

Prof. Alistair Clark,
Professor of Political Science,
Newcastle University,

14 October 2022

Written Evidence to the Levelling Up, Housing and Communities Committee Inquiry into the Draft Strategy and Policy Statement for the Electoral Commission

Introduction

1. My expertise is in electoral regulation, integrity and administration, with numerous published research articles and reports on these themes. These include an independent evaluation of electoral administration in the 2016 EU Referendum, commissioned by the Electoral Commission.¹ I write in a personal capacity (<http://www.ncl.ac.uk/gps/staff/profile/alistairclark.html#background>).

Key points

2. This inquiry into the Draft Strategy and Policy Statement (SPS) for the Electoral Commission is a valuable opportunity to scrutinise and improve an important document and policy. The SPS has three main features. These can be summarised as follows. It is:

- Unnecessary
- Contradictory
- Contains 'Mission creep'

This written evidence expands on these points in some detail, beginning with a general overview. It concludes by summarising some key recommendations.

General Overview

3. I have previously commented on an earlier version of the Draft (Illustrative) Strategy and Policy Statement (SPS) on the Electoral Commission circulated during the Elections Bill legislative process in a guest blog for the Committee on Standards in Public Life (CSPL).² In that I noted that it:

is a curious document. It seems, initially, a restatement of things the Electoral Commission already does alongside some general statements of the desirability of free and fair elections. Yet, it repays careful re-reading. There are concerning aspects which could potentially be used to impinge upon the independence of the Electoral Commission.

4. The second, more detailed version retains much of this character. It is not a particularly well-written document, and seems to have as much a declarative tone as a practical set of guidance. Nonetheless, the content is now more explicit than the previous illustrative version and concerning for the independence of the Electoral Commission.

¹ James, T. S. & Clark, A. (2021) 'Delivering electoral integrity under pressure: local government, electoral administration, and the 2016 Brexit referendum', *Local Government Studies*, 47:2, 186-207
<https://www.tandfonline.com/doi/full/10.1080/03003930.2020.1719075>.

² <https://cspl.blog.gov.uk/2021/10/27/review-of-the-uk-governments-draft-electoral-commission-strategy-and-policy-statement/>

5. Given that the Electoral Commission's functions are already set out in the Political Parties, Elections and Referendums Act (PPERA) 2000 and subsequent legislation, my overall conclusion is that the Draft SPS is an unnecessary intervention. It contains considerable contradictions in the arguments and points that it makes. At the same time, it seeks to extend the UK government's influence beyond the measures legislated for in the Elections Act 2022 and as set out in PERA 2000.

6. Beyond the UK government, support for such a Strategy and Policy Statement appears non-existent. Despite PACAC's inquiry into the Elections Bill hearing various misgivings and reservations about the Electoral Commission,

The Committee (PACAC) *has not received any written submissions or oral evidence* to this inquiry supporting the proposed Strategy and Policy Statement and wider changes to the scrutiny of the Electoral Commission (paragraph 140, p42; this author's italics).³

7. Part 3, Section 16, Part 4A (1) of the Elections Bill does not actually require that a SPS be designated. It says only that 'The Secretary of State *may* designate a statement' (this author's italics) if various consultation requirements are fulfilled. The Secretary of State could therefore choose to not proceed with a SPS. Given the unnecessary nature of this statement, *I would recommend that the Committee remind the government of this point, and suggest that they not proceed with the SPS (Recommendation 1).*

Electoral Commission Independence

8. The most important point to understand with relation to the SPS is that the priorities expressed in the Statement represent a party political viewpoint. They are not neutral. This can be argued from first principles. Declaring 'legitimate executive priorities' does not actually make such priorities legitimate when government seeks to impose them upon an independent regulator in the political sphere.

9. If the Electoral Commission is independent, it should be able to pursue crucial electoral matters free from party, and therefore government, interference. Best practice in electoral integrity means that independent electoral management bodies (i.e. Commissions) should be free from direction or undue influence from any political party.

10. More specifically, while several of these expressed priorities in the SPS are generic and not particularly meaningful (i.e. 7c 'we are stewards of our shared democratic heritage'), the core emphases on electoral fraud, voter ID and malpractices in polling stations, among others, are concerns that have been continually expressed, with little evidence in support, by the Conservative Party over the past decade or so.

