

POLITICAL PARTIES, ELECTIONS AND
REFERENDUMS ACT 2000



**THE SPEAKER'S COMMITTEE
ON THE ELECTORAL
COMMISSION**

SECOND REPORT 2022

**Appointment and re-appointment of Electoral
Commissioners**

*Ordered by the House of Commons
to be printed 9 June 2022*

HC 353
Published on 10 June 2022
by authority of the House of Commons

The Speaker's Committee

The Speaker's Committee is appointed in accordance with the provisions of section 2 of the Political Parties, Elections and Referendums Act 2022 to perform the functions conferred on it by that Act.

Membership

[Rt Hon Sir Lindsay Hoyle MP](#), Speaker of the House of Commons (Chair)

[Kemi Badenoch MP](#), Minister of State for Levelling Up Communities, and Minister for Equalities

[Mr Clive Betts MP](#), Chair of the Levelling Up, Housing and Communities Committee

[Rt Hon Michael Gove MP](#), Minister for Intergovernmental Relations, and Secretary of State for Levelling Up, Housing and Communities

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[Cat Smith MP](#)

[Owen Thompson MP](#)

Previous Publications

First Report 2022 was published 28 April 2022 as HC 1274 of Session 2022–23

First Report 2021 was published 3 March 2021 as HC 1276 of Session 2019–21

Second Report 2021 was published 7 July 2021 as HC 522 of Session 2021–22

Third Report 2021 was published 7 July 2021 as HC 523 of Session 2021–22

Fourth Report 2021 was published 24 November 2021 as HC 882 of Session 2021–22

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Contents

Nominated Electoral Commissioners	3
Electoral Commissioner nominated by the Conservative Party	4
The nomination and selection process	4
Statutory consultation	4
Electoral Commissioners nominated by the Scottish National Party and Labour Party	5
The nomination and selection process	5
The recommended candidates	6
Statutory consultation	6
Appendix A: Procedure for the appointment of nominated Electoral Commissioners	7
Appendix B: Role and person specification	11
Appendix C: Roseanna Cunningham’s CV	13
Appendix D: Chris Ruane’s CV	14

Nominated Electoral Commissioners

1. The Electoral Commission was established by Parliament as a body independent of Government. Both the Chair of the Electoral Commission and Electoral Commissioners themselves are appointed by Her Majesty the Queen, following an Address from the House of Commons. The Speaker's Committee on the Electoral Commission is required by section 3 of the Political Parties, Elections and Referendums Act 2000 (PPERA), as amended by the Political Parties and Elections Act 2009, to oversee the procedure for selecting candidates for appointment to the Electoral Commission. Candidates' names are put before the House of Commons with the agreement of the Speaker.
2. Section 3A of the PERA, provides for four of the Electoral Commissioners to be persons put forward by the registered leader of a qualifying party for consideration for appointment.¹ These Commissioners are described in the statute as "nominated Commissioners".
3. It has been the usual practice of the Speaker's Committee to recommend the appointment of Electoral Commissioners for a standard four-year term and, if re-nominated by the party leader and found appropriate by the Committee, to recommend re-appointment for a further four-year term, giving an ordinary maximum term of eight years. There is no presumption in the statute either for or against re-appointment.
4. The terms of office of the following three nominated Commissioners are due to come to an end in Autumn 2022:
 - Lord Gilbert of Panteg (Conservative nominee) – 31 October 2022 (First term)
 - Joan Walley (Labour nominee) – 31 October 2022 (First term)
 - Alasdair Morgan (Scottish National Party nominee) – 30 September 2022 (Third term)
5. The Speaker's Committee is grateful to the outgoing Commissioners for their dedicated work for the Electoral Commission.

¹ A qualifying party is a party with two or more Members of the House of Commons at the time of the person's appointment.

