA and others have picked up in their reports, that we were able to offer that co-ordination. I think a real positive that came from this was how we were able to work with the Cabinet Office in particular about the contingency planning, how, for the first time, we were attending some of the civil contingency meetings and we had a direct dialogue with NCSC so that we were all very clear about the expertise we could offer if something had happened. From our point of view, although that was one of the challenges, that was probably one of the very positive things that came out of it as well.

Q7 **Chair:** But that was not a problem with the snap election, was it?

Claire Bassett: No, that was just the timing of that particular election.



Q8 **Chair:** What were the biggest worries because this was such a short-notice election?

Claire Bassett: Although it was short notice, I don't think it was completely unexpected. We had had contingency plans in place for some months and we had been modelling date scenarios and what that would mean. For example, before the date was announced, we knew what the implications would be if it were that week, because we had thought about it in terms of the proximity to the May elections and we had that model for a period of time. We had already started to build our relationships as part of our broader improvement work with the local authorities, our approach to risk management there and the performance standards, that was all up and running. Although it was a snap election, it was not wholly unexpected and we were quite prepared.

Sir John Holmes: What I can add to that, as someone who is not part of the staff, you might have imagined that calling a snap election would result in confusion, panic, people running in all directions. In fact, my observation from semi-outside is, as it were, that the machine clicked into gear straight away. Everybody knew exactly what they had to do and it all worked very smoothly, rather than a panicky operation that you might have imagined.

Q9 **Chair:** What advice does the Electoral Commission give to the Government about feasible dates? Is this something that you do on an ongoing basis? Do they ring you up and ask?

Claire Bassett: No, as far as I am aware, we do not provide advice to the Government. It is an exercise we do internally in terms of what it would mean, for example, for overlapping campaign periods for, as John references, our registration campaigns to make sure we do not send information out. But in terms of the actual periods of time that are required, timetables for elections, the Cabinet Office is as aware of that as we are and they will do that work themselves.

Q10 **Sandy Martin:** Just very briefly, Ms Bassett, would you agree with Sir John that it was not so much the amount of time before the general election, it was the fact that it overlapped with an existing local election, which might have made things difficult?

Claire Bassett: That certainly added to the challenge. It did with the referendum and 16 May. There were about five or six different polls in May. It does add to a bit of challenge, so it is things like availability of polling stations and count venues, getting staff. If people have geared up their holiday to take it after the planned event, it does add to the challenge that local authorities have had. On the other hand, it does have some benefits. Awareness of elections was high and people were registering to vote for the May elections; we had that campaign. That meant we did have record numbers registered to vote, so there are some benefits, but it certainly adds to the pressure of those administering the polls.



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Q11 Dame Cheryl Gillan: Does the same apply to referendums? Because I certainly discussed with the Electoral Commission the timing of the Welsh referendum.

Claire Bassett: Sorry, the question is about whether we discuss with the Government?

Dame Cheryl Gillan: Yes.

Claire Bassett: Yes. I was not there then, so I am not sure exactly, but—

Q12 Dame Cheryl Gillan: No, I know you were not. That is what I am saying, I took that as a matter of course.

Claire Bassett: Yes. Certainly we wouldn't not give advice, but as far as I am aware, certainly last year we were not asked for advice, but we have ongoing dialogues with the Cabinet Office officials. We are in there meeting with them very, very regularly and we would certainly provide that and be very happy to.

Q13 Dame Cheryl Gillan: Had you been asked for advice, would you have advised them to run the snap election on that date or would you have advised them not to?

Sir John Holmes: I think our advice, if we gave any, would be more about the risks and consequences that might have, rather than saying whether you should do it or not. That would be beyond our pay grade, I feel.

Chair: I think that is what Cheryl meant.

Claire Bassett: As you say, we certainly did at the referendum. We highlighted the risk of overlapping periods and particularly around getting leaflets out and that sort of thing and the confusion that could cause.

Q14 Chair: In the light of all this experience, what would be done differently next time?

Claire Bassett: We have already made some changes. As John mentioned, we turned our guidance around extremely quickly. We had most of it out on the same day and most of it translated into Welsh within a week and out. But one of the things we have done is change our approach to the guidance, so we are doing it on a rolling basis now, so it is available the whole time so that returning officers can access it and think about it. We would just have to make minor specific changes. I think that is a positive change we have already made.

In terms of the public awareness, we have, as part of our planned refresh, done a refresh of public awareness materials for this May's elections. Again, that means that we would have that available and ready. We have established "Roll Call", which is our newsletter, which local authorities can sign up to and get ongoing advice, materials and information about campaigns. We have done a lot of that.



On the political finance side, we also have ongoing dialogue, more so I think with the political parties and campaigners, providing advice and support and, for example, contributing to workshops with non-party campaigners, making sure they understand the rules, that sort of thing. We have a more ongoing rolling process now, but in terms of our actual preparations for how we staff up the office, how we respond to the challenge, I don't think there is anything significant we would change.

- Q15 Chair:** The Association of Electoral Administrators, which is basically the local authorities, they are confronted with the real infantry role, if you like, in delivering the general election, dealing with the nomination of candidates, the print and dispatch of postal voting packs, the new and updated electoral registrations and applications, postal and proxy votes, printing polling cards, ensuring safe and secure arrangements for polling places, organising the count, including securing venues for counts and recruiting staff for counts. They described this election as being a perfect storm that led to the entire electoral system being closer to breaking point than it has ever been before. This does not seem to be evident in your tone to us at the moment. Why do you think that they have such a different view?

Sir John Holmes: You were asking us mostly about the Electoral Commission and how we responded to it. I think we were more able to cope with that than they, as you say, who are on the frontline confronting two elections in quick succession, against this background, as I mentioned at the beginning, of reducing resources and haemorrhaging of professional staff. There is no doubt that they did find this a big strain. I think they coped. The election was successful. There were some minor problems—not minor for those involved, but minor in the scheme of the whole thing, which you might want to come on to—but overall the system did cope, but it put a huge amount of strain on them.

I have talked, as I am sure my colleagues have, to electoral administrators who have described to me that working two months without respite on that process was extremely stressful, with all the loss of holidays and so on that Claire was talking about. But some of the issues they are talking about apply whenever the election is and not just a snap election. Snap elections make it worse but there are issues there that are more long term, which need to be addressed.

- Q16 Chair:** I appreciate they are accountable for delivering those aspects of the general election; those aspects of the general election are not your responsibility. But I would have thought if they were that worried about it, I would expect the Electoral Commission to be worried about it too.

Claire Bassett: We are. We brought it out in our post-election reporting. We highlighted it quite significantly in there and there is a really strong correlation of what we are all saying, because I think we share the concern that there are some real challenges. These challenges, as John says, are about the capacity to deliver elections going forward, both planned and unplanned. There are changes in the capacity and capability



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of skilled people, the pressures that improvements to things like registrations have done in terms of condensing the workload around elections.

The more successful we are with our campaigns to get people to register to vote, the introduction of the online application process means people are more inclined to apply to register to vote in the immediate run-up to elections, whereas perhaps in the past the annual canvass drove that more. There are a whole range of things. I think we are with the AEA and Solace in really wanting to see some changes to the overall system because just running faster is not a solution, we need to run better.

Q17 Chair: Which are the most serious challenges facing local authorities and how should they be addressed?

Sir John Holmes: Let me start. One of the most serious, I think, is the issue of duplicate registrations, where people register to vote thinking they are not already registered or worrying that they are not already registered and therefore register again. These applications arrive on the—

Q18 Chair: We are going to come to that later; we have some questions about that later. Is there anything else?

Claire Bassett: The biggest one is about resourcing and one of the challenges that we have seen emerging and growing—and AEA have particularly picked this up—is around not just the number and volume of people working in elections, which has reduced as local authorities have suffered cuts, but also the capacity of people to fill those posts. Increasingly people are retiring or leaving the profession and so even if you have the resources, it is proving very hard to recruit permanently into EMS roles and to returning officer roles. That is putting real pressure on the whole system, because there is only a limited number of interims. Historically we have relied on quite a high number of experienced interims coming in to cover different local authorities at times of pressure.

The problem now is that there is less and less of those interims. We are working with the AEA and with Solace to think about how we can start to build back up that skill base. We have been supporting the AEA's training, we have been introducing other training around specific topics to try to make sure that we try to fill that gap. But there is a risk here that these sort of electoral roles are seen as extremely hard work and not necessarily career enhancing. I think that is another real challenge that we have, to make sure that we can attract people to want to do these roles. Again, we need to work across people to do it.

Just one other point on this is just about what we ask people to do and sorting out the process as well and making that more efficient, using things like data matching and other activities, which just reduce the manual work burden on these elections teams.

Q19 Dame Cheryl Gillan: How much is the financial aspect of elections a



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problem? Because I understand the Cabinet Office did not confirm exactly what they were paying for until after the election. We know—certainly in my area—that local government is always up against a diminishing budget and real strains as far as financial resources are concerned.

Claire Bassett: The fees and charges for elections come through the Cabinet Office and that is paid on an agreed rate that is then adjusted afterwards, depending on what is spent, so it does take a little while after the event to know how much has been spent. I do think the resources in local authorities has an impact on this, because what is happening is you are not having as many people working in a dedicated elections team. You have more people with perhaps two or three jobs or two or three aspects to their jobs, which means that there is a sort of pressure on an ongoing basis. Where we saw problems and challenges this time, it was not through lack of funding for posts, it was through the inability to fill posts or to find experienced people with the right knowledge to fill those posts as well. I think it is a combined thing that is adding to the problems.

Q20 **Dame Cheryl Gillan:** How would you remedy that?

Claire Bassett: I think that we do need to think about the actual nature of working in those teams, how we can improve that work and how we can use more modern work practices and processes to do that. The plans we are already working with AEA and Solace on are around offering training opportunities, making sure that people can have the skills and support that they need to do the role well.

From our point of view, it is things like making sure that our guidance is as good as it can be. We are just embarking on a big project to modernise the way we deliver guidance for EROs so that they are able to access that more easily and hopefully that will support new EROs better as well. There are a range of things we can do but unfortunately there isn't a magic wand that is going to fix this, I don't think.

