

## **Evidence to the Levelling Up, Housing and Communities Committee Commons Select Committee on the Draft Strategy and Policy Statement for the Electoral Commission**

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I am the current co-Director of the Electoral Integrity Project. The Electoral Integrity Project is a world leading project which produces innovative and policy-relevant research comparing elections worldwide.<sup>1</sup> My individual research expertise focusses on the administration and management of elections, as well as electoral governance. I am regularly invited to speak or advise at international events relating to elections and have published several academic volumes on how to improve elections.<sup>2</sup> I am giving evidence in a personal capacity.

### **The consequences of removing independence**

The invasion of Ukraine by Russia was an important moment which shook the world. As well as the implications for the people of Ukraine and the wider economic context, the war is widely thought to have opened up a fault-line in global politics between democratic and autocratic regimes. The UK is situated in this geopolitical situation as on the side of many democratic regimes against Russia.

A key component of democracy is that elections are run independently from the government of the day. Members of the government are a competitor in those elections – so should not interfere in the rules and implementation of those rules. Otherwise, they have opportunity to do so for personal and political gain. Although this convention was not always in place when countries such as the UK initially democratised and the parliamentary systems were established, following the end of the Cold-War, it became standard international best practice to prescribe an independent electoral commission. Newly independent states therefore took this approach.

The Electoral Commission Strategy and Policy Statement directly removes the independence of the Electoral Commission. It requires the body to follow the priorities as set out by the government. In effect, it annexes the Commission to act in a role better befitting a government department - which needs to follow the instructions set out by the relevant minister. The draft document is unequivocal in specifying that the Commission should ‘support the government’s delivery of legitimate executive priorities’ (paragraph 8). It will no longer have independence.

These ‘executive priorities’ may or may not be well placed. The key point is that they are the priorities of an incumbent government who will be contesting future elections. The interventions into how elections are run open up the prospect that any future government may use this for partisan advantage. It may give the perception to the public and critics of the government that they are actively doing so. At a time when confidence in government is under pressure around this world, this is a very problematic approach.

The consequences of this are likely to be:

- **Diplomatic:** The UK government is departing from international best practice in the conduct of elections. This may have an important diplomatic effect. The UK government has made many commitments to promoting electoral integrity and democracy around the world. The

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<sup>1</sup> <https://www.electoralintegrityproject.com/>

<sup>2</sup> <https://tobysjames.com/publications/>

FCDO has many diplomatic posts who are seeking to improve elections in their respective countries. Their work could be undermined by the government's own approach to managing elections. Non-democratic states such as Russia could point to the contradiction of the UK's promotion of democratic elections and compromises in the independence of the UK electoral authorities.

- **Election quality:** Elections will be weaker as a result. Independent electoral authorities have unanimously been showed by academic research in recent years to be able to deliver greater quality elections. The quality of elections in the UK and voter confidence in the them will be put at risk unnecessarily.
- **Democracy:** There are no guarantees of the motives or strategy of any future government. This statement could provide a malevolent government with the powers to make policy choices which consolidates their power.

It is for these reasons that governments around the world have been making commitments as part of a global 'Summit of Democracy' to improve elections and democracy. These commitments have been in the direction of establishing newly independent electoral authorities – such as in Ireland – rather than going in this policy direction.<sup>3</sup>

### Reduced functions for the Commission

The statement is specifying (or implying) that the Commission steps back from some important work that it has done in the past.

- **Keeping electoral affairs under review.** The Electoral Commission has historically played an important role in keeping the management and running of elections under review. Public, media and parliamentary debates about electoral law tend to focus on issues such as the voting system. There is much more to the conduct of elections – issues such as polling hours, the resourcing of polling stations and the consolidation of electoral law. These tend not to be the parliamentary gaze but matter concretely for election quality. The Commission can play an important role in identifying areas for improvement and speaking out on these topic.
- **Political participation.** The promotion of political participation is not listed as one of the principles for the Electoral Commission under section 3 – but should be. Levels of political participation at elections are highly uneven across age, educational, ethnic and socio-economic groups. Full democratic representation requires that there is greater participation and the Commission has an important proactive role to play. The statement limits this to providing information about the process – rather than more strategic interventions.
- **Electoral registration quality.** The Commission has undertaken important work evaluating the completeness and accuracy of the electoral register. This research work has identified uneven levels of completeness and accuracy which threaten participation and provide opportunities for electoral fraud. Evaluating electoral register quality should be included as one of the priorities in paragraph 1.

### Consultation process

It is not clear how the consultation process was conducted. I am academic expert writing about the design of electoral management bodies and regularly invited to provide guidance to overseas governments and organisations. I would have been keen to have provided input. There should also have been outside consultation with civil society groups.

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<sup>3</sup> <https://blogs.lse.ac.uk/europpblog/2022/07/15/ireland-has-moved-to-improve-electoral-integrity-other-countries-should-follow-suit/>

Historic research has shown that meetings regularly take place between the relevant government department, the Electoral Commission and the Association of Electoral Administrators –academic and civil society sectors are rarely consulted. Consultation also tends not to involve publishing transparent records of meetings. It would be likely that outside stakeholders were not consulted and this is a missed opportunity to build consensus and gather wider insights.

### **Changes to the draft Statement**

The new prime minister now has an opportunity to take a different path to strengthen elections and democracy. There was no Conservative Party manifesto commitment to remove the independence of the Electoral Commission and the urgent international situation is now a more pressing priority. The statement could therefore be withdrawn entirely. This is an unnecessary policy intervention for an area of public life which is working well. Indeed, the Electoral Integrity Project’s international indexes show that the performance of electoral authorities are remarkably strong internationally in the UK.<sup>4</sup>

Alternatively, a new statement could be written consolidating the independence of the Commission. The following changes should be also be made:

- The government has previously suggested that the statement would not undermine independence and stated that the Commission “must have regard to” the statement. This position has now been changed and the words the “Commission should” now appear 37 times in the document.
- Add a new paragraph on keeping electoral practices under review to section 1 (as suggested above).
- Add a new paragraph on evaluating electoral registration quality to section 1 (as suggested above).
- Add a new paragraph on promoting public participation to section 3 (as suggested above).