Electoral Commissioner nominated by the Conservative Party

The nomination and selection process

6. The term of office of the current nominated Commissioner for the Conservative Party, Lord Gilbert, expires on 31 October 2022. Lord Gilbert was initially appointed in 2018 for a four-year term. In October 2021, the Chair of the Electoral Commission wrote to the Speaker's Committee providing a positive appraisal of Lord Gilbert's performance as a Commissioner. The Speaker wrote to Boris Johnson asking whether he would like to re-nominate Lord Gilbert for a further term. Mr Johnson confirmed that he would like to do so.

7. Having considered this re-nomination and noting the positive appraisal from the Chair of the Electoral Commission, the Speaker's Committee agreed in November 2021 to progress with the re-appointment of Lord Gilbert.

Statutory consultation

8. Section 3(2)(b) of the Political Parties, Elections and Referendums Act 2000, as amended, requires that the proposal to appoint (or re-appoint) a member of the Electoral Commission be the subject of consultation with the leader of each registered party to which two or more Members of the House of Commons then belong. The Speaker accordingly wrote to the leaders of the qualifying parties on 1 November 2021. No objections or concerns were received in response to the Speaker's consultation.

9. The Speaker's Committee therefore commends to the House the re-appointment of Lord Gilbert of Panteg as an Electoral Commissioner, for a term commencing on 1 November 2022, and ending on 31 October 2026.

Electoral Commissioners nominated by the Scottish National Party and Labour Party

The nomination and selection process

10. The term of office of the current nominated Commissioner for the Labour Party, Joan Walley, expires on 31 October 2022. Ms Walley was initially appointed in 2018 for a four-year term. In November 2021, the Speaker wrote to Sir Keir Starmer, asking whether he would like to put Ms Walley forward for re-appointment for a further term. Sir Keir informed the Speaker that he did not wish to re-nominate Ms Walley, and instead put forward three candidates for consideration as the new nominated Commissioner for the Labour Party.

11. The term of office of the current nominated Commissioner for the Scottish National Party, Alasdair Morgan, expires on 30 September 2022. Mr Morgan was initially appointed in 2014 for a two-year term as the nominated Commissioner for the smaller parties. In 2015, after the SNP had become the third largest party in the House of Commons, Nicola Sturgeon MSP nominated him for a four-year term as the nominated Commissioner for the SNP, which began on 1 October 2016. Ms Sturgeon then re-nominated him for a further two-year term beginning on 1 October 2020. In Autumn 2021, Mr Morgan confirmed that he does not wish to seek a further re-appointment. In November 2021, the Speaker wrote to Ms Sturgeon, asking her to put forward three new candidates for consideration as the new nominated Commissioner for the SNP.

12. Once the nominations from the Labour and SNP leaders had been received, the Speaker appointed a panel to consider the nominees, interview them, and make recommendations to the Speaker's Committee on their appointability. The interview panel was comprised of the following:

- Sarah Laessig (independent Chair);
- John Pullinger CB (Chair of the Electoral Commissioner);
- Karl McCartney MP (Member of the Speaker's Committee on the Electoral Commission);
- Cat Smith MP (Member of the Speaker's Committee on the Electoral Commission); and
- Owen Thompson MP (Member of the Speaker's Committee on the Electoral Commission).

13. The panel interviewed the SNP-nominated candidates on 24 February,² and the Labour-nominated candidates on 10 March.

14. The role and person specification can be found in Appendix B.

² Karl McCartney was unable to attend on this date.

The recommended candidates

15. The Panel's unanimous recommendation was that Roseanna Cunningham should go forward as the SNP nominated Commissioner. Ms Cunningham was a Member of the Scottish Parliament from 1999 until her retirement at the 2021 Election. Ms Cunningham served as a Scottish Government Minister (2009–2014), and a Scottish Government Cabinet Secretary (2014–2021). She was also an SNP Member of Parliament between 1995 and 2001. Prior to her political career, Ms Cunningham worked briefly in the Western Australian Civil Service before qualifying as a lawyer and practising as a solicitor from 1983. Overall, the panel considered Ms Cunningham an eminently appointable candidate, who could bring strong political experience and effective challenge to the Commission board.

