

POLITICAL PARTIES, ELECTIONS AND  
REFERENDUMS ACT 2000



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

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**THIRD REPORT 2023**

**Response to the draft Strategy and Policy  
Statement for the Electoral Commission**

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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)

[Mr Clive Betts MP](#), Chair of the Levelling Up, Housing and Communities Committee

[Felicity Buchan MP](#), Minister of State for Levelling Up Communities, and Minister for Equalities

[Rt Hon Michael Gove MP](#), Minister for Intergovernmental Relations, and Secretary of State for Levelling Up, Housing and Communities

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### Previous Publications

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## Draft strategy and policy statement for the electoral commission

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1. The Elections Act 2022 amended the Political Parties, Elections and Referendums Act 2000 ('the Act') to introduce a power for the Secretary of State to prepare a Strategy and Policy Statement for the Electoral Commission ('the Commission') which sets out:

- i) strategic and policy priorities of His Majesty's Government relating to elections, referendums and other matters in respect of which the Commission have functions, and
- ii) the role and responsibilities of the Commission in enabling His Majesty's Government to meet those priorities.

2. Under section 4C of the Act, the Secretary of State is required to consult the Speaker's Committee on the Electoral Commission on a draft of the Statement ('initial draft Statement') before the designation process can proceed. The consultation and procedural requirements relating to the designation of Statements are set out in appendix 1. This consultation process took place between August and December 2022. We responded to this consultation in the form of a report ('our consultation response', 'our initial report') published in December 2022.<sup>1</sup>

3. Following the consultation, the Secretary of State is required to make whatever changes to the draft Statement he considers necessary in light of the responses to the consultation. If, after the consultation, the Secretary of State proposes to continue to designate the draft Statement, he must lay before Parliament a revised version of the draft Statement ('revised draft Statement'), along with a report outlining his response to the consultation. The Government laid this document before both Houses on 8 June 2023.<sup>2</sup>

4. The Speaker's Committee met on 12 June and 4 September to consider its response to the revised draft Statement. The Committee's consideration was informed by legal advice from the Office of Speaker's Counsel.

5. What follows is the Speaker's Committee's response to the revised draft Statement.

### Speaker's Committee's response to the revised draft Statement

6. Our response to the Government's consultation raised a number of significant concerns about the initial draft Statement, which led us to conclude that it was not fit for purpose. This view was shared by the Levelling Up, Housing and Communities Committee, as well as the Electoral Commission.<sup>3</sup>

7. The changes made by the Government in the revised draft Statement are welcome. The changes have clarified some of the misguided and confused wording of the initial

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1 [Speaker's Committee on the Electoral Commission, \*Response to the Government's consultation on the draft Strategy and Policy Statement for the Electoral Commission\*, Third Report 2022, HC 967, 22 December 2022](#)

2 [Elections Act 2022 Implementation, Statement made on 19 June 2023, HCWS864; \*Government response to the consultation on the draft Strategy and Policy Statement for the Electoral Commission\*, 19 June 2023](#)

3 [Electoral Commission, \*Consultation on a draft Strategy and Policy Statement for the Electoral Commission\*, 6 October 2022; Levelling Up, Housing and Communities Committee, \*Draft Strategy and Policy Statement for the Electoral Commission\*, Fourth Report of Session 2022–23, HC 672](#)

draft Statement, and do constitute substantive improvements. However, the Government has chosen not to address the most substantive deficiencies which we identified and which led us to conclude the initial draft Statement was not fit for purpose. We therefore remain concerned that:

- The revised draft Statement still identifies a number of functions it considers the Commission “should” focus on. The Government also still seeks to provide general guidance on the way in which the Commission functions. Despite the Government’s assertions otherwise, this is incompatible with the Commission’s operational independence.
- The Government has not put forward a cogent or persuasive explanation for why a Statement is needed.
- The revised draft Statement will not help us in our work to scrutinise the effectiveness of the Commission, as the Government claims.

8. Most of the substantive concerns we raised in our consultation response in relation to the initial draft Statement remain applicable to the revised draft Statement. We will therefore not repeat these at length, and will instead briefly summarise our main thematic concerns, for the purposes of informing both Houses’ consideration of a final draft Statement during the 40-day approval period, if the Government proceeds to designate a final Statement substantively unchanged from this revised draft. Some of the main concerns we set out below are also shared by the Levelling Up, Housing and Communities Committee.<sup>4</sup>

9. For a full understanding of the issues the revised draft Statement presents, this report should be read in conjunction with our initial report.