Bob Posner: Just to step back, electoral administrators are working in what is an archaic system and archaic laws. The Law Commission of the UK have a set of recommendations that are on the table that would hugely modernise, rationalise and simplify the system and greatly benefit political parties and campaigners as well. I think that would help. It would help local authorities and help attract people to do the job and do it well, so there is that bigger picture. The potential is there.

Dame Cheryl Gillan: You think the time for legislation has arrived? Yes, okay.

Q21 **Chair:** Dream on. The worst problems occurred in Plymouth and Newcastle-under-Lyme and these related to failures to accurately update the electoral register, sending out incorrect postal votes and polling cards and failing to count some votes. What conclusions do you draw from these particular failures? Let's be clear: these were not critical in the turnout of those elections but they were nevertheless very serious



failures.

Claire Bassett: They really bear out what I was just saying. One of the significant problems in both of those areas was the lack of permanent experienced staff in key electoral posts. There is no doubt that that contributed to it. The RO in Plymouth was trying extremely hard to fill those posts, was unable to and they were reliant on less experienced interim staff. The recommendations that came out of, for example, the Newcastle report that was done are for the need for more training, more knowledge for those teams and those staff. That is the strongest issue that they had, inexperienced staff, which meant that when they were faced with the other challenges, for example, in dealing with the EMS suppliers and handling the complex systems—that could also be modernised—the combination of antiquated systems and inexperienced staff created these problems.

Q22 **Chair:** How much can you tell in advance which local authorities are going to be in trouble?

Claire Bassett: We have a risk-led approach to this, where we look at them and we have different criteria that we look at. We have introduced more of those this year, where we have been thinking about different risks that might come up. We try, but it is quite hard, we cannot tell for sure. Those two, I think Newcastle was on the amber status and we were in dialogue with them, but unfortunately we are reliant on what they share with us.

Q23 **Chair:** What about Plymouth? Were they on your radar as well?

Claire Bassett: They were, yes. We were having quite ongoing dialogues with them, because some of their problems started earlier.

Q24 **Chair:** What proportion of local authorities delivering elections are of concern in terms of their capacity and capability?

Claire Bassett: I do not have the exact number at the moment. We are going through that process in the run-up to next May. I think it is around 20 to 30 in the red area typically.

Q25 **Chair:** Is that list publicly available? Could you make it available to us?

Claire Bassett: I can certainly check. Our previous approach was just to use the risk of fraud as the measure and to identify those who were a high risk of fraud. We certainly made that public. We have tried to evolve that so that we can also identify other factors, which is not just about fraud, but about systemic risk as well. I need to check, but we can certainly write to you afterwards and confirm.

Q26 **Chair:** You have laid great emphasis on personnel and skills as being the critical factor, but elections are becoming more and more complicated and more and more reliant on private sector parties, like the Royal Mail, like printers. To what extent should the taxpayer be having to pay for standby capability in non-governmental organisations like printers?



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Claire Bassett: I am not sure of the extent to which they are paying for a standby capability. In fact, the opposite—

Q27 **Chair:** Should they be?

Claire Bassett: That is the challenge. Certainly we saw that with the printers, where they had the demands of May and then went quite quickly into the June demands. We certainly did see some printers struggling then. I think that is a challenge. One of the things we would like to say is let's think about how we do this and the specifics around it and whether there are smarter ways of working. At the moment, we do have a challenge if we have two very big events close to each other on demands on paper—it is not just the printers—so I think it would be very hard to have a standby of paper as well.

Q28 **Chair:** Maybe we could have reserve stocks of paper.

Claire Bassett: We could have warehouses, yes.

Chair: It would not be impossible.

Claire Bassett: No. That is something we can certainly look at. It was an issue in terms of needing to manage demand across different printers. I don't think we found ourselves in a position where people could not get their printing done but what we did find is that people could not always use the printer that they had the ongoing relationship with. Of course with the more complex system, that creates more risk.

Q29 **Chair:** What dialogue do you have with the Royal Mail about where failures in their deliveries occurred?

Claire Bassett: We have ongoing dialogue with Royal Mail. We obviously established quite a good relationship with them around the referendum, when we were directly managing that relationship there. We meet with them regularly and will raise issues, if issues become apparent. For example, in the dispatch of postal votes in the run-up to the election, we will raise those if we need to, but a lot of that will also be the responsibility of the RO to deal with local issues, because quite often it is not immediately clear where that went wrong and it needs that investigation locally.

Q30 **Chair:** Is there a trend in the reliability of their capability?

Claire Bassett: I don't think so. Certainly the issues that were seen in Plymouth and Newcastle were not specifically about Royal Mail. There were some issues about the postal vote, but some of that was about what information had been sent to printers and then from there and things like that, rather than particularly a Royal Mail focus, I think.

Q31 **Mr Jones:** Both the Commission and AEA have previously observed that the legal timetable between dissolution and polling day for general elections is too tight. To what extent, if any, has that view been amended since the general election of last year?



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Claire Bassett: The place where we most feel that is with overseas voters and the speed with which we can get papers out and deal with the postal votes, if that is what they want. That was particularly tight and felt last year. I do not think the position has changed more generally than that. I do not think we experienced any new issues. I do not know if you have anything from a campaign point of view.

Bob Posner: No. A timetable that was much more uniform across all types of elections would clearly be beneficial for everyone and it is a tight timetable.

Q32 **Mr Jones:** How would you change the timetable? To what extent would you extend it?

Bob Posner: I will come back to the Law Commission again. It is advocating a standard broadly 25-day timetable. There may be one or two exceptions or nuances on that but that is what it is advocating. If you get that consistency across all elections, the consistency of process, then you would get better systems. You would get the Royal Mail knowing that and being able to react to it and so forth, so it would all flow through. Different elections, different timetables, different requirements, different rules, it does not help.

Q33 **Sandy Martin:** Before I move on to the main question I was going to ask, I just have something else to say about the timetables. On the official timetable, there is a last date for applications for postal votes. However, there are no dates for delivery of postal votes. Would you believe that it would be sensible to have both a first date for the delivery of postal votes and a last date for the delivery of postal votes, given that obviously the people involved in the election would quite like to know when their postal votes are going to arrive, both the parties and the candidates involved, and also of course the people who are applying for postal votes? If you are going on holiday, you want to know whether or not you are going to get your postal vote before you go on holiday.

Claire Bassett: I totally understand the principle of that. The challenge is if you make that a requirement of a returning officer, quite a lot of once it leaves them until it arrives is outside of their control. That is particularly a challenge for overseas voters. Some not too distant shores, where we send them out, even though they are in the international service, they can then take a disproportionately long time once they get to another country and we are limited in what we can do with that. What we do do is encourage postal votes to be sent out at the earliest possibility—immediately afterwards—for all those reasons, but I agree. It is difficult for people who are going on holiday and I know there are people who have those challenges and we do help them where we can. But I think the practicalities make it quite difficult.

Q34 **Sandy Martin:** If I might, on the practicalities for having deadlines for overseas voters might be difficult, however, there is nothing to stop you from having a different deadline for people within the constituency. Can I



just add that although obviously we are not here to discuss individual elections, we did have a situation in my own constituency where the first postal votes were sent out before people had had any election material whatsoever from the political parties. Having the postal votes going out early is not necessarily an unmitigated boon. It would be quite helpful to people to know the first date for getting the postal votes as well as the last date. If there was a wide enough window of opportunity, then I would have thought that most EROs would be able to get it out during that window of opportunity.

Claire Bassett: We can certainly look at that. We might be able to look at just asking EROs to publish what date they are planning to do it, so at least they are aware locally, even if we do not. But we can certainly have a look at it.

Sir John Holmes: We do ask them to prioritise overseas voters and, for example, members of the armed forces so that where these issues are more live than they are part of the constituency—

Q35 **Sandy Martin:** I hear what you are saying. I think there is 140 overseas votes—or maybe it is slightly more than that—but very, very few overseas voters in my constituency. I know there are one or two constituencies who have more, but the overwhelming majority of postal voters are people within the constituency and if they get the postal vote after they have gone on holiday, it is going to be of absolutely no use to them. If they get the postal vote before they have had any information from any of the political parties, they might vote a different way from the way they would have voted once they got the information. Either way, knowing when they are going to get the postal vote is really useful, I think.

Were there any problems with the electoral registration system, any unforeseen problems caused by the way that the general election was called with the registration system?

Sir John Holmes: This comes back to the point I was trying to make about duplicate applications to register. Clearly the way that the IER—the individual electoral registration—works and the online application system works is that you tend to get a large spike of applications once a campaign starts and once everybody focuses on the fact there is an election coming. I think nearly 1 million people registered in the period between the declaration of the election and the last date for registration, but quite a large proportion of those were duplicates, because people worried that they were not registered, even though they already were, 40% to 50% in some cases. This causes a huge amount of nugatory work for electoral administrators just at the time when they are busiest. This is obviously a major issue.

This was not a new problem. It had happened before, I think it happened in the referendum campaign as well, but it was particularly marked perhaps this time. We are thinking about that and the Cabinet Office are



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thinking about ways to try to reduce this problem. One obvious way would be a look-up facility so that people could check whether they were registered, but we know there are issues about that and Government have said that there are issues about cost and privacy and so on, which they are concerned about.

We can help to mitigate it by making sure that the messages we send out and other people send out do make clear that if you are already registered, you do not need to register again and making sure our messages are targeted particularly at those who have just moved or those who are just attaining 18 or whatever it might be, so you are targeting the people who are most likely not to be registered, rather than encouraging duplication. But we have not solved that problem yet and it is something we need to keep on working on.

- Q36 **Sandy Martin:** You say you have not solved the problem yet, but the Government does not appear to think that there is a problem, despite the fact you said that there were nearly 1 million late applications. Over 600,000 of those were on the last day. It was not over the period of the election, it was on one day. It is an absolute miracle that the whole system did not completely collapse, and 70% of them were repeats.

Claire Bassett: No, the worst case was 70%. I think it was nearer 30% to 40%.

- Q37 **Sandy Martin:** Do you think that it is reasonable for the Government to be saying that they cannot develop a look-up system? Can you think of a look-up system that would work, given that there is no national registration? If people are registered with local EROs but they are asked to register on a national basis, then you need to have some sort of linkage there, don't you?