16. The Panel's unanimous recommendation was that Chris Ruane should go forward as the Labour nominated Commissioner. Mr Ruane is a former Labour Member of Parliament for Vale of Clwyd, Wales (1997–2015, 2017–2019). Between 2002 and 2015, Mr Ruane served as a PPS to various Ministers and Shadow Ministers, including the Foreign Secretary (2008–2010), and Shadow Chancellor (2010–2011). Before his political career, Mr Ruane was a teacher and Deputy Head Teacher at a primary school in Rhyl (1982–1997). Mr Ruane's current voluntary and charity work is focused on mental health and mindfulness. Overall, the panel considered Mr Ruane an eminently appointable candidate, who would bring passion, understanding, and constructive challenge to the role.

17. Having considered the panel's report, the Speaker's Committee agreed to recommend that Roseanna Cunningham and Chris Ruane be appointed Electoral Commissioners.

Statutory consultation

18. Section 3(2)(b) of the Political Parties, Elections and Referendums Act 2000, as amended, also requires that the proposal to appoint (or re-appoint) a member of the Electoral Commission be the subject of consultation with the leader of each registered party to which two or more Members of the House of Commons then belong. The Speaker accordingly wrote to the leaders of the qualifying parties on 28 April 2022. No objections or concerns were received in response to the Speaker's consultation.

19. The Speaker's Committee is confident that Roseanna Cunningham and Chris Ruane, for each of whom a curriculum vitae is appended to this Report, have the experience and personal qualities to be effective members of the Electoral Commission. The Committee therefore invites the House to agree that Roseanna Cunningham be appointed for a term commencing on 1 October 2022, and ending on 30 September 2026, and for Chris Ruane to be appointed for a term commencing on 1 November 2022, and ending on 31 October 2026.

Appendix A: Procedure for the appointment of nominated Electoral Commissioners

1. Section 3(3) of the Political Parties, Elections and Referendums Act 2000 (PPERA) states that the period of appointment of an Electoral Commissioner requested in a humble Address shall not exceed ten years.
2. Section 3(5) of the Act provides that an Electoral Commissioner may be re-appointed or further re-appointed.
3. It has been the practice of the Speaker's Committee ordinarily to recommend the appointment of Electoral Commissioners for a standard four-year term and, where requested and found appropriate, to recommend re-appointment for a further four-year term, giving an ordinary maximum term of eight years.
4. It has been the practice of the Speaker's Committee to recommend that candidates nominated to represent the 'smaller' parties as nominated Electoral Commissioners should be appointed for a two-year fixed term appointment. This is to enable greater rotation between the 'smaller' parties, if this is desired.
5. While not regulated by the Office of the Commissioner for Public Appointments, the Committee's practice falls within OCPA's guidance that appointments in the public service should not exceed ten years.

Appointments drawn from nominations by the leaders of the three largest nominating parties: Initiation

- (1) The Speaker writes to the leaders of the relevant Westminster parties advising of the opportunity to nominate and requesting advice as to their intentions in respect of re-nomination, or the presentation of new candidates. This letter will include the role and person specification for appointment as an Electoral Commissioner, and any further advice and guidance which may be required on (for example) the interpretation of the relevant parts of PERA.
- (2) The party leader will respond accordingly.

(a) If the party leader intends to present new candidates:

- (1) The Speaker's Committee will appoint an independent panel to manage a closed competition and make recommendations for its consideration. The panel will include:
 - An independent Chair;
 - The Chair of the Electoral Commission;
 - Two or three backbench members of the Speaker's Committee drawn from different parties.