11. To understand this point fully, it is possible to imagine an alternative set of government priorities. For example, the Scottish and Welsh parliaments have extended their franchises to include 16-17 year olds and all residents regardless of nationality. Electoral reformers have argued for the introduction of automatic voter registration in addition to proportional representation. Such a set of priorities placed into an SPS from any future government, of whatever party, would radically change the Electoral Commission's focus from that in the current draft SPS.

12. It is here that the contradictory nature of the SPS becomes most apparent. If the government priorities in the earlier part of the SPS are accepted, the principle contained in paragraph 16 of impartiality becomes highly problematic. In being directed to follow party political priorities, the Electoral Commission would, by definition, be breaking such impartiality. This principle seems to imply

³ PACAC (2021) *The Elections Bill, Fifth Report of Session 2021-22*, London: House of Commons HC597, p.42.

therefore that the government defines impartiality as what it wishes to direct the Electoral Commission towards. This is not impartiality. The principle also seems to expand in paragraph 16 to impartiality and neutrality. What practical difference this might make is unclear.

13. Similarly, paragraph 3 states that:

This Statement does not seek to interfere with the governance of the Commission and the Commission remains operationally independent ... this Statement does not affect the ability of the Commission to undertake enforcement activity within its remit as it sees fit.

This is contradictory with the statement two sentences before, which states that 'It is the government's view that these priority functions should be the focus of the Electoral Commission's work and allocation of resources'.

14. If the statement of Electoral Commission independence in paragraph 3 has any meaning, I would argue the rest of the SPS is rendered unnecessary. This does not stop the government from publicly stating its priorities. But it could do so without a statement seeking to direct the activity and resources of the Electoral Commission. A simple statement of priorities would suffice, to which the activities of DLUHC (or any other relevant department with responsibility for election policy) could be directed. *Recommendation 2 is therefore that the government publish its priorities for electoral policy, but stop short of seeking to impose them through an SPS on the Electoral Commission.*

15. It is important to recognise that the Electoral Commission already act on the issues the government has identified as priorities. It is clearly aware of all its functions, and it must have regard to all of them. It is difficult to know which functions the Electoral Commission might have to cut back or to reconfigure as a result of the SPS. The Electoral Commission has limited resources. The SPS would inevitably lead to choices about which functions to focus upon, prioritise and allocate resources to.

16. It is quite possible, for example, to see the emphasis on electoral fraud and polling stations in the SPS directing activity away from the Commission's investigatory and enforcement functions around party funding, campaigns and spending. This would be regrettable since parties can and do attempt to exploit the limits of electoral law with regard to campaigning and financing.⁴ The SPS itself is arguably an example of such deflection. It contains much on the responsibilities of Returning Officers (ROs) and Electoral Registration Officers (EROs), but, barring paragraph 4 (d), little on the responsibilities of political parties, donors and campaign groups to comply with electoral legislation. These seem to be treated generally as passive actors in need of guidance. This is a somewhat simple reading of the challenge faced by the Electoral Commission in that particular area.

17. The principle contained in paragraph 19 about value for money also appears contradictory, as currently expressed, given what is discussed above regarding potential policy deflection, and below about the limited examples of fraudulent activity. Directing the Commission's activity towards something that there is limited evidence of hardly seems like the ideal use of its limited resources and ensuring value for money. Paragraph 19 also seems to suggest that the Commission should turn down requests for advice and assistance due to value for money concerns, while elsewhere the SPS seems to suggest that the Commission should be responsive to such requests.

18. There is evidence of what might be termed 'mission creep' in the SPS. By this, I mean that the government seems to be pushing the Electoral Commission to do something which it does not have the formal powers to do. For example, while the Commission can set performance standards for ROs

⁴ Clark, A. (2017) 'The Relationship between Political Parties and Their Regulators', *Party Politics*, 23, (6), pp646-656.

and EROs, it has no actual powers of direction over either, except in the specific circumstances of a national referendum.

19. An example of this can be found in Paragraph 5 (a). This focuses on claims that voters' conduct inside polling stations is somehow influencing some votes. This is sometimes referred to as 'family voting'. Much was made of this in the DLUHC announcement accompanying the SPS. There is limited evidence of this in polling stations. While election observer group Democracy Volunteers claim to have observed this in some locations, research into polling station workers that I have conducted with Prof. Toby James of UEA has indicated that few poll workers have concerns about fraudulent activity in their polling stations.⁵ This is unlikely to be an extensive problem. Any difficulties are likely to be highly localised.