Claire Bassett: There is work ongoing at the moment. It is early days. I think we all appreciate that this has a really significant impact on returning officers. The challenge is what we do about it and a basic look-up facility across all of the registers, the Cabinet Office do believe that would be very difficult but I think they are open to looking at other options. We are keen to bring our expertise to that and perhaps facilitate expertise from overseas, where it does happen and others do it, or perhaps other providers and other people who might have experience of doing this in another scenario.

The other thing I would say is that this is treating the symptom and we can also think about options for treating the cause as well. For example, whether we should be considering automatic registration or registration with young people when they get their National Insurance number, those sort of things could shift this burden, because there is no doubt about it, we are in a time now where people will feel the urge to register when there is an electoral event coming up, so this pressure is going to be there, even if we just have the people who do need to be on there. It



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might be that we need to look at it differently and start thinking about different approaches to registration.

Q38 **Sandy Martin:** You agree with Mr Posner that that is something that should go into a new Act?

Claire Bassett: Absolutely, although I think there is a policy challenge there as well as to whether people think that any forms of automatic registration are appropriate or not.

Q39 **Dr Huq:** You mentioned about the cyber attacks yourself. I just wanted to ask, you hear often about Government IT systems creaking away and all this, how robust is the current registration system? Again, you have mentioned the referendum and the way that the whole site crashed. If you look at the graph, it does peak on that last day, 612,000 applications, and even from the period that the election was announced to the closure of it, 2.9 million extra demands on it.

Claire Bassett: We have worked very closely with the Cabinet Office. The Cabinet Office own the online application process. That is a Government system, that is their responsibility. As you say, there were challenges when it was not able to stand up to very high demand on that closing night of the referendum. The Cabinet Office had an independent review of that, looked at that, learnt some lessons with that and made some changes to the system to make it much more robust in the face of high demand. It has stood up well to that. That was tested particularly on that night you have just referenced, when it was higher demand than the referendum.

We also learnt lessons in that we looked at how we communicate with the Cabinet Office, how we have structures in place to make sure we can get messages out to returning officers very quickly if there is a problem. All of that worked well. I think that the changes that were made to that registration system mean that it is much more robust and it has stood the test.

Q40 **Dr Huq:** What about from external threats? There are two Russian people in hospital today. You hear all these scare stories.

Claire Bassett: The good news about all the downsides that we have just been talking about, having 381 registers, which are essentially freestanding and fairly manual, is that that is a protective factor in itself. Certainly we saw that worked in the case of WannaCry and things like that and the other side of it.

In terms of the registration system, you would have to ask the Cabinet Office that, because what security measures they put in place are for them and obviously, for the very reasons of those risks, they do not put that out in the public domain. Certainly we worked hard in the run-up to the last election, particularly with NCSC, to make sure that we were getting information out to returning officers, out to those who are responsible for those systems. The Cabinet Office and NCSC worked very



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closely with the EMS suppliers to make sure that they were learning any lessons they needed to. We are all very alive to that risk and I think we managed it well through that system.

Q41 Dr Huq: What is your current assessment of the level of risk of electoral fraud in this country? There are certain boroughs where it is meant to be endemic, east London, not west London, not my own seat, but I think Tower Hamlets, those kind of places.

Sir John Holmes: That is obviously a very complicated question. In general, I think our view is that the level of fraud in the system is relatively low, where perception of fraud in the system is relatively high. When you ask people whether they think there is fraud in the system, they tend to say there is, not through direct evidence they have themselves, but because of what they read in the newspapers or whatever it might be. But if you look at the actual cases of fraud, convictions for fraud, they are relatively low. That is obviously a good thing.

At the same time we are aware that there are particular challenges in particular areas, maybe particular communities that we need to be aware of. We are launching a new campaign ourselves, which is called Your Vote is Yours Alone—I think I have that right—which is designed to ensure that people realise that they need to exercise their right to vote secretly, privately, it is not anybody else's vote, it is their vote, particularly aimed at women, for example. We hope that will have some impact. We work very closely with the police throughout the country, each police force has a single point of contact, to make sure they are aware of what the risks of electoral fraud are, what they should be doing about it, because it is of course for them to investigate individual allegations, not us.

But all this means there is a high awareness of the risks of fraud across the board, both in polling stations and of course in connection with postal votes. Eric Pickles made some recommendations about this, which we hope will be taken forward by the Government, and we have echoed many of those ourselves. There is a lot of work going on to make sure this is being tackled.

Q42 Dr Huq: What kind of new recommendations are coming from him?

Sir John Holmes: For example, on the postal vote side, he was concerned that there should be much clearer rules about how those are handled, particularly bundles of postal votes, to prevent the practice of so-called postal vote harvesting, which are brought by party members or candidates, agents or whatever, to polling stations, which poses obvious risks of manipulation of the system.

Q43 Dr Huq: The fact that this election was in the university term time, there have been these allegations of double voting. I have seen the figures, only one conviction at the end of five allegations, but I think on the grapevine, Committee members have heard otherwise. I just wondered



what evidence there is that that is a significant issue.

Sir John Holmes: As you say, one conviction, some other cases have been investigated and have not been prosecuted in the end. There was a lot of concern about that, obviously, a lot of media attention, a lot of social media speculation about that. We received a lot of letters from MPs and from the public about this; there was a lot of coverage in the media. Wherever there was an individual allegation that could be focused on, we worked with the police to make sure those were investigated, but there were relatively few of those. As I say, we took it seriously, but the evidence of it happening on a large scale for the moment is not there. Having said that, the system is such that you cannot know how widespread this is unless you have an individual and you know that individual is registered in two places, you know what those two addresses are and you think they have voted in both places. Then if you are doing a police investigation, you can investigate and check whether that happened.

Otherwise there is no way of finding this out. We do not know how many people, for example, have double registration in this country. It is perfectly legal to do that if you have two homes or you are a student, but we do not know how many there are. Because of all the registers being separate and independent and not communicating with each other and not being able to be interrogated collectively, you cannot check whether people have voted twice in this kind of way. There are things we do not know about this but, having said that, the evidence for it having happened on a widespread scale is not there.

Q44 **Dr Huq:** Would there be scope for joining up these systems more? You said that the other system, the Government said no to it.

Sir John Holmes: That was a look-up facility.

Dr Huq: Yes, that you can check.

Sir John Holmes: We have encouraged the Government to think about a system that if you do not move towards a single national register—about which there may be issues, but that would be one long-term objective—short of that, if the registers communicate with each other, or if they could be interrogated collectively to see whether the same person is registered in different places and, ultimately, whether they voted twice, that would be an advance and would be a safeguard that simply is not there at the moment.

Dr Huq: It seems a logical system.

Claire Bassett: Just to add, there are some challenges with that. We should not underestimate it. For example, you do need some form of unique identifier to make sure that Mr Smith, with the same date of birth, who lives in two places, is the same or different people.

Q45 **Dame Cheryl Gillan:** The national insurance number, or something,



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would be best—

Claire Bassett: Yes. That would be the immediately obvious one, but that is not there at the moment so you would need to create that link to do it, so it is quite a significant challenge.

Sir John Holmes: Although you need it to apply, the registers do not record the national insurance number.

Dr Huq: Okay, thanks.

Chair: Can we just look a little bit more at fraudulent proxy voting, double voting and personation?

Q46 **David Morris:** On that subject, I noticed you said postal vote harvesting is a problem. Could you give an example of postal vote harvesting; how you would see that practice being carried out?

Claire Bassett: The classic scenario of it would be a campaigner for a particular party, or group, going out and seeking to gather up and encourage people to complete their postal votes and collect those up from door knocking and then taking them in to the local authority, or a polling station, on the day. The folklore is of a plastic bag full of postal votes.

We have introduced a lot of measures around postal votes to try to increase security on them, so there is now 100% checking on signatures and dates of birth on all postal votes. Where people do seek to deliver large numbers of them, or more than a couple, most ROs or presiding officers in polling stations will take down the details of the person who is delivering them.

We would support the Pickles recommendation, which was that it should be made illegal for campaigners to handle more than a very small number of postal votes.

Q47 **David Morris:** My son experienced this, in university terms, with reports of students moving around. Activists were knocking on doors asking for spare votes, meaning what had been delivered there, "Are there any left over?" Has your organisation had any complaints of this particular practice and have you any examples of where this may have occurred?

Claire Bassett: Where there are particular complaints, those are matters for the police, because those are offences under the RPA. They are referred by the local returning officer, usually—or by us if we become aware of a specific one—to the police to investigate. There are various examples over the years of doing that.

An example of where the returning officer is doing something about it is in Tower Hamlets where they are piloting a different approach in May this year where they will be taking a sample of those postal votes, despatching them, and then following them up to make sure they have been received by the right voter, but also then taking a sample of the



ones that are returned to make sure that the voter, whose name they were for, are there. They will be looking to see what they can learn from that. That will be extremely helpful in telling us more about this.

This is the real challenge of this sort of fraud—that there are lots of anecdotal stories about it but when we seek to get specific examples they are quite hard to tie down and to get through. The work we have done with the police means that, where we have specifics, they do take this very seriously now and act. That is a real positive that we have seen improve but, getting more specific understanding about what is going on, will really help as well.

- Q48 **Chair:** The survey, following the 2017 election, said that 38% of people thought that some fraud had occurred during the general election. That sum is a very mobile quantity, but public confidence is not as high as it should be on this question.

Claire Bassett: That is a consistent number. That is not just because it was a snap general election, there was particular coverage. That is fairly consistent over the last few events. That is where it is really important and is why we have very much changed our approach, not just about the actual instances of fraud but addressing public perception of fraud.

The advertising campaign that we have just launched, that John referred to about, “Your Vote is Yours Alone” is very much about sending that message out that we are looking at addressing that. I am sure we will come on to the subject of voter ID pilots in a minute but, again, that is something which is a part of that perception. When you ask people, one of the things they will say is, “No one asked who I was when I voted”.

- Q49 **Sandy Martin:** I have one point, Chair, and I think you have pretty much covered it, that you are going to be doing something about public perception. Would you believe that there are some fairly fallacious perceptions out there as a result of some of the rather particular reporting in the newspapers about electoral fraud?

