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Committee  
House of Commons  
London, SW1A 0AA

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18 June 2020

Dear William,

**Government Response to the previous PACAC's Report on *Electoral Law Reform***

Thank you for your letter of 18 May about the above issue. I have grouped a number of the questions in responding to them, as the points raised are interconnected and can be covered in a more general response.

**Notional Spending**

**What options is the government exploring to clarify the law on notional spending?  
What is the timetable for this work and what is the expected outcome?  
Which stakeholders are being consulted?**

You raise a number of questions on the Government's review of the rules on notional spending. The Government is considering this area as part of its work on electoral integrity. We are exploring options to clarify this area of law, including building in assurances on notional spending for candidates, election agents and parties. The Government remains committed to ensuring that the electoral spending framework is clear, robust and fair for candidates and parties.

The expected outcome is to achieve clearer legislation on notional spending, which will make it easier for candidates, election agents and parties to understand the rules. We recognise that the Supreme Court *Mackinlay* ruling has had a number of consequences which may be detrimental to democratic engagement – for example, actively discouraging the leaders of political parties from undertaking public visits to some constituencies during general elections.

The Government will engage with a number of stakeholders including political parties, the Electoral Commission and the devolved administrations. The Government is minded that the law should be clarified reinstate the position previously understood by political parties, and as interpreted by the Court of Appeal, although this is a complex area of legislation and needs careful consideration.

## **Electoral Administrators**

**What measures are being considered with administrators' groups to relieve pressures on election administrators and minimise risks?**

**What is the timetable for this consideration?**

**What measures is the Government considering to improve operational delivery and supply systems for elections?**

**What is the timetable for this work?**

The Government recognises the pressures on electoral administrators and is looking at ways in which we can help them to deliver their duties effectively. That said, it is important that we do so in the context of a primary focus on providing a service to electors and voters, for whom the electoral system is provided. We work with organisations that oversee the running of elections (the Electoral Commission) and represent the interests of electoral administrators (Society of Local Authority Chief Executives (SOLACE) and the Association of Electoral Administrators (AEA)) and ensure they are involved in the development of policy and legislation.

We have reviewed the operation of the annual canvass and introduced changes which are less prescriptive, and will allow greater scope for Electoral Registration Officers (EROs) to innovate and target resources where they are most needed.

The Government is aware of the burdens placed on electoral administrators by the high numbers of applications to register to vote they receive ahead of major polls. The Cabinet Office is leading a new Registration Volumes project, the purpose of which is to gather evidence about the precise nature of the problems faced by administrators and consider how to best mitigate them. Cabinet Office is working with the AEA, SOLACE, the Electoral Commission, the Devolved Administrations and others to identify and scrutinise potential policy interventions. We expect to be able to make further announcements on the progress of this project later in the year.

We have allowed additional time for electoral administrators to complete and submit claims for funding for recent elections, including the May 2019 European Parliamentary elections and the December 2019 General Election, as we may also do for the Police and Crime Commissioner (PCC) elections in May 2021 if administrators consider that may be helpful to them. We have also allowed administrators to submit funding claims online in the current circumstances.

With regard to the question on operational delivery and supply systems for elections, we are currently looking at the resilience of suppliers in order to support electoral administrators with an effective supplier infrastructure. As part of this, we are looking at the way the electoral process works in order to consider any need for change to support a more effective process. We are engaging with the key electoral stakeholders and suppliers of electoral services systems on this issue, in particular to understand their positions.

## **Voters**

**What steps is the Government taking to reform the election petition system?**

**What work has been done so far and what is the timetable for this work?**

**What is the timetable for work on a centralised complaint system?**

**Has any work been done?**

The Government will consider these matters further, in consultation with stakeholders, as part of its work on electoral integrity.

Much thought has been given to the election petition system as outlined in the Government response to the Pickles report on electoral fraud, and the Government agrees that there is a need for change.

However, due to pressures on Parliamentary time and the need to implement manifesto pledges on electoral law, we will work towards making changes to the election petition process at a later date.

## **Electoral Law reform**

### **What is the timetable for the consideration of the Law Commission's report on electoral law by the Government?**

#### **When will proposals be brought forward?**

The Government welcomed the Law Commission's recently published Electoral Law report in the response of 18 May to the Question from Lord Rennard on the Law Commission's report (HL3548). The Government will consider the issues raised in the report, in conjunction with its wider programme of electoral integrity reforms, and will respond fully in due course.

However, any process on consolidation will inevitably be a longer-term project, as with the implementation of most Law Commission consolidation programmes. The Government's immediate priority will be the implementation of manifesto commitments.

Some of the Law Commission's proposals involve substantive changes to policy, rather than just law consolidation – and any such substantive change would need to be carefully considered, and the views of other interested parties taken into account.

## **Digital Campaigning**

### **When does the Government plan to make further details available of the digital imprints regime for online election material?**

The Cabinet Office has already consulted on initial proposals. However, whilst there was very broad support for the principle, this has flagged up a series of technical challenges to ensure how it can be effectively and reasonably implemented. For example, there are complex questions on the scope of the regime; how to distinguish 'campaigning' from an individual's free speech or personal comment; where and when exactly an imprint should appear. These challenges reflect the fact that digital and social media are very different from the 'traditional' publication of printed literature for physical mass distribution.

The Government will consult shortly on the technical detail of such measures, when it is practical to do so given capacity constraints due to Covid-19.