### ***Operational independence***

10. Our consultation response took issue with how the initial draft Statement assumed that the Government’s priorities must take precedence over the Commission’s. In response to objections from all consultees about this, the Government has removed all references to the “Commission’s priorities”. The opening paragraph and previous paragraphs 1 to 8 have been significantly amended or removed, so that it is now clear that the Statement concerns instead the *Government’s* priorities, as is required under section 4A(2)(a) of the Act. This is a substantive improvement, which we welcome.

11. However, while the Act does not permit the Statement to require or oblige anything of the Commission in relation to the Government’s priorities, rather than simply setting out what the Commission’s “role and responsibilities” would be in meeting those priorities in accordance with section 4A(2)(b), the revised draft Statement goes further and sets out some specific work the Government considers the Commission “should” be doing (see new paragraphs 5 to 13).

12. In its response to the consultation, the Government argues that this does not amount to interference with the Commission’s operational independence for the following reason:

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4 [Letter from Clive Betts to the Chair, regarding the draft Strategy and Policy Statement, dated 26.06.23](#)

... because the Commission will only be required to have regard to the Statement in the exercise of its functions. This legal duty does not replace or undermine the Commission's other statutory duties or give the Government powers to direct the Commission's decision making.

The duty to have regard simply means that when carrying out its functions the Commission will be required to consider the Statement and weigh it up against any other relevant considerations. Therefore, the Government's view is that the Commission will remain operationally independent, with the Electoral Commissioners and the Commission's executive leadership remaining responsible for determining the Commission's strategy, priorities and how the Commission should discharge its duties, including its day-to-day operations.

13. We do not agree with the Government's view. The Statement's use of the term "should" clearly suggests an obligation. Suggesting the Commission *should* prioritise some aspects of its work would have the effect, if acted on, of reducing resources spent on other areas of work which the Commission has properly identified independently. We explained at length in our consultation response (see paragraphs 10 to 16 of our initial report) why this amounts to improper instruction and why this is incompatible with the Commission's operational independence. The Government has chosen not to remedy this deficiency. **The revised draft Statement therefore remains as fundamentally flawed and incompatible with the Commission's operational independence as the initial draft Statement was, in so far as it continues to assume that the Government's priorities should take precedence over the Commission's own priorities.**

14. The revised draft Statement sets out that the Government considers that electoral fraud, voter identification, and raising awareness of the extension of the franchise for expatriates should be amongst the matters the Commission ought to be specifically supporting the Government on. However, the Speaker's Committee approves (and will continue to approve) the Commission's five-year corporate plans under the existing statutory framework. The Commission's current corporate plan already sets out its priorities until 2026/27. We set out in our initial consultation response (see paragraphs 7 and 26 of our initial report) that we are concerned it may be difficult to reconcile that plan with the priorities the Government wishes the Commission to focus on in this Statement. If there is a genuine issue of deciding between priorities, it is unclear how the Commission should weigh the Statement against other factors and commitments. This is apparent, for example, on the issue of enforcement. The Government says it has amended the initial draft Statement to make clear that the "principles in the Statement relating to the Commission's enforcement functions should not conflict with the Commission's existing Enforcement Policy". However, the Government's stated intention that its detailed guidance *should* not interfere with how the Commission undertakes its enforcement functions is not borne out in the drafting. The revised draft Statement still includes specific factors the Government says the Commission "should" consider when enforcing electoral law. We remain concerned that this increases opportunities for, and the risk of, legal challenges against the Commission. The cumulative effect (and cost) of this could hamper the Commission's decision-making. **In its response to the consultation, the Government does not acknowledge this, nor that, as we set out in paragraph 14 of our initial report,**

**the implied obligation in the Statement could in practice become determinative as a result. None of the changes the Government has made in the revised draft Statement gives us cause to reconsider this conclusion.**

15. Apart from the substantive effect the revised draft Statement could have on the way the Commission operates if acted on, its implied obligation also gives rise to a problem of perception. The issues the Government says the Commission “should” focus on are likely to be perceived as matters that the Government has a strong political interest in. **The Commission was set up as an independent regulator, and it is vital for public confidence in our democracy that this independence is perceived to be upheld. Both the Commission’s effectiveness, and public confidence in our democratic processes, could be hampered if the Commission is perceived as prioritising the interests of one political party over another. The revised draft Statement, needlessly, increases the likelihood of this happening.** The Government has not addressed this point in its response to the consultation.