Sir John Holmes: There are two points to make here. One is that there is a contradiction between the way people talk about how well they think the elections were run—where the figures are remarkably high, 80%-plus—and then this separate figure about perceptions of fraud.

One of the things we have found when we have looked at this is that people do not have a very clear understanding of what electoral fraud is. They are not often talking about personation or even postal vote fraud, it is whether the candidates have been honest and all the stuff they read in the newspapers about the process of the election. It is not very focused on what we would call electoral fraud. That explains some of it.

Having said that, we do take it seriously. As Claire said, there is a problem because if people think there is a problem then this undermines confidence in the system and we need to make sure we are addressing it in every way we possibly can.



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Claire Bassett: To answer your specific question about more salacious stories, less so newspapers but more social media is our experience now. Dare I mention pencilgate; something happens and then that gets some traction on social media and it very quickly spreads.

We are very proactive in our communications team, monitoring social media for these sorts of things starting to appear. The minute we see things we will very quickly get the facts in there. If allegations start about people having votes who should not, we will put, "This is how you report it if you see it. This is what is in place", so that we take it seriously but we also get the sensible message out at the same time and prevent things becoming blown out of proportion.

Sir John Holmes: Or you can vote by pen, if you want to. You do not have to use pencil.

Q50 **Sandy Martin:** On the matter of postal vote harvesting, if a candidate calls on somebody and they have not yet voted and they have a postal vote, it is legal to wait until they have filled in the postal vote and put it in the envelope and handed it to you, for you to then take it down to the polling station. I took three votes down to the polling station myself on election day, for that precise reason. Do you believe that is still a legitimate exercise or would you want to seek to ban that as well?

Claire Bassett: That is what we would like to see changed. The issue is more if someone turns up with a plastic bag with 20 or 30. That is the allegation and that is the bit that has undermined it. That campaigner handling of postal votes was a Pickles recommendation that we support.

Q51 **David Morris:** Chair, on that point: what quantity of postal votes being weighed in on the day do you think would raise alarm bells? There are various examples across the country where, on election day itself, there were over a thousand postal votes put in. Surely that is—

Claire Bassett: I have not heard of that specifically happening recently. This is one of those issues that all presiding, returning and electoral registration officers are acutely aware of. It is a high-profile understood issue and so they will be monitoring it. The thing about putting them in on election day is, you have either to physically take them into a council office or you have to take them into a polling station. The standard questions I ask whenever I go into a polling station are, "Have you had many postal votes handed in? How many?"

I have not been into a polling station in the last 3 or 4 elections now where it has been more than a handful. Where they do, they ask for ID. Obviously, the person does not have to provide it, but they do ask for ID and they do seek to identify. Similarly, council officers will do the same if someone brings a large number in. This is one of those issues that people are aware and very conscious of and are very keen to make sure it does not happen.

Q52 **Chair:** How are we meant to stop fraudulent proxy voting? How would



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somebody sitting in a polling station, or a returning officer, police that?

Claire Bassett: Without ID, I do not think you can, at the moment, with proxy voting.

Chair: The ID at the polling station becomes an essential—

Claire Bassett: It does, if you want to—

Q53 **Chair:** It may not be very widespread, but in order to provide public assurance, that becomes essential.

Claire Bassett: Yes. In terms of who is casting a proxy vote, it is the same as someone who is casting their own vote, making sure that there is no personation taking place.

Q54 **Chair:** How about double voting? Politicians may be overexercised about the subject.

Claire Bassett: There is one very simple change we can make, which was in the Law Commission's recommendations, which is when people are registered in two places, asking them to identify one of those places that would be where they would vote in UK-wide parliamentary general elections.

Q55 **Chair:** How do we know how many people are registered on more than one register?

Claire Bassett: We do not, because we cannot check.

Q56 **Chair:** How should we know? What do we need to do in order to know that?

Claire Bassett: That comes back to this either having a look-up and joining up the registers in a way that allows you to interrogate it, or keeping a register of it. At the moment, we cannot do that without that ability to check registers.

Q57 **Chair:** What does the Electoral Commission recommend the Government should do? Is it to attach an NI identifier or a date of birth identifier, or what kind of identifier needs to be attached on an electoral record so that it becomes unique and we can separate John Smith from John Smith?

Claire Bassett: We have not said specifically what we think because we do not own those registers and we are not there. What we have recommended is that the Government create a way in order that this can be done. When we made our recommendations the Government had not carried out the recent exercise they have in looking at whether a look-up would be possible. Our recommendation in our reports was for a look-up. If that is not possible, then we recommend that alternative solutions are found because we think that ability to check whether someone is on the register, and where, is important.

Q58 **Chair:** But the words, "Something must be done" is not the most helpful advice.



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Claire Bassett: No. We are very keen to work with the Government to do it. We were not part of this exercise; I understood it was too expensive and too difficult to do. We are having ongoing conversations about, for example, how national insurance numbers might be able to play a role in this, but it is early days on those conversations.

Q59 **Chair:** How much appetite do you think there is in Government to deal with this problem?

Sir John Holmes: We are encouraging them to have more, would be the way I would put it.

Q60 **Chair:** So not yet enough?

Sir John Holmes: We understand there are cost, technical and privacy issues that need to be overcome, so it is very easy for us to say, "You must do it" and they have to do it. This does need to be addressed. The issue about double registrations and not having any knowledge of that is extraordinary. Some academics recently have pointed out that this means that the turnout figures, for example, for elections are simply wrong, because they do not take any account of double registrations. The turnout is probably higher than it appears because a lot of people who registered twice only vote once; hopefully nearly all are voting once.

Q61 **Chair:** How urgent is it to deal with this double registration, threat of double voting problem?

Claire Bassett: There are a whole range of challenges that are urgent in terms of implementing the Law Commission changes and wider changes. Having an ability to do a look-up would help address a number of problems but what we really need is this wholesale reform that has been called for, and we have repeatedly been calling for.

Some of the changes made at the end of the last election we have been making for over 10 years. There is a whole raft of changes and it is difficult to say, "That is the most important one at the moment". Double voting and that issue is now in people's minds, people realise the vulnerability of the system and, therefore, we do need to be working together to see if we can resolve that without legislation. If there is legislation, then that is the broader challenge as well.

Q62 **Mr Jones:** When you speak about a "look-up" I take it you do not mean a manual process, that this would be an automated process.

Claire Bassett: No.

Q63 **Mr Jones:** Presumably the polling clerk in the polling station would have an iPad, or something, on which he or she would record the vote in their polling station, and that would then communicate with a central register to establish whether that particular voter had voted somewhere else or would bar that voter?



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Claire Bassett: That would be an ultimate place you would like to end up. A smaller step would be to have it so that a returning officer, when they are doing the registrations, can check these things. You might be able to tell—mark the register in some way—that someone is registered twice, so you could ask the question of whether they have voted elsewhere, for example. At the moment that would be a real challenge, because you are opening up a live link between registers, which creates big cyber risks.

Sir John Holmes: The look-up facility also refers to the ability of the individual potential registree, or whatever the right word is, the person who wants to register, to check whether he is already registered. You cannot do that at the moment, which is why there are so many duplicates in the system. In order to do that, you have to have the registers joined up and unique identifiers in the system. That is why these things are all linked together.

Q64 **Mr Jones:** It does seem that you do need to go to that final stage where the polling clerk in the polling station can establish whether or not that individual has already voted. It has always struck me as astonishing that, in the 21st century, you go into a polling station and we are still dealing with pieces of paper and people are ruling out names manually.

Claire Bassett: You are touching on the much bigger challenge we have here: that any major reform to how we vote, and to these elections, will depend on us having registers that can interact in some way, and can be joined up. If you look at any country that has that electronic voting, that is all dependent on well-supported big single registers. We are not advocating that at the moment but what we are saying is we do need to start thinking about how we join up these 381 separate registers.

Q65 **Mr Jones:** Should you not be advocating that? Is that not a state of affairs we need to get to, particularly in an age where people are increasingly mobile and many people have two addresses, maybe more?

Claire Bassett: Yes, but we have to do it in a way that is secure and that does not create other risks. That is the challenge.

Q66 **Mr Jones:** Indeed. I do not think anyone disputes that, but that is the state of affairs that we should be aiming at.

Claire Bassett: Yes. That is what I am saying: that we would be very cautious at the moment because there are big cyber risks of joining that up. We do need to make sure that we manage those risks and, by solving one problem, we do not create a whole load of other ones. That is the Government's reticence.

Q67 **Mr Jones:** I understand that but surely it is something we should be looking at and not possibly saying, "It is really difficult, so we have put it off for a bit"?



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Claire Bassett: No. From our point of view, because we are not responsible for the registers and we do not have the direct relationships with the EMS suppliers and we do not run the online systems, all we can do is advise Government what we think they should do, because that is not within our direct responsibility.

Mr Jones: I appreciate that.

Q68 **Dame Cheryl Gillan:** On personation, aren't you running some trials?

Claire Bassett: Cabinet Office are running their voter ID pilots, which we will be evaluating.

Q69 **Dame Cheryl Gillan:** The Cabinet Office are running the pilots at volunteer places, like Watford and Swindon.

Claire Bassett: Yes. There are five of them.

Q70 **Dame Cheryl Gillan:** You will do the evaluation and then will you make the recommendations as to what action Government should take? I know it is not the first time we have done this, because we have done it in Northern Ireland, haven't we, before?

Claire Bassett: Yes.

Q71 **Dame Cheryl Gillan:** Is it something that you welcome?

Claire Bassett: Yes. It is important to test it and these pilots are a really good step in looking at what impact the introduction of voter ID will have and in making sure that we are able to capture that, which is why we are doing that role of the independent evaluation of it. We will certainly make recommendations as a result of that.

Q72 **Dame Cheryl Gillan:** When will you have the results available for this Committee to have a look at?

Bob Posner: Later this year.

Claire Bassett: Yes, later this year. We will be doing research before and after, as well as on the day, which is why I am just not quite sure of the timetable. We can write to you with that; I just do not have it here.