- (2) The party leader will submit to the Speaker the names and CVs of three candidates, with evidence as to each individual's suitability for appointment, for consideration by the independent panel.
- (3) The independent panel will interview the candidates and make recommendations to the Speaker's Committee on the merits of appointable candidates. If the panel should decide that it cannot fully recommend any of the candidates put forward by a party leader it may recommend that new nominations should be sought.
- (4) The Speaker's Committee will consider the panel's report and will select a candidate who may be recommended for appointment to each available post, on the basis of merit.
- (5) The Speaker will consult the qualifying parties on the names of successful candidates in accordance with s3(2)(b) of PPERA, as amended.
- (6) Subject to the outcome of the statutory consultation, the Speaker's Committee will report its recommendation to the House, together with responses received to the statutory consultation.
- (7) The Speaker will ask the Leader of the House to table a motion for An Humble Address for the appointment of the recommended candidate(s). Such motions are normally referred to a delegated legislation committee for debate.
- (8) If the motion is agreed to by the House, the appointment is completed by Royal Warrant.

(b) If the party leader intends to re-nominate a serving Commissioner

- (1) The party leader may submit the name of the serving Commissioner alone to the Speaker.
- (2) The Speaker's Committee will seek such evidence as it considers appropriate, including evidence from the Chair of the Electoral Commission, relating to the Commissioner's effectiveness in post. This may include the Chair's assessment of the Commissioner's performance, measured against agreed objectives through regular appraisal, and measures such as the percentage of Commission meetings attended by the Commissioner, and complaints upheld against the Commissioner.
- (3) If the Committee is not satisfied as to the appropriateness of re-appointment, the Speaker will write to the party leader requesting that three new candidates be offered.
- (4) If the Committee is satisfied as to the appropriateness of re-appointment, it will formally agree to recommend the candidate, subject to the outcome of the statutory consultation.
- (5) The Speaker will consult the qualifying parties on the names of successful candidates in accordance with s3(2)(b) of PPERA, as amended.

- (6) Subject to the outcome of the statutory consultation, the Speaker's Committee will report its recommendation to the House, together with responses received to the statutory consultation.
- (7) The Speaker will ask the Leader of the House to table a motion for An Humble Address for the appointment of the recommended candidate(s). Such motions are normally referred to a delegated legislation committee for debate.
- (8) If the motion is agreed to by the House, the appointment is completed by Royal Warrant.

Appointments drawn from nominations by the leaders of the smaller nominating parties: Initiation

- (1) The Speaker writes to the leaders of the relevant Westminster parties advising of the opportunity to nominate and requesting advice as to their intentions in respect of re-nomination, or the presentation of one or more new candidates. This letter will include the role and person specification for appointment as an Electoral Commissioner, and any further advice and guidance which may be required on (for example) the interpretation of the relevant parts of PPERA.
- (2) The party leaders will respond accordingly. Where a party leader wishes to offer one or more candidates for appointment the name, CV and evidence of suitability for appointment for each candidate should be submitted to the Speaker.

If only one nomination is received, not being the current Commissioner, or if more than one nomination is received:

- (1) The Speaker's Committee will appoint an independent panel to manage a closed competition and make recommendations for its consideration. The panel will include:
 - An independent Chair;
 - The Chair of the Electoral Commission; and
 - Two or three backbench members of the Speaker's Committee drawn from different parties.
- (2) The independent panel will interview the candidates and make recommendations to the Speaker's Committee on the merits of appointable candidates. If the panel should decide that it cannot fully recommend any of the candidates put forward it may recommend that new nominations should be sought.
- (3) The Speaker's Committee will consider the panel's report and will select a candidate who may be recommended for appointment. The decision will be made on the basis of merit. If there are two candidates of broadly equal merit, the Committee may also have regard to the desirability of rotating the post between the nominees of different party leaders.
- (4) The Speaker will consult the qualifying parties on the name of the successful candidate in accordance with s3(2)(b) of PPERA, as amended.

- (5) Subject to the outcome of the statutory consultation, the Speaker's Committee will report its recommendation to the House, together with responses received to the statutory consultation.
- (6) The Speaker will ask the Leader of the House to table a motion for An Humble Address for the appointment of the recommended candidate(s). Such motions are normally referred to a delegated legislation committee for debate.
- (7) If the motion is agreed to by the House, the appointment is completed by Royal Warrant.