16. In practical terms, it may be likely that the Commission would be undertaking much or all of the work that is set out in new paragraphs 5 to 13 anyway, in which case this aspect of the revised draft Statement does not serve a purpose. However, that does not necessarily neutralise the harm caused by a perception that the Commission is obliged to focus on Government priorities. Contrary to the Government’s assertion that the Statement would “increase public confidence in [the Commission’s] work” it in fact risks the opposite, by threatening to taint the Commission with perceptions of working towards priorities and objectives which favour the governing party.

### **Guidance**

17. The revised draft Statement includes a number of changes to address criticisms from consultees regarding general guidance. For example, the Government has removed the misleading reference to sanctioning only “deliberate” breaches of electoral law, and has inserted a reference to the Commission’s own statutory Enforcement Policy, in new paragraph 18(a). This is welcome.

**18. However, the whole of this section remains ill-suited to the relationship between the Government and what is supposed to be an independent regulator—particularly one regulating electoral law. The series of “should” statements gives overarching views on how the Commission ought to operate, as though the Commission is a body subject to Government supervision. Some of these points remain statements of the obvious, and serve no clear practical purpose. On points of detail, such as the suggested correction of records regarding prosecution decisions in new paragraph 19, it is unclear what expertise and locus the Government has to be making its recommendations.**

19. In practice, the guidance section, like the priorities section, may be relatively harmless, because the general points add nothing to the duties and standards that already apply (many of them simply summarise public law duties that automatically apply to the Commission in any case), and the specific points do not need to be followed if circumstances dictate otherwise. However, this raises the issue of why the section is needed at all, and the fact that it exists creates a similar problem in generating confusion, increasing legal risks, and damaging the perception of the Commission as an independent body.



20. It is also evident from the Government’s articulation of its understanding of section 4A(3)(a) that it considers the power to issue guidance in the Statement to be a ‘broad’ power. We do not agree. The power is ‘broad’ insofar as the Act does not specifically prescribe what the guidance may contain. **However, as we set out in our consultation response, it is no more acceptable for the Government to seek to provide operational instruction to the Commission under the guise of section 4A(3) guidance, than it would be to do so under section 4A(2). We are also concerned that the issuance of guidance sets a dangerous precedent of governments issuing improper operational instruction in this way. We therefore reiterate that any guidance included in the Statement by virtue of section 4A(3) ought to be limited to particular matters that the Government has knowledge of or expertise on, but which the Commission may not, and which may enable the Commission to carry out its functions more effectively. The amendments to the revised draft Statement do not achieve this.**

21. The Government also states as justification for its giving of instructions under the guise of guidance, that “it is appropriate for the Government to give guidance via the Statement for the Commission to consider, particularly in areas where primary legislation is not explicit, and the Commission is exercising a very significant amount of discretion”. Again, we do not agree. If Parliament had meant for the Government to be able to influence the Commission in the legitimate exercise of the discretion available to it, then it would have legislated for it to be so. Parliament did not do so. **Thus, if primary legislation on matters in relation to which the Commission has functions is not explicit, then it is properly a matter for the Commission (overseen, ultimately, by the courts), to determine how to exercise that discretion. That the Government thinks otherwise is telling of its perception that the Commission is, or ought to be, a body subject to government supervision.**

### ***Purpose of and justification for the Statement***

22. We set out in our response to the consultation that the Government had not made a clear case for designating a Statement at this time, nor clearly articulated what issues a Statement is intended to resolve. The Government’s response to the consultation provides nothing of further value on this point. The Government says the Statement is intended to help “tackle issues such as voter fraud, to improve accessibility of elections and to improve participation. These are important aims and ones it would be wholly appropriate for an electoral regulator to support”. We agree that these are important aims, and that it would be wholly appropriate for an electoral regulator to support them. The issue with the Government’s rationale, however, is that these issues are already areas of priority for the Commission, which renders moot the supposed need for a Statement.

23. The Government also argues in its response to the consultation that a Statement would “empower Parliament to hold the Commission to account more effectively”. It goes on to say:

The expansion of the role of the Speaker’s Committee to include the Commission’s compliance with its duty to have regard to the Statement in the exercise of its functions will allow that Committee to take a view as to whether the Commission is performing well across its functions.