20. Polling stations are the responsibility of the Returning Officer, not the Electoral Commission. Paragraph 5 (a) goes further than the provisions of the Elections Act 2022. This brings in photographic voter identification. Voter ID does not deal with the problem that paragraph 5 (a) purports to resolve, while the secrecy provisions in the Elections Act are around postal and proxy voting. While the Commission could certainly provide additional advice and guidance to ROs, it is doubtful that they need this; ROs are very aware of their duties given that there is potential personal liability involved. It would be more productive to address difficulties of recruiting people to work in polling stations, and ensuring high-quality training for those poll workers.⁶ This is likely to need further investment, beyond just advice and guidance, that the government will most likely be unwilling to provide for general elections, and local government budgets will find difficult to cover for local elections.

21. Paragraph 5 c) is also curiously worded, referring to *observing* working practices of ROs and EROs. This seems to go further than setting and assessing performance standards. It is doubtful that the Electoral Commission has the resources to do such observational compliance work on a widespread basis.

22. A further example of 'mission creep' occurs in paragraph 11, where there is a statement that the Electoral Commission should support the government's priority of championing freedom of speech. This would be a considerable extension of the role of the Electoral Commission. The government has a particular view of freedom of speech. Freedom of speech is undoubtedly valuable. Policing it is however not something an electoral regulator should be involved in, although misinformation about the electoral process and administration should be corrected. Indeed, the Electoral Commission declined a similar 'truth regulator' role when this was suggested by some campaigners in the aftermath of the 2016 EU Referendum. *Recommendation 3: This should be removed from the Strategy and Policy Statement, while other examples of 'mission creep' should either be removed or clarified.*

Purpose of the Statement

23. The main purpose of the SPS is quite explicit. It is to *direct the work, and the resources, of the Electoral Commission* towards government priorities. A key expression of this is in paragraph 3. This

⁵ Clark, A. and James, T. S. (2017) 'Poll Workers', in P. Norris & A. Nai (eds.) *Election Watchdogs: Transparency, Accountability and Integrity*, New York: Oxford University Press, pp144-164. James, T. S. and Clark, A. (2020) 'Electoral Integrity, Voter Fraud and Voter ID in Polling Stations: Lessons from English Local Elections', *Policy Studies*, 41, (2-3), pp190-209.

⁶ Clark, A. and James, T. S. (E-pub ahead of print) 'Electoral Administration and the Problem of Poll Worker Recruitment: Who Volunteers, and Why?', *Public Policy and Administration*; Clark, A. and James, T. S. (2017) 'Poll Workers', in P. Norris & A. Nai (eds.) *Election Watchdogs: Transparency, Accountability and Integrity*, New York: Oxford University Press, pp144-164.

states that ‘this statement is intended to provide guidance to which the Commission *must have regard* in the discharge of its functions’ (this author’s italics).

24. Echoing the contradictions elsewhere in the SPS, there is some confusion in that sentence. If this is guidance, then the use of the imperative – must have regard to – seems overly forceful, and an attempt to compel compliance beyond what guidance might be expected to require. Such confusion applies throughout the SPS (i.e. the opening paragraph on the government page linking to the SPS – ‘will be required to have regard to’). *Recommendation 4: This needs to be clarified, throughout the document. If this is guidance, and not a direct instruction, then forms of the imperative should be removed throughout.*

25. The second claimed purpose of the SPS is to increase and improve *Parliamentary Accountability* of the Electoral Commission. The claim rests on the assumption that the Electoral Commission is not sufficiently accountable to parliament. This is incorrect. The Electoral Commission is accountable not only to the Speaker’s Committee on the Electoral Commission, but also to the relevant statutory Committee (currently LUHC, previously PACAC). Indeed, PACAC also have a long running inquiry into the Electoral Commission which still seems to be open at the time of writing this evidence. Such ‘dual accountability’ would seem to be a higher level of accountability than other, more policy oriented, regulators experience.

26. The Electoral Commission is also accountable and responsive more widely to other bodies. CSPL published a key report on the Electoral Commission in 2007, and its recent 2021 report *Regulating Election Finance* also made important recommendations with relevance to how the Commission conducts its functions and activity.⁷ The SPS and Elections Act ignores most of the key recommendations of this recent CSPL report, for instance, with regard to party donations, the complexity of electoral law, and Commission guidance and communication.

27. One feature of the Electoral Commission’s activity ought to be more widely recognised in discussions around its accountability. Political parties are already directly embedded in the work of the Electoral Commission to help it take account of party concerns. There are several party-nominated Commissioners. Most importantly, the Commission holds quarterly Political Parties Panels in each of the four legislatures in the UK, one each for the Scottish and Welsh parliaments, the Northern Ireland Assembly, and the UK parliament.

