

**POLITICAL PARTIES, ELECTIONS AND
REFERENDUMS ACT 2000**



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

SIXTH REPORT 2020

**Appointment of a nominated Electoral
Commissioner**

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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 2000 to perform the functions conferred on it by that Act.

Membership

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

[Rt Hon Michael Gove MP](#), Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster

[Luke Hall MP](#), Minister of State for Regional Growth and Local Government in the Members section

[Craig Mackinlay MP](#)

[Christian Matheson MP](#)

[Karl McCartney MP](#)

[Cat Smith MP](#)

[Owen Thompson MP](#)

[William Wragg MP](#), Chair of the Public Administration and Constitutional Affairs Committee

Previous Publications

Fifth Report 2020 was published 13 October 2020 as HC 794 of Session 2019–21

Fourth Report 2020 was published 13 October 2020 as HC 793 of Session 2019–21

Third Report 2020 was published 21 July 2020 as HC 627 of Session 2019–21

Second Report 2020 was published 21 July 2020 as HC 626 of Session 2019–21

First Report 2020 was published 21 April 2020 as HC 277 of Session 2019–21

First Report 2019 was published 8 July 2019 as HC 2513 of Session 2019

Fourth Report 2018 was published 28 November 2018 as HC 1786 of Session 2017–19

Third Report 2018 was published 15 November 2018 as HC 1727 of Session 2017–19

Second Report 2018 was published 24 October 2018 as HC 1639 of Session 2017–19

First Report 2018 was published 14 March 2018 as HC 901 of Session 2017–19

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Second Report 2017 was published 6 November 2017 as HC 535 of Session 2017–19

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Appointment process

Introduction

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 under 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 5 of the Political Parties and Elections Act 2009, which inserted a new section 3A into 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”. Three of the Commissioners are nominated respectively by the three largest parties in the House of Commons (currently the Conservative Party, the Labour Party and the Scottish National Party). In the case of the fourth nominated Commissioner, the other qualifying parties (the “smaller parties”) are all invited to nominate candidates for the one post.

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. The exception has been the position of nominated Commissioner for the “smaller parties” to which the Speaker’s Committee has typically recommended appointment for a period of two years.

4. The previous nominated Commissioner for the smaller parties, Alastair Ross, sought Her Majesty’s consent to resign from the Electoral Commission in February 2020 in order to take up a post in the Northern Ireland Executive. We are very grateful to Alastair Ross for his dedicated work for the Electoral Commission.

5. This report provides information about the procedure followed by the Speaker’s Committee to select a candidate for replacing Mr Ross. The full procedure for appointing nominated Commissioners is appended to this report.

The nomination and selection process

6. Since 2009, the Speaker’s Committee has been responsible for the establishment and oversight of a procedure for the selection of prospective Electoral Commissioners and the Commission chair. The consent of the Speaker and consultation with the registered leaders of each political party to which two or more members of the House of Commons belong are also required before a motion for an Address may be presented to the House.²

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.

2 Section 3 of the Political Parties, Elections and Referendums Act 2000, as amended by section 4(2) of the Political Parties and Elections Act 2009.

7. In May 2020, Mr Speaker wrote to the leaders of the qualifying smaller parties, asking them to nominate candidates to replace Mr Ross. On this occasion, Mr Speaker suggested that the leaders discuss their proposed nominations and come to collective agreement on a list of candidates to put forward. In the event, the leaders of the Liberal Democrats, Plaid Cymru and the Social Democratic and Labour Party each put forward a candidate. The Democratic Unionist Party did not nominate a candidate.

8. Once the nominations had been received, we appointed a panel to consider the nominees, interview each nominee, and make recommendations to the Speaker's Committee on who should be appointed. The interview panel was comprised of the following:

- Philippa Helme CB (independent Chair);
- Sir John Holmes (Chair of the Electoral Commission);
- Christian Matheson MP (member of the Speaker's Committee on the Electoral Commission);
- Karl McCartney MP (member of the Speaker's Committee on the Electoral Commission).

9. The panel interviewed the three candidates on 7 September.

10. The role specification, qualities and experiences can be found in appendix B.

The recommended candidate

11. The panel's recommendation was that Alexander Attwood, the candidate nominated by the Social Democratic and Labour Party, should go forward as the nominated Commissioner for the smaller parties. Mr Attwood is an experienced politician, with significant political experience in Northern Ireland. He served as a Belfast City Councillor, representing West Belfast. He was an elected Member of the Northern Ireland Assembly between 1998 and 2017 and held Ministerial Office in the Northern Ireland Executive. An extract from Mr Attwood's CV is published at Appendix C.