It would be improper for the Speaker's Committee to express a view as to the appropriateness of the oversight framework provided for in the Act. Parliament has legislated to provide for these arrangements, and we will fulfil our statutory duties fully.

**24. Nonetheless, the Government's rationale appears to suggest that the Statement would be setting a benchmark for performance against which the Speaker's Committee can assess the Commission. This is problematic because it is not the Government's role to determine the Commission's performance standards, by way of a Statement or otherwise. That is because the Commission is supposed to be independent. This apparent continued misconception—that the Commission is to some extent under Government control, or ought to be—infuses much of the Statement, and confuses lines of responsibility.**

25. That point aside, on a technical level the Government's justification also conflates the Commission's compliance with its duty to have regard to the Statement with "the Commission's performance" more generally. The two are not synonymous. The Speaker's Committee's power to examine the Commission's compliance with its duty to have regard to the Statement will, if we chose to exercise it, provide a check on the Commission's performance *only in relation to taking account of the Government's priorities*. This performance would not necessarily have any essential bearing on the Commission's wider performance, because taking account of Government priorities is only a very minor aspect of the Commission's work. Most of the Commission's work is (or ought to be) entirely independent of Government, and consists of carrying out various functions under statute, most of which are not identified as Government priorities in the Statement. The Government is therefore misplaced in asserting that the Statement would "allow [the Speaker's] Committee to take a view as to whether the Commission is performing well across its functions".

26. If there are genuine instances in which the Commission has to decide between priorities implied by the Statement and other considerations, the Speaker's Committee could then be put in the invidious position of having to arbitrate on the extent to which the Commission has got the balance right between having regard to the Statement, and pursuing the priorities it has set out in its Corporate Plan, which we ourselves will have approved. This is unnecessary and nonsensical, since our view of the Commission's priorities would be clear in our approval of the Commission's Corporate Plan. Worse still, the obligation on the Commission suggested by use of the term "should" throughout the Statement could make it difficult to objectively assess whether the Commission has got the balance right.

27. In its rationale for the need for a Statement, the Government also points to the conclusion of Lord Pickles' report 'Securing the Ballot: Review into Electoral Fraud', which concluded that the existing system of oversight by the Speaker's Committee does not provide an effective third-party check on the Commission's performance. However, Lord Pickles' report did not set out *why* he concluded that the Speaker's Committee was not providing effective scrutiny. It also provided no analysis to support this comment, and no recommendation to follow it. The report's erroneous statement that the Commission is a part of the Government also does not inspire confidence in its overall rigor.

**28. For the reasons set out above, we remain of the view that the Government has not set out a convincing rationale for why a Statement is needed, or what specific issues**

it is seeking to resolve. The revised draft Statement would not support the Speaker's Committee's to hold the Commission to account effectively; it would, in fact, do the reverse.

### **Conclusion**

29. The Government has made some substantive improvements to the revised draft Statement in response to some of our concerns. We welcome this. However, we are disappointed that the Government believes the most serious flaws do not warrant changes. That these flaws have been identified in concert by us, the Electoral Commission, and the Levelling Up, Housing and Communities Committee, is affirmation that they manifestly do.

30. This revised draft Statement remains not fit for purpose and inconsistent with the Commission's role as an independent regulator. The Government still has not offered a cogent explanation of what it is seeking to resolve through the Statement. What little it has added in the consultation response to its previous statements betrays a misguided perception that the Commission is - or ought to be - to some extent, under Government control.

31. As we highlighted in our initial report, designation of a Statement is a power the Government *may* use, rather than one it *must* use. Nothing in the Government's consultation response changes our conclusion that the draft Statement is neither necessary at this time, nor likely to assist the Commission in its pursuit of the aims and objectives already approved by the Speaker's Committee and adopted by the Commission.

32. As we also noted in our consultation response, the power of the Speaker's Committee to hold the Commission accountable for its duty to have regard to that Statement is also optional. Were the Government to proceed to designate a Statement which we consider not fit for purpose, we would need to consider carefully what account we could take of such a Statement, and whether we could legitimately hold the Commission to account for their duty in relation to it.

33. We cannot support this revised draft Statement, and invite the Government to rethink whether a Statement is needed at all. In our initial report we offered to assist the Government to prepare a Statement which recognises and addresses the concerns raised. This offer was not taken up. Nonetheless, we remain prepared to assist the Government.