28. These Political Parties Panels already allow the parties and the Commission to directly exchange views, advice and guidance. They are an institutionalised, if not necessarily high-profile, way of parties holding the Commission to account and vice versa. Such meetings between regulators and regulated are an example of regulatory good practice. Academic research shows that these meetings cover a whole range of issues of interest to parties, and that the Commission is generally quite understanding of party concerns. Unfortunately, parties do not always attend these meetings, and this may limit their effectiveness.⁸

29. A third purpose is also indicated in the SPS. This is to, rightly, *put voters’ interests first*. It claims that a core of the government’s approach is that it ‘places citizens’ participation at the heart of our democracy, trusting their choices and maintaining their confidence in our elections’ (Paragraph 7). Similarly, paragraph 18 indicates that the Commission should have responsiveness to the public and public interest as a key principle.

⁷ CSPL (2007) *Review of the Electoral Commission: 11th Report*, London: CSPL; CSPL (2021) *Regulating Election Finance*, London: CSPL

⁸ Clark, A. (2017) ‘The Relationship between Political Parties and Their Regulators’, *Party Politics*, 23, (6), pp646-656.

30. This is difficult to reconcile with the fact that voters are not to be included in the public consultation around the SPS. This is unfortunate, and, at best, contradictory. Moreover, while political parties are well represented, voters are also not directly involved in parliamentary oversight of the Electoral Commission. This is a major oversight. Voters are important stakeholders in the Commission's work and electoral process.

31. I would make an alternative suggestion. I first made this suggestion in PACAC's ongoing inquiry into the Electoral Commission. I reiterate it here as a serious suggestion to rebalance parliamentary oversight around the Electoral Commission.

32. My recommendation (5) is that:

the Speaker's Committee on the Electoral Commission is complemented by the addition of several Lay Members (3-5), with voting rights, to represent the views of voters in electoral processes and in oversight of the Electoral Commission.

33. Following good regulatory practice in other sectors,⁹ the inclusion of Lay Members has become standard practice in parliamentary oversight of bodies regulating political behaviour in the House of Commons. The Speaker's Committee for the Independent Parliamentary Standards Authority (SCIPSA) has three Lay Members, while the Committee on Standards has six Lay Members. Lay Members on both committees now have full voting rights. Crucially, this has helped counter the suggestion that parliamentarians are 'marking their own homework' on these committees. This provides precedent for their inclusion on the Speaker's Committee on the Electoral Commission and would be a desirable outcome in building public trust around the electoral process.¹⁰

Strategy and Policy Statements for Other Organisations

34. The Electoral Commission is not a regulator charged with delivering government policy. Other regulators have however been subject to having a form of SPS imposed upon them. These include Ofwat, and the Competition and Markets Authority (CMA) among several others.

35. It has already been noted that the SPS is not a particularly well written document. It could be clearer. Its ambiguity and contradictory nature, I would argue, to some degree hides the extent to which it is asking the Electoral Commission to comply with government priorities. The SPS needs sustained analysis and expertise to recognise and interpret the difficulties with the document.

36. An alternative example can be found in the government's OFWAT Strategy Document. This is more direct. Beyond general terms, it sets out explicitly what OFWAT is required to do. This takes the form, under various headings of 'We expect OFWAT to...' and then follows up with various activities, such as 'challenge water companies to halve leakage', or 'support and challenge regional groups and water companies to effectively plan...', and so on. The language of challenge is used throughout.

37. Such a format is more direct and would make it clearer what the government was asking the Electoral Commission to do. Such a format could arguably highlight the limits of the Electoral Commission's powers, for example, in only being able to set performance standards for ROs and EROs, rather than having actual powers of direction over them. It would arguably also be clearer where the gaps are in the SPS with regard to the Commission's functions that have not been prioritised.

Impact on Devolved Governments

⁹ For example, the General Medical Council (GMC) has six lay members out of 12 board members in total.

¹⁰ This could be enacted by changing the Standing Orders, as happened with the Lay Members on the Standards Committee.

38. The Electoral Commission's devolved functions are discussed in the Statement's paragraph 23. The Scottish and Welsh parliaments both have electoral powers for their own elections (devolved and local). Electoral law in both jurisdictions has diverged from UK practice in a number of ways, including in relation to the franchise, which in both cases has been extended to 16-17 year olds and legal residents. The Electoral Commission is responsible to the Scottish and Welsh parliaments for these devolved functions. Both devolved parliaments and governments have been clear that they do not see the need for such a Strategy and Policy Statement.