12. The panel agreed that Mr Attwood was an impressive candidate who met all the essential criteria for the position. The panel felt that he demonstrated an excellent grasp of the strategic issues facing the Electoral Commission and that he gave strong evidence of providing leadership and a good understanding of corporate governance. It noted that his breadth and depth of thought was evident throughout the interview. It also considered that Mr Attwood's personal political experience in Northern Ireland had provided both expertise in, and a vigorous commitment to, the regulation of electoral activity, and referred to his strong support for the Electoral Commission and his understanding of the regulatory environment, from the perspective of both a regulator and a regulated body, gained from his time in government and as an elected Member of the Northern Ireland Assembly. Finally, the panel stated that Mr Attwood's experience of consensus building and handling hostile criticism would be of great value to the Electoral Commission.

13. Having considered the panel's report and recommendations, we agreed to recommend that Mr Attwood be appointed as an Electoral Commissioner.

14. We also considered the length of Mr Attwood's term of office. We took the view that the Electoral Commission would benefit from Commissioners spending longer in post than the two years usually served by nominated Commissioners for the smaller parties. We therefore agreed to recommend Mr Attwood for a three-year term.

Statutory consultation

15. Section 3(2)(b) of PPERA, as amended, requires that the proposal to appoint a member of the Electoral Commission be the subject of consultation with the leaders of each registered party to which two or more members of the House of Commons then belong. Mr Speaker accordingly wrote to the leaders of the qualifying parties on 20 October 2020. No objections were received in response.

16. The Speaker's Committee is confident that Mr Attwood has the experience and personal qualities to be an effective member of the Electoral Commission. The Committee therefore invites the House to agree that Alexander Attwood be appointed to the Electoral Commission for a three-year term.

Appendix A: Procedure for the appointment of nominated Electoral Commissioners for the smaller parties

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.

Section 3(5) of the Act provides that an Electoral Commissioner may be re-appointed or further re-appointed.

Initiation of process

- 1) The Speaker writes to the leaders of the relevant 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.
- 2) The party leaders will respond accordingly, providing information about the candidates they proposed to appoint.

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;
 - 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 PERA, as amended.
- 5) Subject to the outcome of the statutory consultation, the Speaker's Committee will report its recommendation to the House.

- 6) The Leader of the House will be asked to table a motion for an humble Address for the appointment of the recommended candidate. Such motions may be 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.
- 6) The Leader of the House will be asked to table a motion for an humble Address for the appointment of the recommended candidate(s). Such motions may be 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: Duties and responsibilities of Commissioners

Electoral Commissioners are responsible for:

- Setting the overall strategic direction of the Commission and ensuring delivery of its strategic goals within the statutory framework and with the resources determined by Parliament 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 oversight of the publication of statutory election reports.
- Ensuring efficient and effective use of public funds and that the Commission operates within the limits of its statutory authority to high standards of governance.
- 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.

Skills and Experiences

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: Extract from recommended candidate's CV

Career history: current positions

- January 2020 to date: Participant in “Humanitarian Dialogue” workshop on conflict management/resolution in the Ukraine; preparation of papers on conflict dialogue/transition/resolution processes with continuing remote input and meetings with particular attention to civic/community based initiatives and addressing humanitarian and other needs in/emerging from the current conflict.
- October 2019 to date: Associate with European mediation network, MediatEUr/ Conciliation Resources; participant EEAS(EU) remote think-in June 2020) on EU mediation concept and practice post-2020
- January 2020 to date political advisor on current NI policy challenges including:
 - participation in meetings with victims, NIO and Dublin officials etc and drafting of responses to NIO 18 March 2020 legacy statement and proposals on victims payment;
 - preparation of submissions to the parties involved in talks on the formation of the Irish Government;
 - development of a political platform and dialogue processes in relation to contemporary issues on the island and the islands including emerging the constitutional conversation
 - drafting of policy papers on workers well-being, North-South/East-West, climate/environment, civic participation in government in context of continuing Covid, recession and Brexit.