34. If the Government proceeds to designate this Statement, substantively unchanged, we invite both Houses to heed these concerns, and consider the final Statement carefully during the 40-day approval period.

# Appendix 1: Consultation and procedural requirements the Strategy and Policy Statement process

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## Part I: Strategy and Policy Statement

### *Strategy and Policy Statement*

1. Section 4A of the Political Parties, Elections and Referendums Act 2000 ('PPERA'), as amended by the Elections Act 2022 ('the Act'), allows the Secretary of State to designate a Strategy and Policy Statement. The Statement sets out:

- i) strategic and policy priorities of His Majesty's Government relating to elections, referendums and other matters in respect of which the Commission have functions, and
- ii) the role and responsibilities of the Commission in enabling His Majesty's Government to meet those priorities.

2. The Statement may also set out:

- i) guidance relating to particular matters in respect of which the Commission have functions; and
- ii) any other information (for example, about the roles and responsibilities of other persons) the Secretary of State considers appropriate.

3. Section 4A precludes the Statement from containing provisions relating to the Commission's devolved Welsh and Scottish functions. The Secretary of State must also have regard to the duties imposed on the Commission by section 145(1) of PERA, when preparing a draft Statement.

4. Section 4B of PERA requires the Electoral Commission to "have regard to the statement when carrying out their functions". This duty does not apply in relation to information included in the Statement pursuant to section 4A(3)(b).

### *Strategy and Policy Statement: consultation*

5. Section 4C of PERA require the Secretary of State to consult the following on a draft of the Statement, before the Statement can be designated:

- i) the Electoral Commission;
- ii) the Speaker's Committee for the Electoral Commission; and
- iii) the Levelling Up, Housing and Communities Committee.<sup>5</sup>

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<sup>5</sup> Or another Committee of the House of Commons, if the functions of the Levelling Up, Housing and Communities Committee at the passing of the Act with respect to electoral matters (or functions corresponding substantially to such matters) become functions of a different Committee.

6. After the above have been consulted, the Secretary of State must:
- i) make whatever changes the Secretary of State considers necessary in light of responses to the consultation, and
  - ii) prepare a report containing the Secretary of State's response to the consultation.
7. There is no legal requirement for the report mentioned above to be published unless the Secretary of State wishes to continue proposing that the Statement be designated. In that case, the Secretary of State must lay before Parliament a document which:
- i) explains the Secretary of State's proposals;
  - ii) sets them out in the form of a draft statement; and
  - iii) includes the report mentioned above.

### *Strategy and Policy Statement: approval*

8. The document mentioned in para 7 above, must then be laid in Parliament for 60-days. During this 60-day period, representations may be made regarding the draft Statement by Parliamentarians. The Secretary of State must "consider" any representations made during this 60-day period.
9. If, after this 60-day period, the Secretary of State intends to proceed with the designation of the Statement, they must lay before Parliament the draft Statement, and a report containing the Government's response to any representations made during the 60-day period.
10. The draft statement is then subject to the affirmative approval procedure, and must therefore be approved in both Houses of Parliament within 40 days of being laid.

### *Strategy and Policy Statement: Commission's duty to report*

11. After a Statement has been designated, section 4B of PPERA requires the Commission to publish a report as soon as practicable after the end of the 12-month period after the Statement has been designated, and every 12 months thereafter. This report must set out what the Commission has done during the year "in consequence of the statement". A copy of this report must be provided to the Speaker's Committee. Under section 4B(5), the Commission would not need to produce another report if a new Statement were to be designated during the 12-month reporting period applying to a previous Statement. Similarly, under section 4B(7), if a Statement were to be withdrawn during a 12-month reporting period, the Commission would not be required to produce a report on the withdrawn Statement.

### *5-yearly review of Statements*

12. Under section 4D of PPERA, the Secretary of State must review a Statement 5 years after it is first designated, or was last revised (and the consultation requirements under 4C were not disapplied under 4E(5)). After reviewing the Statement, the Secretary of State may:

- a) revise it,
- b) leave it as it is, or
- c) withdrawn it.

13. However, if the Secretary of State is reviewing a revised Statement, and the consultation requirements were disappplied during that revision, the designation date for the previous/original Statement will apply.

14. Section 4D of PPERA also allows for the Secretary of State to retain the originally designated Statement unamended, or withdraw it.