39. There are two concerns with regard to devolved functions in the Statement. The first is that while the SPS should only be applicable to reserved (i.e. UK) elections,¹¹ it seems to extend its reach by stating that 'The Electoral Commission *must have regard to* the importance of acting for *all parts of the UK equally*'. The use of the imperative is notable here (i.e. must have regard to). While there is some recognition of regulatory divergence later in the paragraph, the *equally* term seems to undermine that divergence and extend the Act's coverage into devolved electoral law. *Recommendation 6: This needs explained and clarified. It would be clearer if reference to reserved rules in the paragraph clarified that this related only to UK general elections, and not to Scottish and Welsh parliamentary or local elections in those jurisdictions.*

40. The second concern relates to election timing. Scottish and Welsh parliamentary and local elections are run on a five-year fixed term basis. Since the Dissolution and Calling of Parliament Act 2022, a UK general election can now be called at the discretion of the Prime Minister/Executive. This means that there is potential for a clash between a UK general election and devolved elections. Even if they are not on the same day, regulatory periods, with different rules, may overlap. The last sentence of paragraph 23 states:

In relation to political finance regulation, this *should include the application of the reserved rules during combined regulated periods*, which can occur retrospectively.

41. At best, this would lead to considerable confusion, with Scottish and Welsh party organisations and candidates being subject to different regulatory regimes for different, but concurrent, levels of election. This would be unfortunate. It is exactly this sort of complexity of electoral law that many complaints about the Electoral Commission result from. The SPS does nothing to resolve this.

42. Although it is difficult to know how parties and candidates would react, this could mean that the regulations for a UK general election would take *de facto* precedence over those for the devolved institutions.¹² Put differently, the inference of this is that devolved candidates and parties could also end up adhering to different, and more stringent, regulations to those which they were expecting. Confusion around this could easily be misconstrued and impact negatively on public perceptions of the elections. That this would seem to apply retrospectively would risk those candidates and parties seeming to fall short of reserved legislation through no fault of their own, even if they were in compliance with devolved requirements.

43. This problem extends beyond the focus in paragraph 23 on political finance regulation. The Scottish and Welsh governments have been clear that they do not feel issues around electoral fraud,

¹¹ See the Explanatory Notes to the Elections Act, pp.19-20 and Annex A.

¹² Regulations for both are different, and stricter for a UK general election. In a UK general election, parties must report spending and donations weekly. In an equivalent Scottish or Welsh election, the reporting period for both spending and donations is quarterly. The retrospective application of campaign and spending regulations is a long-standing difficulty with so-called 'snap' elections.

the implementation of voter and suggestions of malpractice in polling stations are a problem. They will not be proceeding with voter ID for devolved elections.

44. For a concurrent election, it would be difficult to see UK and devolved polling stations set up side-by-side, with one asking for ID and focusing on family pressure in polling stations and the other polling station for devolved elections not doing so. This would cause considerable confusion. If devolved and UK general elections were held on the same day, the devolved administrations would seem to have little option but to accede to voter ID and to the focus of this SPS and Elections Act.

Other Points

45. The SPS does not resolve long standing, and widely recognised, issues in electoral law. Chief among these is the complexity of electoral law, much of which has Victorian roots. This complexity is recognised in the SPS as causing difficulties in paragraph 24 on support to campaigners. It also causes difficulties in polling stations. Research I have conducted with Prof. Toby James (UEA) into polling station workers has found that up to 19% of poll workers found electoral law too complex to understand quickly and easily in the 2015 general election.¹³ It is worth underlining that this existed prior to the introduction of the Elections Act 2022.

46. Addressing this complexity might help to address some of the difficulties the government perceives in the SPS. Yet, the government indicated during the legislative process for the Elections Act that it has no intention of doing so. This reluctance to simplify and consolidate electoral law is difficult to reconcile with the government's claim in paragraph 7 c) that it wants to keep the country's democratic heritage 'up to date for our age'. *I would recommend (7) that the Committee remind the government of the Law Commissions' proposals for consolidation of electoral law, and suggest this might be a more helpful approach to dealing with difficulties in the electoral process.*