### **What work is being conducted with DCMS and others on the effectiveness of the regulatory framework for digital campaigning?**

I work closely with DCMS Ministers and indeed appeared jointly at a Lords Select Committee on this issue recently. Digital imprints is a leading policy that will improve transparency for voters, and the Government is also considering other ways it can ensure our campaigning framework is fit for the digital age and increase voter confidence in it.

## **Voter ID**

### **When will the cost of the voter ID pilots from 2019 be published?**

In our 2018 voter ID pilot evaluation we published some cost data relating to the delivery cost of each pilot. These illustrated the cost of running pilots - including IT development and exceptional local awareness raising and communication campaigns - and were not an attempt to cost the national roll out of voter ID.

Cabinet Office is currently using the knowledge gained from the voter ID pilots to prepare for national implementation of photographic ID at local and national elections. That work includes refining the cost of national roll out and identifying the ongoing cost of voter ID as part of business as usual for voters at subsequent elections.

**When will the projected national cost be published?**

We are currently in the process of planning and preparing for the national roll-out.

The exact costs will depend significantly on the detail of the scheme we pursue and what package we wrap around the national roll out of photographic voter ID to ensure its success, particularly for training and communications. The technical plans for its implementation are being developed and the anticipated costs of national rollout will be published in due course, alongside the planned primary legislation which will be brought forward.

**Yours ever,**

A handwritten signature in cursive script that reads "Chloe". The signature is written in black ink and is positioned above a horizontal line that serves as a separator.

**Chloe Smith MP**



# PACAC (Public Administration and Constitutional Affairs Committee)

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Rt Hon Michael Gove MP  
Chancellor of the Duchy of Lancaster and  
Minister for the Cabinet Office  
by email

18<sup>th</sup> May 2020

*Dear Michael,*

## **Government Response to the previous PACAC's Report on *Electoral Law Reform***

Thank you for the Government Response to the Report of our predecessor Committee on *Electoral Law: the Urgent Need for Review*, which we received on 1<sup>st</sup> May, seven months after the Report was published (on 1<sup>st</sup> November 2019). The Committee took a decision soon after its appointment to follow up recommendations of its reports more systematically, and with that in mind I would be grateful if you would supply more information on several matters from the Response.

On a general point, we noted the statement in the Response that “whilst the Government agrees that the clarification of electoral law would certainly be beneficial, we are aware of more immediate challenges outside of the structure of electoral legislation, including operations, resilience, fraud and confidence.” The Committee’s Report, however, contended that the clarification of electoral law *was critical* to improving operations, resilience, fraud and confidence.

I would be grateful for your answers to these specific points:

### Notional Spending

1. The Response states that “the Government has held cross-party discussions on this subject and is now exploring options to clarify this area of the law” (p. 4).
  - a. What options is the Government exploring to clarify the law on notional spending?
  - b. What is the timetable for this work and what is the expected outcome?
  - c. Which stakeholders are being consulted?

### Electoral administrators:

2. The Response states: “we recognise the pressures on administrators to deliver elections...we continue to work with stakeholders...to consider an appropriate

- programme of electoral reform and to minimise any risks to the successful running of elections” (p. 4).
- a. What measures are being considered with administrators’ groups to relieve pressures on election administrators and minimise risks?
  - b. What is the timetable for this consideration?
3. The Response states: “issues with operational delivery and supplier systems [...] [are] a priority for us to consider. The Government is working closely with administrators and suppliers on these kinds of issues” (p. 4).
- a. What measures is the Government considering to improve operational delivery and supply systems for elections?
  - b. What is the timetable for this work?

#### Voters

4. The Response states: “the Government agrees on the need to bring forward legislation to modernise the election petition system” (p. 5).
- a. What steps in the Government taking to reform the election petition system?
  - b. What work has been done so far and what is the timetable for this work?
5. The Response states: “we agree with the Committee’s recommendation [on a centralised complaint system]... We will consider this further, in consultation with stakeholders, when examining the current election petition system” (p. 5).
- a. What is the timetable for work on a centralised complaint system?
  - b. Has any work been done?

#### Electoral Law Reform

6. The Response states: “the Government agrees in principle that electoral law needs consolidation” (p. 6).
- a. What is the timetable for the consideration of the Law Commission’s report on electoral law by the Government?
  - b. When will proposals be brought forward?

#### Digital campaigning

7. The Response states: “we have announced plans to implement a digital imprints regime for online election material and further details will be available in due course. In addition, we continue to work closely with the Department for Digital, Culture Media and Sport, the Electoral Commission and other key stakeholders on these issues to ensure the regulatory framework for digital campaigning is as effective as possible” (p. 6).
- a. When does the Government plan to make further details available of the digital imprints regime for online election material?
  - b. What work is being conducted with DCMS and others on the effectiveness of the regulatory framework for digital campaigning?



Voter ID

8. The Response states: "The Government is committed to introducing Voter ID. We will bring forward legislation enabling the implementation of the proposed measures when parliamentary time allows" (p. 8).
- a. When will the cost of the voter ID pilots from 2019 be published?
  - b. When will the projected national cost be published?

I am grateful for your assistance in following up this work at an incredibly busy time. I would be grateful for a response by Monday 1 June.

*Yours ever,*  
*William*

**William Wragg MP**  
**Chair, Public Administration and Constitutional Affairs Committee**