### *Revising Statements*

15. Under section 4E of PPERA, the Secretary of State may revise a Statement, outside of the five-yearly review process set out above. The Statement may be revised in the following circumstances:

- i) on the Government's initiative;
- ii) at the request of the Electoral Commission; or
- iii) at the request of the Speaker's Committee.

16. If the request comes from the Electoral Commission, the request must be made in writing to the Secretary of State and the Speaker's Committee, and must give details of the changes to the Statement that the Electoral Commission proposes should be made. If the request comes from the Speaker's Committee, the request must be made in writing to the Secretary of State. It must also give details of the changes to the Statement that the Committee proposes to make.

17. When revising a Strategy and Policy Statement, the Secretary of State can disapply the consultation requirements set out in section 4C, provided that they have given notice to the Speaker's Committee, and have considered any representations made in response to the notice. If, thereafter, the Secretary of State wishes to proceed with disapplying the consultation requirement, the Secretary of State must notify the Speaker's Committee, Electoral Commission and Levelling Up, Housing and Communities Committee of the revisions they intend to make to the draft Statement.

18. If the Secretary of State seeks to disapply the consultation requirements set out in section 4C, and the Speaker's Committee, Electoral Commission, or Levelling Up, Housing and Communities Committee objects, the Secretary of State may still disapply the requirements and lay the revised statement, but they must also lay a statement of their reasons for the determining that the consultation requirements do not apply.

## **Part II: Elections Act background: Examination of duty to have regard strategy and policy statement**

19. Section 13ZA of PPERA, as amended by the Act, provides that the Speaker's Committee "may examine the performance by the Commission of the Commission's [duty to have regard to the strategy and policy statement]".

20. Section 13ZA(2) provides that the Speaker's Committee can require the Electoral Commission to provide any information they hold for the purposes of exercising this power.<sup>6</sup>

21. Schedule 2 of PPERA, as amended by the Act, includes a statutory protection that written and oral evidence given to the Speaker's Committee may not be used against them in any civil or disciplinary proceedings, or in criminal proceedings, unless the evidence was given in bad faith.

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<sup>6</sup> This does not include information which might adversely affect any current investigation or proceedings.

## Appendix 2: Letter from the Parliamentary Under Secretary of State for Communities

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1. I am writing to you in your role as the Chair of the Speaker's Committee on the Electoral Commission ('Speaker's Committee') to update you on the government's response to the consultation on the Strategy and Policy Statement ('Statement') for the Electoral Commission.

2. Section 4A-4E of the Political Parties, Elections and Referendums Act 2000 (PPERA) (as inserted by Section 16 of the Elections Act 2022 ('the Act')) provides for a Statement to be approved by the UK Parliament that will set out the strategic and policy priorities of the UK government and the roles and responsibilities of the Commission in enabling the UK government to meet those priorities. The Act provides for a power to include guidance in the Statement relating to particular matters in respect of which the Commission has functions.

3. As you know, the Act requires the Secretary of State to consider the views of the Electoral Commission, the Speaker's Committee, and the Levelling Up, Housing and Communities Committee via a consultation before submitting the draft Statement for approval of the UK Parliament. The government published the draft Statement on GOV.UK on 22 August 2022 and the consultation closed in December 2022.

4. The government is grateful for your Committee's time and engagement with the consultation. The government has listened to the feedback of the consultees and has amended the draft Statement to make a number of changes and clarifications. These amendments seek to provide reassurances that the Government agrees that the Statement must always be compatible with the foundational principle that the Commission is operationally independent. The Electoral Commissioners and the Commission's executive leadership remain responsible for determining how the Commission should exercise its functions. These amendments, alongside the other issues raised by the consultees which did not, in the government's view, warrant changes to the draft Statement, are all outlined in the government response. The government response will include the revised draft Statement and, to aid parliamentarians scrutinise changes [sic], a marked-up version of the revised draft Statement.

5. These documents will be laid on 8 June before both Houses of Parliament. Following an initial 60-day period during which parliamentarians of both Houses can make representations about the draft Statement, the Secretary of State will consider parliamentarians' representations, summarise the government's response to those in a report and make any changes deemed necessary to the Statement before submitting it to parliamentary approval for up to 40 days.

6. I have attached a copy of the government's response to the consultation. This document is under embargo until 11:55pm on 7 June. I have also written to the Chairs of the Levelling Up, Housing and Communities Committee, and the Electoral Commission.

**BARONESS SCOTT OF BYBROOK**