



**Levelling Up, Housing
and Communities
Committee**

**Speaker's Committee on the Electoral Commission
c/o Sir Lindsay Hoyle MP
Journal Office
House of Commons
London
SW1A 0AA**

26 June 2023

Dear Mr Speaker,

My Committee has reviewed the Government's revised Strategy and Policy Statement for the Electoral Commission and the accompanying report. We continue to have significant concerns about the Strategy and Policy Statement.

Our November 2022 report on the draft Strategy and Policy Statement concluded "The overwhelming viewpoint from the evidence received was that no Statement is necessary at the current time: and no evidence has been provided justifying it." The Government's report provides no new rationale or explanation of the need for a Strategy and Policy Statement, acknowledging that "The purpose of the Strategy and Policy Statement has been set out by Ministers on the record throughout the passage of the Bill". It continues to rely on Lord Pickles' 2016 report 'Securing the Ballot: Review into Electoral Fraud' as evidence about concerns about the performance of the Commission, when our report has already concluded that "we are not aware that any of those concerns remain current." As such, we continue to believe that no Statement is necessary.

Although we welcome the fact that the Government has taken on board some of the specific changes to the Statement as drafted that our Committee recommended, including removing references to the 2019 Conservative Party manifesto and the suggestion that the Commission might be responsible for changes outside its remit, we cannot deny our disappointment that many of our Committee's recommendations have been disregarded.

In addition, our Committee is concerned that some of the Government's revisions purportedly made to address recommendations from the consultation have failed to



Levelling Up, Housing and Communities Committee

resolve the substantive defects our Committee identified with the Statement. Most notably, it is welcome that the revised Statement has removed reference to the Commission's priorities and instead refers to the Government's priorities as recommended by this Committee and others. However, the Statement continues to state how the Government believes the Commission should support these priorities,

contradicting our Committee's recommendation that the Statement "should not suggest that the Commission should concentrate its resources on any Government priorities". We believe that despite the inclusion of new language indicating that "The duty to have regard does not require the Commission to give lesser priority or to ignore any of its other statutory duties" the decision to identify functions the Commission should focus on still "implies that the Commission ought to devote fewer resources to other functions" as we warned against in our report.

Similarly, the Government's report states that in order to respond to recommendations from consultees, including this Committee, not to instruct the Commission on how to carry out its regulatory functions, it has made changes that "focus on providing further clarification that the Statement articulates the Government's view of factors which the Commission should have regard to": this runs contrary to our Committee's recommendation that the Statement "should not suggest what factors the Commission should take into account in carrying out its enforcement work," or "state principles that should be prioritised by the Electoral Commission in the exercise of its functions".

In summary, the Committee considers that the changes do not alter its view of the Statement set out in the report as follows: "For the most part the Statement reads as though the Commission were an arm of Government. The Commission is not a government body, and its independence is—as is agreed by all stakeholders—critical to its effective functioning. Any perception that the Commission is being influenced to favour the governing party in exercising its functions could seriously damage public confidence in the democratic process."

The Government may have attempted to extricate itself from some of the problems identified with the first draft Strategy and Policy Statement but it has failed, and the new approaches it has tried have let it back into the same quagmire: this reconfirms our Committee's belief that the Statement will not "bring any tangible benefits to the



**Levelling Up, Housing
and Communities
Committee**

exercise of the Commission's functions that would outweigh the serious disadvantages outlined above."

Best wishes,

A handwritten signature in black ink, appearing to read 'Clive Betts'.

Mr Clive Betts MP
Chair, Levelling Up, Housing and Communities Committee