Q73 **Dame Cheryl Gillan:** Could you share with us what research you are doing pre the pilot, and how you—

Claire Bassett: There are five different pilots and they are all taking slightly different approaches.

Q74 **Dame Cheryl Gillan:** Yes, that is right. If you can write to us, it would be good written evidence to have so that we know what is coming and what we are looking at. It would be helpful.

Claire Bassett: Yes, we can certainly do that.

Q75 **Kelvin Hopkins:** How effective are the current rules on political finance and how effective is your ability to monitor and audit campaign spending?



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Bob Posner: As you may have seen in this Committee, we are much more proactive as a regulator than has been the case in the past, and that has resulted in a number of investigations and findings over recent years following elections and referendums. In the UK, among the legitimate campaigns and main political parties, there is a culture of compliance. There is a desire to comply with the rules. That is not always achieved and that is where we come in.

Our objective is always to get compliance. Claire alluded earlier to how we worked with the political parties in the last election to help them to comply. We will do more and more work like that and, where there are breaches, we will enforce them.

In the sense of the broad set of rules that Parliament set out, they are broadly fine, but that is not to say there are not improvements that are needed. We have made some recommendations about that.

Q76 **Kelvin Hopkins:** Is it not absolutely crucial to make sure that there are no unfair advantages to one party or another as a result of having, first of all, access to vast funds but also being able to spend those funds in ways that are not fair?

Bob Posner: The UK system is predicated on spending limits and it is very important that those are followed; that is part of our job to make sure that those rules are followed. There are current debates around digital campaigning. There are the rules in the UK about where funding can come from, how people can fund into elections and referendums, donations. I am not aware of a major imbalance but I do think there are things that would help improve the system. The current big debate is around digital campaigning, which has clearly grown in recent elections and referendums and will, no doubt, continue to.

Q77 **Kelvin Hopkins:** What has caused the increase in the number of disclosure and investigation notices you have issued since 2015? How suitable are the sanctions available to address such offences for breaches of finance regulations?

Bob Posner: We consulted on, published and laid in Parliament an enhanced, I will call it, enforcement policy—which is the basis on which we carry out regulatory action—in 2016. That was, and is, about achieving higher compliance in a fair and proportionate way. We have had quite a lot of elections and referendums since then, electoral events, so there has been an increase in investigation; I think that is statistically correct. I am not sure that necessarily shows a problem with compliance, it just shows a lot of events and the Commission, hopefully, being proactive in how it regulates.

I do think there is an issue with many recommendations about whether some of the sanctions are sufficient where the rules are broken. Parliament in 2010 gave the Commissioner a range of investigatory powers, which work well. What did not happen back then—and I



understand why it did not happen but perhaps it needs to happen now—is to think about the actual sanctions. For example, our ability to issue a fine when there is a serious breach is capped at £20,000. There was a time when that was probably proportionate with other regulations but if you look at some of the other regulators now in financial regulation and information, which is a good example, and the level of fines that can be imposed where we are conscious it is justified, £20,000 does not seem a sufficient deterrent for those sorts of offences. There is always the harm to reputation for political parties and campaigners but it does seem that the financial penalties are too low.

Q78 Kelvin Hopkins: How effective are your enforcement tools?

Chair: Before we move onto enforcement tools, how clearly do you think political parties now understand how they should divide national spending from local spending?

Bob Posner: The law has not changed. It is true that over time certain practices emerged that perhaps are not ideal. Again, candidate spending limits are really quite tight and party spending limits seem to have headroom in them so one can understand how that has happened. Following the 2015 general election, and in the lead-up particularly to the 2017 general election, we issued clarification around some of those practices as to whether we consider that to be party spending or candidate spending. I know that political parties found that very helpful during the 2017 general election and were, by and large, able to comply with that.

There is greater clarity now, to answer the question, than there was. We are also working on codes of practice for candidate and party spending, which we will set out in further detail, again, to help political parties and campaigners. They will need to be submitted to the Government and laid before Parliament for them to get an opportunity to see if they are satisfied with those.

There is greater clarity on the way. It has increased, but there was a time with certain practices where some of the party spending probably should have been logged at candidate spending.

Q79 Chair: How fair is it to finish up prosecuting candidates or agents who are responsible for local campaigns when they are victims of advice or decisions made by national campaigners? Bear in mind, now that we have regulated political parties and much more central control over candidates, as a fact—because of the registration of political parties and the need of the central party to approve the candidature in every constituency—the balance of responsibility has shifted somewhat, has it not?

Bob Posner: No, I do not think it has. I understand the point being made but the fact remains that the vast majority, virtually all candidates, comply with the law. When we looked at the 2017 candidate returns, we did not find any major issues. It is not for me to comment on particular incidences or cases, but it is the responsibility, it remains the



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responsibility in law, for a candidate and the candidate's agent to get it right. Most do, and do not have a difficulty about that. We are there to advise and support, so we think the law should be complied with.

- Q80 **Chair:** The effect of sanctioning a candidate who might be elected, and a Member of Parliament, and putting them through the mill of a potential prosecution, is off the scale in terms of punishment compared to a £20,000 fine to a political party. Is the balance fair?

Bob Posner: One of our recommendations that has emerged in the last few years is that we have a civil sanctions regime for political parties for up to the £20,000 I have referred to. There is no equivalent for candidates, for whom it is the cliff face of, "You get it right or potentially there is a criminal action". Arguably, that is disproportionate when political parties have the balance of a fine regime, a more proportionate regime in between, except for the most egregious offences that are still criminal offences.

We think something similar for candidates would be appropriate. We have recommended that and, if Parliament wants to give us the powers, we will be happy to investigate and take that on.

- Q81 **Chair:** The concentration within a political party seems to focus at the criminal level on one or two individuals when the problem in the political party would be one of how the party was led and governed. The governance of that operation seems to be, apart from this very mild civil sanction, virtually ignored.

Claire Bassett: It is important to remember they are matters for the police, so where there are prosecutions or where the police investigate those candidates, those are matters that have been referred to the police, not usually by us but by others. It is the police decision about how they process that. What Bob has just outlined as an alternative would be to have civil sanctions within our regime where we can carry out those investigations, which would offer a buffer to that.

- Q82 **Chair:** How much has the Law Society review of electoral law addressed these issues?

Claire Bassett: Law Commission.

Bob Posner: The Law Commission review has focused on electoral administration, not political finance rules.

- Q83 **Chair:** To what extent should there be also a Law Commission review of this whole aspect of enforcement?

Bob Posner: We have made a number of recommendations, some of which I have alluded to, and we think that would assist. Whether it is a political party, the treasurer or the leader of the party or whatever, or whether it is the candidate, sitting behind it all are criminal offences and I think they should stay there for the most serious cases that deserve that.



The political party regime has a civil sanctions regime sitting on top of that as well, which gives a proportionate sanction, where appropriate. The candidate regime does not currently have that. That is the debate, and that is worth considering.

- Q84 **Sandy Martin:** It seems disproportionate as well as between the political parties and between local activists and national parties. If a national party does something wrong you can be fairly sure that they are doing something wrong in full knowledge of that fact. If a local candidate does something wrong, they may very well not understand the rules. Do you believe that any civil penalties should be proportionate to the amount that is being spent in the area? If the Conservative Party or the Labour Party were to make a significant additional expenditure that they should not be making, they would probably be doing that in a situation where they knew that they were doing something wrong, whereas if the Plastic Gnome Liberation Party accidentally overspent locally, they would probably be doing that without having any idea that they were doing anything wrong.

Claire Bassett: All of those things would have to be taken into consideration when you looked at this, as would the overarching desire to have the level playing field, going right back to the question earlier about consistency of spend. It is how you balance those things. The reason why the Law Commission and people get involved with doing these things is they can explore those things in some detail. We would support that and we would share our knowledge on that. It would probably be premature for us to start speculating on that at this stage.

- Q85 **Kelvin Hopkins:** Can I make one other distinction between national and local spend? That is the spend within election campaigns and between elections. It is a fact that certain marginal seats have been won because vast amounts of money were spent between campaigns to dislodge Members of Parliament and win their seat for another side. It was seen to be very unfair because the amounts of money available were absolutely vast. I make that accusation, and I know of two seats that I believe did change hands for that reason. Is there anything that the Electoral Commission thought about that?

Claire Bassett: As in, the regime as it is?

Bob Posner: Yes. If you go back to when the regime came in in 2000, and the debate before that in the late 1990s, I think the Neill Committee, there was a debate at the time among politicians about whether you regulate year round, all the time, or whether you just link into the days before elections.

As Claire says, the regime is the regime. The decision back then was you have a lead-up period and you do not try to regulate all year round. I think it is a valid debate to consider the way campaigning works these days, or in recent years, where it seems to be fairly constant, or whether



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potentially there would be benefit in extending it beyond the fairly short regulated periods. It is a matter for Parliament.

Claire Bassett: Overlaying all of those issues, the introduction of digital campaigning has really shifted the dynamic of what things cost and when you invest in buying. With databases and purchasing of those, all of that feeds into that.

Kelvin Hopkins: Just going back briefly to the previous debate about fraud. Because we have the “first past the post” system, it militates in favour of two major parties, essentially, and a small number of seats changing hands can change a government. Marginal seats become absolutely crucial and policing those particularly strictly is important to make sure that no advantage is given to one major party or the other.

Q86 **David Morris:** I am going off my experience when I was on the battle bus investigations. In the end there was nothing to answer so nothing happened. It was the very first one. I remember at the time we were trying to find out what was going on because we had no idea, the truth of the matter was, because we had done nothing wrong. When we looked into the guidelines with more detail and we started asking in more detail about the guidelines, the Electoral Commission did not know. We ended up in a position where it was up to the police to decide what to do because they did not have a clear guidance from the Electoral Commission. That is how I read it; that was my experience of it. What I could not understand was we had this battle bus but the Labour Party and the Liberal Democrats had the same. On one occasion, Labour were training people in from London but that was never even addressed.

Chair: These issues are sub judice and it is invidious to ask the Electoral Commission to respond to any of this. I think we have gone as near to this subject as is proper because the issues you are raising may be subject to adjudication.

David Morris: Thank you for the clarification, Chair.