Previous positions 1

- Spring/Summer/Autumn 2019: Advisor and participant in all-party talks to restore power-sharing government in NI after absence of over 1000 days; drafting of papers on disputed issues of rights/identity/culture, programme for government, operation of a power-sharing cabinet, protection of minorities and transparency in the conduct of NI political institutions.

Previous position 2

- September/October 2019: Forum participant and related published paper on the challenges and management of DMZ, Korea with consideration of 100 years of border experience in Ireland (Seoul, South Korea September 2019) with follow-up papers for Seoul based institute.

- August 2017 to March 2019: Associate (Senior Governance Expert) with TSRN (The Stabilization and Recovery Network) on contract to Aktis Strategy working on sub-national governance projects in the Province of Ninevah, Iraq (including Mosul, TelAfar and TelKiaf) and in the provinces of Anbar and Basra.
- Advisor and facilitator in the formation of local, community based Peace Committees in Ninevah, their monitoring and content of Action Plans with the objectives of building dialogue, promoting reconciliation/social cohesion and the delivery of better services in areas liberated from Da'esh.
- Advisor and facilitator in the development of strategic communications and social media campaigning and its monitoring to counter violent extremism (CVE) and address Da'esh ideology with primary attention to Mosul.
- Advisor and facilitator in the conduct of governance oversight for members of Basra and Anbar Provincial Councils and the development of Action Plans for better delivery of services.
- Participation in conflict resolution discussions in Armenia (Yerevan Institute - October 2018), Transnistria (Humanitarian Dialogue - May 2018), woman from Syria, Yemen and Iraq (Beyond Borders - May 2019) and preparation of associated papers.

Previous position 3

- 1998–2017: West Belfast Member, Belfast City Council/NI Legislative Assembly, a community faced with multiple, complex human and social issues, in and emerging from violent conflict.
- Member of Northern Ireland Assembly (legislative institution): drafting proposals for and preparation of amendments to range of justice, welfare, rights, victims and other Bills; holding Ministers and public agencies to account or scrutiny with policy lead on multiple social, economic, security sector and rights-based issues at Assembly committees and on the floor of the chamber.

Previous position 4

- May 2010–May 2011: Minister of Social Development NI Executive, in multi-party, power-sharing government and cabinet member. Responsible for public housing, welfare, child maintenance, community renewal/regeneration of areas of need, social cohesion, citizen participation, charities, volunteering and the community/voluntary sector. Ministerial participant in range of all- Ireland and Irish-British political institutions.

Previous position 5

- May 2011–July 2013: Minister for the Environment NI Executive in multi-party, power-sharing government and cabinet member. Responsible for local government reorganisation/decentralization of powers; Ministerial planning decisions/planning generally; environment and renewables; waste, regulation

and criminality; natural, built, industrial and archaeological heritage; marine, sustainability and road safety. Ministerial participant in range of all-Ireland and Irish-British political institutions.

Previous position 6

- 2002–2007; 2009–2010: Member 1st, 2nd and 4th Northern Ireland Policing Boards holding the police to account on: implementation of far-reaching change; public order incidents; Annual Policing Plans; compliance with human rights; composition and recruitment of police and civilian staff; operational conduct, use of force and intelligence policing; training; community engagement and the requirements of policing with consent.

Previous position 7

- For 25 years senior negotiator/participant in multiple levels of dialogue: for the end of violence and democratic primacy; the processes around and outcomes for inclusion and partnership; arrangements to protect minorities, avoid abuse, protect rights and promote equality; inter-jurisdictional political structures to manage relationships between the people of NI, Ireland and Britain;
- negotiations for and implementation of transitional justice and security sector reform, the disposal of illegal weapons, the end of criminality and multiple unresolved (since 1998 Good Friday Agreement) and still unresolved (July 2019) issues of rights and identity; commissions, powers and resources for the promotion of human rights, equality and police complaints.
- the promotion of the needs of victims and survivors, individual and family support/advocacy and arrangements to address the legacy of conflict through structures for justice, truth and accountability, acknowledgement and the promotion of healing and national reconciliation.

Previous position 8

- 1985 to 2005: Belfast City Councillor addressing denial of minority rights, unfair distribution of resources across the communities of the City, promoting moderation during years of violent conflict/political stagnation and the responsibility to best delivery local government services.

Previous position 9

- 1983–1998: Lawyer in private practice

Previous position 10

- 1981–1983: Elected full-time Vice-President and then President Queens University Students Union during times of prison hunger strikes, civil disorder and other challenges to student welfare.