



Department for Levelling Up,
Housing & Communities

William Wragg MP,
Chair,
Public Administration and Constitutional Affairs
Committee
House of Commons
London SW1A 0AA

The Rt Hon Andrew Stephenson MP
*Parliamentary Under Secretary of State
for Housing and Communities*

***Department for Levelling up,
Housing and Communities***

Fry Building
2 Marsham Street
London SW1P 4DF

Email: andrew.stephenson@levellingup.gov.uk

Website:

www.gov.uk/dluhc

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STRATEGY AND POLICY STATEMENT FOR THE ELECTORAL COMMISSION

Thank you for your letter dated 13 October regarding the draft Strategy and Policy Statement for the Electoral Commission.

I can confirm that the responsibility for elections is not being split between the Cabinet Office and the Department for Levelling Up, Housing and Communities. It remains in the Department for Levelling Up. As outlined in the Prime Minister's Statement ([HCWS311](#)) dated 11 October, whilst the responsibility for the Union and intergovernmental relations is moving to the Cabinet Office, this change does not apply to elections policy.

On 22 August, the Government published the draft Strategy and Policy Statement for the Electoral Commission on gov.uk, thus launching a 14-week statutory consultation on the Statement. I can confirm that the draft Statement still reflects the Government's priorities for the Commission.

While I am grateful for your Committee's interest in the draft Statement, it would not be feasible for me to provide a full or satisfactory response to your Committee's detailed questions within the timeframe proposed in your letter. However, given the experience of your Committee in scrutinising electoral policy, most recently during the passage of the Elections Act 2022, I am committed to addressing your questions about the Statement in detail at the earliest opportunity. I will write to your Committee on this in due course.

In the meantime, as you know, I will give evidence to the Levelling Up, Housing and Communities Committee on 19 October. I will of course, as required, be publishing a full response to the consultation following its conclusion on 5 December.

I am copying this letter to Clive Betts MP, Chair of the Levelling Up, Housing and Communities Committee and the Rt Hon Nadhim Zahawi MP, Chancellor of the Duchy of Lancaster, Minister for Equalities, and Minister for Intergovernmental Relations.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Andrew Stephenson', with a long horizontal flourish extending to the right.

The Rt Hon Andrew Stephenson MP
Parliamentary Under Secretary of State for Housing and Communities



PACAC (Public Administration and Constitutional Affairs Committee)

House of Commons · London SW1A 0AA

Tel 020 7219 3268 Email pacac@parliament.uk Website www.parliament.uk/pacac

Rt Hon Andrew Stephenson MP
Parliamentary Under Secretary of State
Department for Levelling Up Housing and Communities

13th October 2012

Electoral Commission Strategy and Policy Statement

It is our understanding from GOV.UK that Ministerial responsibility for the Electoral Commission Policy and Strategy Statement (the Statement) rests with you in the Department for Levelling Up, Housing and Communities (DLUHC), as part of your responsibility for “elections and registration”. However, we also note that “constitutional policy and enhancement, defending democracy and electoral law” now rest with the Minister for the Cabinet Office and Paymaster General, Rt Hon Edward Argar MP. Would you be able to set out in detail how the responsibility for elections is being split between DLUHC and the Cabinet Office, and provide a timetable for any necessary transfer of functions Order(s).

The Committee is grateful that we were provided with the draft Statement for our review. We presume that, despite the change of Government, the draft statement published on 22 August 2022 still reflects the Government’s priorities for the Electoral Commission. Is this the case?

As the role of statutory consultee currently rests with the Levelling Up, Housing and Communities (LUHC) Committee, PACAC do not intend to take formal evidence or report on the Statement. Nevertheless, we retain a strong interest in this policy area. In light of this, having reviewed the Statement in detail, the Committee would like clarification on the below points:

- In paragraph 3 the Statement says, “Electoral Commission will be required to consider this Statement and weigh it up against any other relevant considerations”. Could you set out what is envisaged by “other relevant considerations” and what criteria the Government expects the Electoral Commission to use in deciding what weight to give to different considerations?
- At several points, the Statement contains accounts or restatements of the law, how the law has been changed, and the functions of the Electoral Commission. For example, paragraph 4c states that “the Elections Act 2022 maintains that *status quo* and makes clear that the proper place for criminal prosecutions relating to electoral law lies with the prosecution authorities.” Could you

clarify the purpose and value of including these accounts or restatements when they do not appear to set out either a policy or strategy for the Commission?