Chair: Carry on, please. I am very sorry to interrupt.

Q87 **Kelvin Hopkins:** Briefly, how effective do you think your enforcement tools are?

Bob Posner: As I alluded earlier, Parliament gave the Commission a range of investigatory powers in 2010 and, since then, we have been putting them into practice. They have worked well; they are a good and reasonable range of powers for a regulator to have. They seem right to me. As part of that work, we actively seek to monitor campaigning, to have intelligence, to have real-time regulation. That brings interesting challenges but, in the sense of our tools, they are reasonable.

Q88 **Kelvin Hopkins:** How appropriate is the split of responsibility for the enforcement of spending rules between yourselves and local police forces?

Claire Bassett: That is the issue we have just been—



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Bob Posner: Yes, that is part of the issue, I believe. We work very closely with the police and, where the police are investigating a matter, we work in support of them. At that stage, we step back; they do their job with whatever support they want.

Q89 **Kelvin Hopkins:** Have police resources been a problem?

Bob Posner: No, I do not think police resources has been a problem but, just thinking about that, last year we started a new initiative, which is with the City of London Police Fraud unit, the CPS and us, which is a proactive training programme for police on investigating electoral offences. That is proving very successful and very well attended across the country by police forces. That is a really good initiative. There is always room for improvement but that is an example where it is going in the right direction.

Q90 **Kelvin Hopkins:** If all the enforcement was transferred to the Electoral Commission, would that be difficult or how would you approach that?

Bob Posner: That would be a significant addition to our functions. That is not to say the Commission could not do it but it clearly needs to be well planned and well organised.

Q91 **Dame Cheryl Gillan:** For the sake of the record as well, can I just say, a few weeks ago I was elected to the Board of the Conservative Party. In light of our conversation, I think I should make that clear but it was only a recent election. Carrying on on social media, the digital spending, and how you monitor that, is this not a really difficult area to monitor? We are behind the curve on new technology in many ways, therefore, how confident are you that you can identify third-party or foreign intervention in the electoral process through the use of social media?

Sir John Holmes: I will start on that. Clearly, there are some challenges from digital and online campaigning because it can be very extensive, it tends to be less visible than other forms of campaigning. Having said that, digital campaigning, online campaigning, is perfectly legal, perfectly legitimate, and to be encouraged, like any other kind of campaigning, so there is not a problem with it in itself. The second thing—

Q92 **Dame Cheryl Gillan:** Do you have a specific category for recording the spending on digital campaigning now in both referendums and elections?

Sir John Holmes: One of the issues is whether the breakdown of expenses is sufficiently detailed. From what we demanded from the parties, and one of the recommendations we are making, is that it should be much more broken down, particularly in this area, so that we can see exactly what is being done.

Having said that, we can still operate to find out what we can through the spending rules, for the fact that parties have to tell us what they are spending. If you go back to Claire's point about databases or software you may have bought, if they are being used in an electoral campaign,



that is reportable during the election campaign. Other spending is also reportable. There are ways of getting at that. We can ask the parties, if we wish to, what they have been doing beyond just the actual spending line, we can go behind that, and we are beginning to do that.

There are ways we can track it. We cannot police the whole of the internet, we understand that, but there are ways we could track it. We have some recommendations which would make it easier to track, for example, imprints on online material, as there are on written material at the moment, and we have been making that recommendation for some time. We hope that will be taken forward. Another recommendation would be that staffing costs for parties should be included in the expense returns. They are not at the moment, because that is where a lot of the expense may be incurred, in terms of software, social media activity, and that is not currently covered.

Q93 Dame Cheryl Gillan: What about the reverse side of the coin? Because there is thinking that the social media platforms should be categorised as publishers so that they are responsible for what they put out. Also, surely the time has come for us to have some sort of independent body that works with those platforms to try to make sure that we are cleaning up the act? I know Twitter has tried to do that through its transparency centre and I think Mark Zuckerberg has been trying to do something on Facebook. The truth of the matter is that, unless you have something which is a collaborative project with the hi-tech area, it is very difficult to keep up with how things are moving on, because things move on very fast in this area.

Sir John Holmes: We are talking to these platforms. We have been talking to them specifically about whether they have found any evidence of Russian-funded campaign activity, either during the referendum or during the 2017 election. That conversation can also extend to what else they could do to provide more transparency. Our main concern in all this is that there should be transparency about who is paying for what and who is doing what, and it is then for the voter to decide how they wish to be influenced by that. If we can get that extra transparency, which the platforms can play a big role in, then you have a better chance of it being visible.

There are some issues about the regulation of the internet that go well beyond our remit, and are very wide in their concern; for example, sexual abuse, jihadism, or whatever it might be. There are lots of issues there that go well beyond us. In our particular area, we are trying to find out how we can make that greater transparency apply.

Q94 Dame Cheryl Gillan: The Oxford Internet Institute did some work on this and the possibility of malign interference versus hyper partisan activity on social platforms. They came up with a view that the Russian Twitter accounts were few and far between that were retweeted and there was a tiny proportion of YouTube content that was Russian that was identifiable. The Twitter accounts were not shared widely. That was



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during the referendum period. Did you have any way of monitoring and looking at how that played into the last election? Do you have any evidence that there was foreign interference?

Claire Bassett: The really important thing is to remember that the way we regulate is through the finances. Those are the powers we have, it is for spending and donations reporting and for following the money. That is how we have to approach this because that is where our powers sit. We have ongoing work where we are looking at where funding has come from, the permissibility of funding and the spend, and, as we have just touched on, where that is being spent and what that is on, and having the detail for that.

That is how we direct our approach. We do take a broader interest and inquiries into what is going on but we do not have the powers or the capacity to do broad internet work. Where it is outside of the UK, that is outside of our jurisdiction.

Q95 **Dame Cheryl Gillan:** It is quite interesting, Macron in France in January has announced a new law to tackle this information online, and he has given the judges power to block certain online content in France. Is that the sort of thing that you would look at, or like us to look at?

Sir John Holmes: We are very wary of anything that would set us up as some kind of truth commission. There are obviously lots of issues there, we could discuss them with other people who are interested, like the Information Commissioner, Advertising Standards Authority, and so on. None of us wants to put ourselves in that particular position.

I do not think this is something we are actively recommending or pursuing ourselves. As Claire says, we are looking at what we can look at. If we find other things in the process of looking which we think should have a light shined on it, we are obviously prepared to bring those to public attention. They may be for other people to do something about—the security services, the Government, or whatever it might be—rather than ourselves. That is the kind of way we are approaching it.

Q96 **Dame Cheryl Gillan:** With respect, we would hope that you would come up with some bright ideas on this, because you are the experts in this area. How co-operative are you finding the social media companies in any of your activities?

Sir John Holmes: We have been talking to the social media companies, and we are still doing that; they have given us some responses.

Q97 **Dame Cheryl Gillan:** Are they co-operative?

Sir John Holmes: We are looking for more information from them.

Dame Cheryl Gillan: So they are not being entirely co-operative.

Sir John Holmes: We will tell you at the end of our dialogue whether they have been co-operative or not,



Claire Bassett: It is an ongoing conversation.

Bob Posner: Yes and no is the answer, isn't it? They are co-operating but they are having to be pressed—and we are quite open about that—to look harder, look more carefully. So it is yes and no.

Q98 **Dame Cheryl Gillan:** You have all joined the diplomatic corps. Basically, you want some more co-operation from the social media platforms on this to ensure that there is no malign interference.

Claire Bassett: The key to all of this is going to be about all of us working together who have different expertise. The mistake anyone will make will be thinking that one body or one organisation can somehow solve some of these issues, which are much broader and, as John said, much bigger.

From our point of view, yes, we want their co-operation and we want to work with them but, similarly, we want to continue our work with the Information Commissioner and the work they are doing, our work with the security services and making sure that there is the joined-up approach. Where we have expertise on elections, we are contributing that, but we are clear about our expertise and similar.

Q99 **Dame Cheryl Gillan:** Can I press you a bit further? Do you think requiring campaigners, for example in a referendum, for political parties to submit copies of digital political advertisements to a regulator would be desirable?

Claire Bassett: Imprints would be a better solution, to be honest. That is something we first called for in 2003, for digital imprints. We saw it work in the Scottish independence referendum and that would be a really good starting place. It would mean not only could we have that information but, much more importantly, the voter would be able to see. Looking at a tweet and following that through, or looking at a Facebook post and seeing where that has come from. That is a greater way of achieving transparency.

Q100 **Dame Cheryl Gillan:** Lastly, just taking up the point that was made by Mr Hopkins and extrapolating it, do you not think that activity should be monitored in between elections and referendums?

Claire Bassett: It is quite hard. What is the intention of the activity outside of an election? You would have some real challenges of definition and you would get into content, if you are not careful, and boundaries of free speech. While I can see the attraction of the idea of having it but how you would do it and police it in a way that was not restrictive would be very difficult.

Sir John Holmes: Having said that, we do have a dialogue with the parties between elections about what they are doing relative to compliance but also more broadly. Of course, we also do publish the



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annual accounts of the political parties, which give you some information about what they are spending their money on.

Q101 **Chair:** The last point is how many people and how many complaints, or how many incidents, have been brought to your attention at the Electoral Commission of people thinking that there was malign or foreign interference in the electoral process?

Bob Posner: I do not have the figure.

Q102 **Dame Cheryl Gillan:** Could you come back and let us know, because people must have complained to you.

Bob Posner: It covers such a range of things around fake news or things around saying something to support—

Q103 **Dame Cheryl Gillan:** I am asking you how many complaints you have had about fake news, potential interference—

Claire Bassett: Formal complaints none, but we will have had, for example, MPs' letters and inquiries, so we would just need to check that.

Dame Cheryl Gillan: Could you go back and let us have a written record of that? We would be very grateful. Thank you.

Q104 **David Morris:** The Information Commissioner is currently carrying out an investigation into the holding of data by political parties. What does the Electoral Commission see as the risks for our elections from the rise of the use of big data in the future?