If only one nomination is received, being the current Commissioner:

- (1) The Speaker's Committee will seek such evidence as it considers appropriate, including evidence from the Chair of the Electoral Commission, relating to the Commissioner's effectiveness in post. This may include the Chair's assessment of the Commissioner's performance, measured against agreed objectives through regular appraisal, and measures such as the percentage of Commission meetings attended by the Commissioner, and complaints upheld against the Commissioner.
- (2) If the Committee is not satisfied as to the appropriateness of re-appointment, the Speaker will write to the party leaders requesting that new candidates be offered.
- (3) If the Committee is satisfied as to the appropriateness of re-appointment, it will formally agree to recommend the candidate, subject to the outcome of the statutory consultation.
- (4) The Speaker will consult the qualifying parties on the name of the successful candidate in accordance with s3(2)(b) of PPERA, as amended.
- (5) Subject to the outcome of the statutory consultation, the Speaker's Committee will report its recommendation to the House, together with responses received to the statutory consultation.
- (6) The Speaker will ask the Leader of the House to table a motion for An Humble Address for the appointment of the recommended candidate(s). Such motions are normally referred to a delegated legislation committee for debate.
- (7) If the motion is agreed to by the House, the appointment is completed by Royal Warrant.

Appendix B: Role and person specification

Role specification

Electoral Commissioners are responsible for:

- Setting the overall strategic direction of the Commission across the UK and ensuring delivery of its strategic goals within the statutory framework and with the resources determined by the UK, Scottish and Welsh Parliaments to ensure public confidence in democracy.
- Setting the Commission's regulatory priorities and monitoring its regulatory activity in the areas of both party and election finance and electoral administration. This includes the oversight of the publication of statutory election reports.
- Considering from time to time key issues within the Commission's remit – including for example matters relating to maintaining compliance with the regulatory framework for political parties and candidates, as well as decisions relating to the conduct of elections and referendums; oversight of statutory schemes such as policy development grants to political parties; and reviewing of the overall framework of performance standards for local authority electoral registration and returning officers.
- Ensuring the efficient and effective use of public funds and that the Commission operates within the limits of its statutory authority to high standards of governance, and that it manages risk effectively.
- Contributing to the Commission's role as a UK-wide body and understanding the issues faced on a UK-wide level, and effectively supporting the work of the devolved governments.
- Serving as a member on the Audit or Remuneration and Human Resources Committees if required and participating in informal reference groups from time to time.
- Performing any other roles or functions which the Commission asks them to discharge personally.

Person specification

It is desirable that, in common with other Commissioners, nominees for the post of nominated Commissioner should be able to demonstrate substantial successful experience and/or understanding of:

- Contributing to the leadership and strategic direction of a complex organisation with multiple stakeholders operating in a political environment. This could include experience in a non-executive role, or as an elected member of a local authority.

- Understanding the regulatory environment, from a regulator or regulated perspective.
- Operating in an environment where decisions taken by the organisation are under constant scrutiny, from the regulated community and from the media.
- Corporate governance, including reviewing financial and other resource plans.
- Equality and diversity and an understanding of its relevance to the work of the Electoral Commission.

In addition, nominees for the post of nominated Commissioner should be able to demonstrate that they have:

- Highly-developed political understanding and awareness including the ability to work closely and productively with colleagues from other political parties.
- Excellent analytical ability and in particular the ability to think clearly about regulatory decisions from a principles based perspective.
- The ability to apply regulatory frameworks in and to a political environment.
- The ability to scrutinise and challenge from a non-executive perspective, including the ability to comment on issues involving a wide range of conflicting viewpoints.
- Knowledge of key corporate governance issues including those with particular relevance to the work of the Commission.
- Excellent interpersonal and communication skills with the ability to win the confidence of colleagues and operate as a team player.
- Complete integrity and a commitment to transparency in decision making and a knowledge of, and commitment to, the principles of public life.