- In paragraph 5, point c), the Statement says that the Electoral Commission should “assist the relevant authorities in tackling electoral fraud when observing working practices of Electoral Registration Officers, Returning Officers and Counting Officers.” Could you set out in detail what measures are envisaged by this, other than as regards the implementation of voter ID?
- In paragraph 5, point d), the Statement says that the Electoral Commission should “have regard to the importance of improving electoral integrity when setting performance standards and monitoring the level of performance against those standards, by Electoral Registration Officers, Returning Officers and Counting Officers”. Could you clarify how “improving electoral integrity” is to be judged, and how the importance of different aspects of electoral integrity are to be weighed against one another?
- In paragraph 8, the Statement sets out that the “Commission in its work should support the government’s delivery of legitimate executive priorities in relation to elections during this Parliament, including changes brought by the Elections Act 2022 and as listed below.” Could you clarify what the criteria is for determining “legitimate executive priorities” and the criteria by which the Electoral Commission’s performance in supporting their delivery will be assessed?
- Can you confirm that the executive priorities that the Electoral Commission are legally required to have regard to as a result of the Statement are solely those set out in the Statement? If this is not the case, what other ‘executive priorities’ are envisaged?
- In paragraph 14, the Statement says that the “Electoral Commission must have regard to the importance of proportionate enforcement of the new digital imprint regime, including the need to avoid disproportionate sanctions against genuine mistakes where reasonable steps have been taken to comply with the new digital imprint regime”. Could you set out the criteria for judging what would qualify as ‘proportionate enforcement’ and explain what would constitute ‘disproportionate sanctions’ in your view? Moreover, can you clarify how the Electoral Commission’s adherence to this requirement is to be assessed, by whom, and whether there are any enforcement measures

envisaged for any potential non-compliance and how and by whom they would be imposed.

- Could you clarify what is meant in paragraph 14 by “protected free speech”?
- In paragraph 19, the Statement sets out that the Electoral Commission should “ensure value for taxpayers’ money in the discharge of its functions by carefully considering the balance between executive priorities in relation to elections as approved by Parliament listed in this Statement and its other functions”. What would be the criteria for determining whether actions are value for money for the purposes of ‘executive priorities’ compared to ‘other functions’ and who would monitor these criteria and judge whether there has been non-compliance? How would non-compliance be enforced?
- Paragraph 19 also states that the Electoral Commission should ensure value for tax payers money when exercising its discretionary power to give advice and assistance under Section 100A of the Political Parties, Elections and Referendums Act 2000, by considering whether requests are in the public interest and a justifiable use of public resources. Could you clarify what the criteria is for making a determination of what qualifies as a justifiable use of resources, how this has or will be determined, and as above who would monitor and enforce compliance with this requirement?
- Finally, as regards the reference in paragraph 20 to the “best practice of other regulators”, could you clarify how best practice is to be identified and what criteria for commensurability should be applied, given the Electoral Commission’s unique constitutional position compared to other regulators?

We believe the LUHC Committee would also benefit from clarifications on these issues in their forthcoming inquiry as statutory consultee under the Elections Act 2022. As such, we would appreciate a full response to these questions in advance of their evidence session with you on Wednesday 19th October.

This letter is being copied to Clive Betts MP, the Chair of the Levelling Up, Housing and Communities Committee, Rt Hon Simon Clarke MP, Secretary of State for Levelling Up, Housing and Communities, and Rt Hon Edward Argar MP, Minister for the Cabinet Office and Paymaster General.

Yours ever,



William Wragg MP
Chair, Public Administration and Constitutional Affairs Committee