Sir John Holmes: I think the first thing to say is that using data itself is not, of itself, a problem. People have always done it. Of course, there is a lot more data around and there are a lot more powerful tools to use it, but the use of data itself, the targeting, for example, is not a problem and we can capture that, up to a point at least, by the spending rules and what people are spending money on, whether it is hardware or software or particular databases that they have to buy or companies they employ. There are ways in which we can get at that. That is our approach to it, not to say this is a purely dark art that should be banned but to say this is something that is legal and legitimate but we want to know what is happening and we want to know what is happening through our normal spending rules. That is how we would approach it.

Q105 **David Morris:** Leading from the previous question obviously online content could go from Twitter and various forms of social media, different websites. Do you think that there are politically active sites out there that do not align themselves officially to any political party, in other words they are in the grey area of the Third Parties Act? Do you think they should be monitored in respect of they could be identified as acting on behalf of another political party?

Claire Bassett: We do that. That is what the non-party campaigning rules are absolutely designed for, and that is one of the really important things that those rules do. They allow us to capture that and identify that



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and in an analogue way we did that during the referendum with newspapers that considered putting wrap-arounds for one side or the other in the referendum. We were very quick then to make them aware that they would be captured by those rules and asked them to comply with them. Similarly, we can do that monitoring social media and campaigners in this country where that is happening, and we can apply those rules to do that.

Q106 David Morris: I know with some of the investigations I have done privately myself there are IP addresses that have been suppressed, normally registered offshore in different countries. Going back to what we were saying in the previous question about having some kind of identification or an imprint, do you think it would be a way forward to stop IP addresses from being hidden and having to be displayed by law?

Claire Bassett: Those are issues that go much broader than just elections and that is about internet regulation and security across social media. I think there are others with more expertise in that than us. The point of imprints is where we think that gives the transparency for elections. I think broader about how IP addresses are being suppressed or not is a bigger issue than just elections.

Q107 David Morris: Do you think the Electoral Commission should be interested, or would be interested, in that being linked in with the identification or imprint tag at the bottom? Do you think it should be included?

Claire Bassett: What we are clear about on imprints is that whether it is on Twitter, Facebook or wherever, by linking through you can see who the publisher of that material is. That is the important bit of the rules there. In terms of how that works it is slightly beyond my technical sphere, I am afraid.

Sir John Holmes: It is going back to the address it comes from, not just whether it is on every tweet, it is more where you can trace it back to, which means the address—my technical knowledge is even less than Claire's, I suspect, but it has to be identifiable and not completely hidden.

Q108 David Morris: Yes. It is not really about the social media side, it is where you have basically a political party setting up a third party but not declaring it as part of their own, and suppressing the IP address so that they do not get identified as being that political party.

Claire Bassett: We would approach that scenario, whether it is on the internet or not, looking at the funding and where is the money? That would be our approach to that, so if the spending rules were being broken and joined that way, that is where we would be approaching that, and if they were not joined then obviously they are under the non-party campaigning rules.

Q109 David Morris: Do you think, given the context of what I have just said, that the data is being then fed through a clandestine way through a



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hidden IP address to that political party?

Claire Bassett: I don't know, to be honest.

David Morris: That is the conundrum in this whole situation.

Bob Posner: This partly probably cuts across the Information Commissioner's investigations and we are liaising closely with the Information Commissioner in support of their work, so we will see where they get to.

Q110 **Sandy Martin:** Yesterday news came out about a troll factory just outside Moscow that the Russian Government was using in order to deluge social media in Russia with support for the President during election campaigns. Do you believe that the current rules are sufficiently strong to enable you to clamp down on any political party that sought to set up thousands of completely spurious Twitter bots or other social media spurious campaigners who are putting out a political message on behalf of a particular party?

Claire Bassett: I think the important thing is to be clear that there is nothing illegal about the use of bots, both chatbots and normal bots. They are used by legitimate campaigners already. They are used to amplify messages and they are used for responding and engaging with the people they are trying to engage with. They are part of the environment we are in now. I think that if you have significant overseas activity, as I said earlier, there is a remit issue that we are UK-based with powers that only apply in the UK, so we cannot do anything about something that is based in Russia and only happens from Russia. Again, that is where transparency I think would help, but we have to be clear that there is little we can do about that. We can engage with the security services, which is what we do if we think there is an issue but, more broadly, in terms of should bots be outlawed, that is a bigger question for internet regulation.

Q111 **Sandy Martin:** Yes, but even if they are not outlawed, surely any activity of that sort should come within the electoral expenses regime?

Claire Bassett: Yes, and it does.

Sir John Holmes: It does. That is the point. It should be clear who created them and on whose behalf are they trying to influence, and that we can get out through the spending rules, because even bots have a cost somewhere.

Q112 **Sandy Martin:** Indeed, and you are confident that the law is strong enough in that area?

Claire Bassett: In the spending returns at the moment the categories are quite broad, and we would like to see a greater level of detail within those categories so that it is more transparent. So rather than it just being social media, it is broken down into more detailed areas within that. We can access that information, as John said earlier, by talking to



the parties or from the detailed receipts that we publish, but we think if it was made clearer on that spending return with that greater granularity it would be more transparent for us, but it would also help the people out there who do pore through these things when we publish them and it would increase that sense of transparency and accountability for what is happening.

Q113 Mr Jones: You have told us that last year's general election did not take you entirely by surprise, but to what extent did the suddenness with which it was called inhibit you in your ability to carry out public awareness campaigns?

Claire Bassett: Obviously the length of time it takes to set up and run a public awareness campaign was limited, so we had to buy advertising space quite quickly and we had to use materials that we had from the previous election. The fact that we had done it for 2015 meant we could essentially recycle a lot of that.

It did not leave us a lot of scope for creativity or for really novel solutions and extended partnership working but we were able to respond and do that. The fact that it was a snap general election meant that it received a lot of attention, so that also helps our public awareness campaign in that it was there and it was quite hard for people not to be aware of it.

Q114 Mr Jones: Did you feel at all disadvantaged by that insofar as public awareness was concerned?

Claire Bassett: In an ideal world we would have liked to have more time to develop our partnerships, particularly with voluntary groups who work with people who are most likely not to be registered to vote, but we were able to do what we did. The most effective routes that we use, like Facebook and Snapchat, those things we were all able to do and we were able to get our message out there. Some of our partnerships did work really well and the GOV.UK partnership meant that they put the message up on there about registering to vote in a whole range of different places, and that was really effective as well. We had some really positive things.

Q115 Mr Jones: Everything you mentioned has been web-based. Of course you had—

Claire Bassett: We did do TV adverts and we did radio, and we did—

Q116 Mr Jones: Yes, but the question I was getting at was is much more of your activity being focused on the internet nowadays, rather than broadcast or printed media?

Claire Bassett: It is shifting. The vast majority of our spend is still in broadcast, because that is where the expense is. We deliberately run a multichannel campaign, because we are deliberately targeting different people and different groups. We still do bus shelters and train stations and big posters there, as well as the TV advertising. The positive of social media is we can flex it in live time, so we can test what works and when



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we know something is working we can do more of that, and we can tweak things and we can respond to do that. Our target group, so young people, for example, social media is the most effective way of targeting them. Similarly, where we are able to use really targeted things, so partnership with Rightmove, for example, for house movers and things like that allow us to target our advertising through that. We do the whole range and we very deliberately have a multichannel approach.

Q117 Mr Jones: You mentioned that online awareness campaigns are most effective for younger people. Have you made any assessment of what sort of media reaches older people?

Claire Bassett: There is quite a lot of evidence out there and I think again the multichannel approach works. The good news from our point of view is that older people are much more likely to be registered to vote and indeed to vote, so we are doing that, but again it is about making sure that we are targeting the groups within that group who are less likely to do so. That is people who do not own their homes or who have moved house recently, and again we will do that and we will partner up with different people to access those groups. We are quite keen to get our message out to the relevant people in the most targeted way and we have developed a lot of expertise in-house at doing that.

Sir John Holmes: We also do surveys before and after the campaigns to track how successful and what sort of degree of awareness they have with the different representative groups. There is a particular focus, as Claire says, on those who we know are most likely to be not registered already, the young and home movers and so on, but it encompasses the wider population as well. We have some idea afterwards other than our own vanity about how well we did.

Q118 Mr Jones: The turnout at last year's general election was the highest for many years. To what extent do you think it was attributable to your campaign?

Claire Bassett: Our campaign is about getting people to register, rather than turnout, so we stop our activity—

Q119 Mr Jones: You cannot do one without the other, can you?

Claire Bassett: Absolutely, but the reason I say that is because we stop a lot of our campaign activity once the registration deadline has passed. We do provide our materials to the returning officers and local authorities as well and we work to make sure people know where they can vote and where polling stations are and that sort of thing. I think there was a whole myriad of factors. I do not think we can take credit for it.

Q120 Mr Jones: Have you made any assessment as to whether turnout was affected in any way by the fact it was a snap election?

Claire Bassett: No, we have not looked at that.

Q121 Mr Jones: Is that the sort of thing you would look at?



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Claire Bassett: It is not. Not deliberately. Not because we have deliberately chosen not to, but because we focus on registration rather than turnout. That is where our focus has been.

Q122 **Mr Jones:** Will you be publishing an assessment of the effectiveness of your awareness campaign?

Claire Bassett: We have already done that.

Mr Jones: You have done that? I am sorry, I missed that. Thank you.

Q123 **Sandy Martin:** Are there any particular groups who you believe are being excluded from being able to vote by the process itself, either by the nature of the voting papers or the polling stations or whatever?

Claire Bassett: This time we produced for the first time a specific report on accessibility because we felt it was really important to draw attention to these areas. There are some groups who find it harder to vote and I don't think that is a surprise to any of us. The recommendations we made in there are quite clear about how we should make sure our polling stations and our registration process and the whole electoral experience is accessible to all, including those with hidden disabilities as well as physical disabilities. We have made a number of recommendations there. Some of those are frustratingly difficult to make, so, for example, improvements to the forms, because they need changes in the legislation. Other things should be already there, like the accessibility of polling stations and we are working to remind presiding officers and returning officers about the requirements on them to make sure polling stations are accessible.

We have also done things like produce guidance in an easy read format—we produced the report in an easy read format as well for the first time this time—and we contributed to the Government review that is going on at the moment about accessibility.