Appendix C: Roseanna Cunningham's CV

Previous roles and employment

- Member of the Scottish Parliament for Perthshire South and Kinross-shire (2011–2021):
 - Cabinet Secretary for Environment, Climate Change and Land Reform – responsible for circular economy, waste, biodiversity, animal welfare, rural sports, land reform, climate change, Scottish Water, SEPA, SNH, both National Parks, Zero Waste Scotland. Extensive engagement with Brexit related matters including the consequential programme of Statutory Instruments (2016–21)
 - Cabinet Secretary for Fair Work, Skills and Training - responsible for setting up the Fair Work Convention, apprenticeships, Skills Development Scotland, women in employment, diversity (2014–2016)
 - Minister for Community Safety – with responsibility for drug policy, Scottish Civil Law, sectarianism, community safety, the fire service and relationships with faith communities (2011–2014)
 - Minister for the Environment – with responsibility for forestry, crofting, biodiversity, aquaculture, aspects of the water industry, Scottish Natural Heritage (SNH), Cairngorm National Park, Loch Lomond National Park, Scottish Environment Protection Agency (SEPA), Central Scotland Green Network (CSGN) & Scottish Canals. Attended EU Environment Council (2009–2011)
 - Convener of the Justice Committee (1999–2001), Health Committee (2003–2007), and Rural Affairs Committee (2007–2009)
- Member of the Scottish Parliament for Perth (1999–2011)
- Member of Parliament for Perth (1997)
- Member of Parliament for Perth & Kinross (1995)
- Admitted to the Faculty of Advocates (1990)
- Solicitor, Ross, Harper & Murphy, Sols., Glasgow (1989)
- Practised as a Trainee Solicitor, then Solicitor first with Dumbarton District Council, then in 1986 in the Court Department of Glasgow District Council (1983–1989)

Appendix D: Chris Ruane's CV

Current positions

- Honorary President, APPG on Mindfulness (2019–present)
- Trustee, Oxford University Mindfulness Centre (2015–present)
- Chair, Mindfulness Initiative's Global Network (2020)
- Chair, Ruby Wax's Frazzled Café (Mental Health charity) (2020)
- Vice Chair, Denbighshire Voluntary Services Council (2020)
- Board Member, Mindfulness Wales (2020)

Political career

- Member of Parliament for Vale of Clwyd (1997–2015, 2017–19):
 - Shadow Wales Minister (2017–19)
 - Member, Political and Constitutional Reform Committee (2014–15)
 - Member, Home Affairs Committee (2013–2014)
 - Parliamentary Private Secretary to; Caroline Flint, Shadow Minister, Department for Energy & Climate Change (2013–15); Ed Balls, Shadow Chancellor (2010–11); David Miliband, Foreign Secretary (2008–10); Caroline Flint, Housing Minister, Department for Communities and Local Government (2008); Peter Hain, Minister of State, Department for Work and Pensions (2007–08); and Peter Hain, Secretary of State for Wales (2002–07).
 - Opposition Whip (2011–13)
 - Chair, Welsh Parliamentary Labour Party (2005–2015).
 - Member, Welsh Affairs Select Committee (1999–2002)

Previous All-Party Parliamentary Group memberships

- Founder & Co-Chair, APPG Mindfulness (2013–15 and 17–19)
- Chair, APPG on Wellbeing Economics, (2017–19)
- Vice Chair, APPG on Data Analytics (2017–19)
- Chair, APPG on Irish in Britain, (2010–15), (Vice Chair, 2017–19)
- Member of informal Cross-Party Alliance on Electoral Registration (2011–15)
- Founder & Chair, APPG Heart Health (2001–15)

Previous employment

- Deputy Headteacher, Ysgol Mair RC Primary School, Rhyl (1991–1997)
- Class teacher, Ysgol Mair RC Primary School (1982–1991)