48. Both the SPS and the Elections Act 2022 are silent on how the SPS will be used by the Speaker's Committee and what any consequences for non-compliance would be. This is poor practice. PACAC's report on the Elections Bill offered some suggestions in this regard.¹⁴ *I would recommend (8) that the Committee highlight this as an issue for the government to clarify in any future iteration of the SPS.*

49. Section 4 E of the Elections Act 2022 gives the Secretary of State wide powers to revise the SPS. These seem to allow the SoS to revise the SPS on his/her own initiative (Section 4E, 2a)), separate to the request of the Commission or the Speaker's Committee. Paragraph 5 seems to allow the SoS to bypass any consultation requirements, and (paragraph 7) only notify the LUHC Committee of any changes to the SPS. These are extraordinarily wide powers when voters' electoral rights are at stake. *Recommendation 9: The Committee should note its concern about being locked out of any consultation role or meaningful oversight role in any future revision to the SPS.*

50. There is a curious reference in paragraph 13 to foreign influence in UK elections. It is unclear what the government is referring to here. The following paragraph links this to the Elections Act's restriction on foreign third-party campaigning. However, this is potentially a much wider problem, which the current 'permissibility' approach to party and election campaign funding does not address. CSPL's recent *Regulating Election Finance* report made detailed, and apposite, consideration of implementing money laundering regulations in the area of party donations. CSPL's recommendations were not taken up.

¹³ See: PACAC (2019) *Electoral Law: The Urgent Need for Review First Report of Session 2019* London: House of Commons, November HC244, paras 18-19.

¹⁴ PACAC (2021) *The Elections Bill, Fifth Report of Session 2021-22*, London: House of Commons HC597.

51. The government needs to be clearer what it is referring to here as 'foreign interference' in the SPS. This appears an admission of such activity, something which has not explicitly been acknowledged until this document. As with electoral law complexity, if the government was serious about resolving this as an issue, it would consider more convincing changes of law than a SPS to combat the problem that it is implying exists.

Recommendations and Changes to the Draft Statement

52. My preference would be for the idea of the SPS to be dropped and the independence and accountability of the Electoral Commission be maintained as it stands prior to any SPS. This would not be contrary to the Elections Act, which only says that the SoS may, not must, designate a statement.

53. Failing that, the confusion around whether this is guidance, or direct instructions to the Electoral Commission needs to be resolved, with, preferably, forms of the imperative (must have regard to etc) removed, and aspects of 'mission creep' also removed.

54. At the end of the SPS (para 25), the government makes a distinction for campaigners between legal requirements and what may be best practice. A similar distinction should be clearly deployed in the SPS to clear up ambiguity and contradictions. The government should therefore clearly identify between those functions which points in the SPS the Electoral Commission must comply with, and those where it might only be desirable to prioritise (recommendation 10).

55. Specific recommendations contained in the above discussion of the SPS are as follows:

- R1: That the Committee remind the government that Part 3, Section 16 , Part 4A (1) of the Elections Bill does not actually require that a SPS be designated, and suggest that the government not proceed with the SPS (Recommendation 1).
- R2: That the government publish its priorities for electoral policy, but stop short of seeking to impose them through an SPS on the Electoral Commission.
- R3: The 'freedom of speech' extension/argument should be removed from the Strategy and Policy Statement, while other examples of 'mission creep' should either be removed or clarified.
- R4: The relationship between guidance and direct instruction in the SPS needs to be clarified, throughout the document. If this is guidance, and not a direct instruction, then forms of the imperative should be removed throughout.
- R5: The Speaker's Committee on the Electoral Commission is complemented by the addition of several Lay Members (3-5), with voting rights, to represent the views of voters in electoral processes and in oversight of the Electoral Commission.
- R6: The 'all parts of the UK equally' phrase in discussion of SPS and devolved electoral law needs explained and clarified. It would be clearer if reference to reserved rules in the paragraph clarified that this related only to UK general elections, and not to Scottish and Welsh parliamentary or local elections in those jurisdictions.
- R7: That the Committee remind the government of the Law Commissions' proposals for consolidation of electoral law, and suggest this might be a more helpful approach to dealing with difficulties in the electoral process than the current draft SPS.
- R8: That the Committee highlight the lack of clarity around how the SPS might be used and any consequences for non-compliance as an issue for the government to clarify in any final and future iteration of the SPS arising from this particular consultation.
- R9: The Committee should note its concern about being locked out of any consultation role or meaningful oversight role in any future revision to the SPS.
- R10: The government should clearly identify those functions which points in the SPS the Electoral Commission *must* comply with, and those where it might only be *desirable* to prioritise.