Q124 **Sandy Martin:** Certain groups that spring to my mind are people who are blind and partially sighted, people who are unable to read and write, people who have English as an additional language, and I think you have already dealt with people with learning difficulties with your easy read materials. What about the other three groups? What are you doing to help them?

Claire Bassett: There has been some work with the RNIB and it is part of the Government review that we have contributed to. Our accessibility report formed our submission to that review as well and that is ongoing at the moment. Again, about making sure that information is available in Braille format, that there is multi-language guidance and posters, those sorts of things, and it has a number of recommendations around those different areas.

Sir John Holmes: Of course people can ask for help from the polling station staff to vote in whatever way they can, so if they cannot read it is



possible to ask the polling station staff to help you to do that. In terms of languages, where there are major language issues in a constituency normally the polling station staff will reflect that, but also there will be posters around the walls in a number of languages, not necessarily all of course.

Claire Bassett: The other key recommendation we have made and should have mentioned earlier is that we want to work to improve awareness among carers and support workers as well, so quite often they are the people who will be able to signpost people towards the help that is available and it is about making sure that where there are the right facilities and help there people know about it. It is that work with care focus and support as well, and things like making sure that the people running the elections are aware of it and also the parties. One of the feedbacks we received was about manifestos being available in an easy read format in a really timely fashion so that people who are motivated and interested can also access that information.

Q125 **Sandy Martin:** Given that there has been anecdotal evidence of people with learning disabilities being turned away by polling station staff because they did not believe that people with learning difficulties ought to be allowed to vote, I myself have been asked to remove my tie when going in to vote because it was too red, and there were people at the election when we had the referendum in my own constituency who were being asked, "Do you want to vote for the referendum or do you want to vote for the local elections?" There is an issue about the training of polling station staff, is there not?

Claire Bassett: We have reviewed our guidance and reinforced that. We have used the report to also highlight it as part of the training. We are really interested in specific examples so if that is going on then that is something that we want to know about because that is somebody failing to meet performance standards. We want to be aware of that so that we can act on it.

Q126 **Dame Cheryl Gillan:** Does your guidance contain any specific reference to people with autism or ASD?

Claire Bassett: I am not sure if it does. I certainly know it is something that we have picked up in the report, that things like lighting and the level of noise and the space in polling stations—

Q127 **Dame Cheryl Gillan:** I should perhaps declare that I am Chairman of the All Party Parliamentary Group on Autism. That is very, very important for staff to be understanding of the conditions that somebody with an autism spectrum disorder needs to have, and also the sort of attitude that could evoke a different response in somebody who perhaps sees the world through different eyes.

Claire Bassett: That is a really good example, and something that we have been doing a lot of thinking about. We can try to improve what we have now, but we perhaps also need to start thinking about whether



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certain groups of people ought to be able to vote in different ways, and whether that is having mobile polling stations, for example, that can go to people in particular settings where they need that, or the ability to vote on a different day and things like that, or in a different polling station. If somebody has autism, for example, they might be more comfortable going to one place because they know it than going to somewhere else that represents other things for them. We think you could manage that in a way that meant they could vote in a different polling station, for example, so there are other big things that we could change, but they are trickier, but we are aware of that.

Q128 **Dame Cheryl Gillan:** I am delighted you are thinking about this, because my mission is that anybody working in the public sector or public-facing should be aware of autism and should make the accommodation that allows them to fulfil their potential and play a full part in our life, wherever they may be. If you could continue to look at that I would be very grateful and I am grateful for the Chair giving me the latitude.

Claire Bassett: I agree with you.

Q129 **Chair:** Sir John, what role did the board have during the general election?

Sir John Holmes: The board is there to set the strategy for the Electoral Commission and its vision and to supervise its governance. The board itself has little role in the campaign itself because the processes and so on are all in place, the plans are all in place, and they roll into action without needing any specific activity by the board. So the board is obviously following it very closely. I particularly as Chair do that. I have given much more time to it than the other members of the board but our role comes before and after just as much as it does during.

Q130 **Chair:** Did the board meet at all during the general election? Was there an extra board meeting of any kind?

Sir John Holmes: We did and we had a briefing, a telephone briefing, at some point as well, just to make sure that everybody was up to speed with whatever issues there were.

Claire Bassett: The election was announced I think on 18 April and there was a board meeting in April and then May and the phone call.

Q131 **Chair:** All right, so the board sought and obtained assurance that what needed to be done was being done?

Sir John Holmes: Yes.

Q132 **Chair:** How content are you with the range of skills and experiences that you have on your board?

Sir John Holmes: Very content. My observation of it, and as I say I can look at it more from the outside than my colleagues can, is that we do



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have a range of skills and experiences going back a long way in many cases, right back to the beginning of the formation of the Commission, but also there is that flexibility that people can switch when an election comes from one activity to another to make sure that we are covering all the bases. One of the things, and we did not mention it specifically when we were talking about this, about the effect of a snap election, is that some longer-term future work we can simply put on hold for the length of the campaign, but maybe for a bit longer, while the people who are working on that can be diverted into the more urgent needs of the campaign.

My observation was that it worked smoothly and well and I was not aware that we were lacking some particular skill or talent that we should have had.

Claire Bassett: Just to give the staff perspective back on the board, if you like, we are lucky because we have that range of experience on the board, so we have the nominated commissioners who bring very live political experience but we also have two very experienced retired returning officers, in Rob Vincent and Sue Bruce, who have lived and breathed this and really bring an in-depth understanding as well as people with expertise on the law and different areas. One of the things that we have recently introduced is getting those commissioners more involved in an informal way in our steering groups for different aspects of our work so that are able to mine that knowledge. They have that slightly greater awareness of what is going on and we benefit more from it as well.

Q133 **Chair:** Sir John, how do you decide in the public-facing role of the Commission whether it is your Chief Executive or you as Chairman that should be in front of the camera answering the questions?

Sir John Holmes: We do not have any specific rules about that, so we do decide it on a case-by-case basis. Where there are bigger strategic issues, for example the speech I gave a couple of months ago to the Institute for Government I thought it an appropriate role for the Chairman of the board to take. When there are, for example, some of the enforcement issues and the more high profile cases last year I thought it was more appropriate for the Chief Executive to take that role, as closer to those decisions that the board does not get involved with as such. We do it on a case-by-case basis without any very specific rules and hope it works well.

Claire Bassett: It does work well. We do not have to do that much of it.

Q134 **Chair:** We take an interest in how the governance arrangements of a public body works, which is why I asked those questions.

Sir John Holmes: We are very careful to try to make sure that the board plays its proper role and does not try to interfere in the day-to-day operations, and me particularly as Chair, of the Commission.



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Q135 **Chair:** My personal experience is that the anxiety is usually the other way around.

Sir John Holmes: Of course.

Q136 **Chair:** That the board and the Chair should step up when necessary to provide support for the executives. Moving on, there are a great many things on the Electoral Commission's shopping list for the Government to deal with. What would you say are the three top priorities?

Sir John Holmes: I think the first thing would be some of the changes we have been talking about around the registration process and the degree to which the registers are connected and so on, and the ability of EROs to use data matching, for example, with other databases and the degree to which they can be set up in a way that is more appropriate for the 21st century. That is one very specific thing, which we are already, as we have been talking about, pursuing.

The second would be the legislation we have been talking about to put into effect the very helpful proposal that the Law Commission makes, because they do underlie everything and they would simplify it.

Chair: That is quite a big item.

Sir John Holmes: It is a very big item and we are aware of an issue about legislative time and the effect that Brexit has had on the legislative process, but we hope nevertheless that an opportunity will come before too long for that to happen. I think that is the second one.

Then these issues about online and digital campaigning and making sure that where there are changes that can be made, for example the imprint rules, bringing staff costs into them, to give us extra tools to help measure that would be perhaps the third. Claire, do you agree?

Claire Bassett: I would agree, and accessibility.

Q137 **Chair:** Out of the Law Commission's proposals, Mr Posner, perhaps you would highlight one or two of the most urgent Law Commission proposals?

Claire Bassett: It is non-contentious, isn't it?

Sir John Holmes: There are some that may be taken out and pursued in secondary legislation, including, for example, the one about election petitions and making them easier.

Q138 **Chair:** Given the limited availability of parliamentary time if you had a small Bill what would be in it?

Bob Posner: The Law Commission's commission is to make recommendations about electoral registration, which is a self-contained chapter and would address some of the issues around double voting and things like that. That is a useful chapter in a set of recommendations. As John has just alluded to, it makes a set of recommendations, which Sir



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Eric Pickles picked up as well, around the electoral offences and how you challenge elections and so forth. Again, it is very self-contained and I think that is an important aspect of the system. Those would be two areas you could pick out from it and probably apply fairly easily.

Chair: Thank you very much indeed. Unless there are any further questions, Mr Hopkins?

Q139 **Kelvin Hopkins:** One point to emphasise, having visited America with this Committee and its predecessor on a number of occasions, the importance of controlling election and political spending is absolutely fundamental and I hope that you will make sure that Government is continually made aware of that. The difference between ourselves and America is that in America you can buy elections because you have a lot of money, and if you do not have a lot of money you do not get anywhere.

Sir John Holmes: That is the essence of the regime we are policing, essentially, to control expenditure.

Q140 **Chair:** Can I add that as Members of Parliament we all thank our returning officers and their staff on election night? I am not aware that anybody on election night thanks the Electoral Commission, but this is our opportunity on behalf of Parliament to thank the Electoral Commission and all your staff for all the work you did in the general election, all the work you continue to do in the preparation for the forthcoming local elections and so on against a very tight budget, under a lot of public scrutiny and under great pressure. Would you please take back to all your staff, Ms Bassett, our thanks?

Claire Bassett: That will be hugely appreciated.

Chair: It is appreciated what you do, although we do not always agree with what you do, and we are very grateful.

Sandy Martin: We are very pleased, Chair, if I may say, that we can rely on the Electoral Commission to do it rather than having to argue between ourselves about what is done, as happens in the United States.

Chair: We do pride ourselves in this country on an impartial civil service and you are an emanation of that philosophy and that ethos and that is very valuable to our political system and its stability. Please take back those thanks and thank you for appearing today.