

Written evidence from Frances Kneller¹ (TEC 27)

Public Administration and Constitutional Affairs Committee The Work of the Electoral Commission inquiry

I was very interested to see that there are plans afoot to review the effectiveness of the Electoral Commission in discharging its statutory obligation.

I believe the Electoral Commission's powers need to be strengthened, extended and enhanced to provide a much more effective and rigorous, apolitical oversight of the UK's electoral system. The EU referendum, and more recently the 2019 general election, showed how the lack of a written constitution, the dissonance of national governance and the extra-judicial pressures and interests of external parties emasculated and left the Electoral Commission almost powerless and certainly toothless.

It is paramount that public and political confidence in the impartiality and ability of the Electoral Commission is maintained and not undermined for political reasons and advantages. I believe that the majority of voters want a fair, transparent and open system, accessible by all those entitled to vote. In addition, there has always been great respect and an international reputation for the mechanics of our Electoral system which has been underpinned by our Electoral Commission. This becomes even more important, at this significant juncture in our country's history as the current government has fractured our reputation and international standing by threatening to play fast and loose with our international obligations and pressing ahead with the Internal Markets Bill.

The Electoral Commission has identified the challenges the UK faces and how to address them ahead of the next UK general election. Particular cognisance is required around the impact of social media and digital online campaigning as highlighted in the Electoral Reform Society's report in September 2020 - Democracy in the Dark. Their report came up with a number of recommendations which I trust you will study, consider and adopt to help restore the trust that a number of voters are losing in the existing system, particularly as the whiff of political interference wafts by.

To me, the key powers that the Electoral Commission should have and be able to implement and pursue unfettered are :

1. A strengthening of their powers to investigate malpractice and create a stronger deterrent against wrongdoing by increasing the maximum fine it can levy, and / or supporting criminal proceedings to include custodial sentences for the misuse of electoral rules to affect voter suppression and disenfranchisement.
2. New legislation clarifying that campaigning by non-UK actors is not allowed. Campaigners should not be able to accept money from companies that have not made enough money in the UK to fund the amount of their donation or loan. Electoral Commission to order that non-domiciled donors and political parties have the donation forfeited, if found to be in breach.
3. Regulate all donations by reducing 'permissibility check' requirements to a peppercorn for all non-cash donations, and a nominal amount, such as £20 for cash donations. The current rules are riddled with loopholes and haven't kept up with the

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digital age. This raises the risks of foreign or unscrupulous interference, or the creation of, so called, political parties that are, in reality, a company structure.

4. A public awareness and digital literacy campaign which will improve critical thinking and better allow citizens to identify misinformation.
5. New controls and requirements on social media companies to check that people or organisations who want to pay to place political adverts about elections and referendums in the UK are actually based in the UK or registered to vote here
6. Create a publicly accessible, clear and consistent archive of paid-for political advertising. This archive should include details of each advert's source (name and address), who sponsored (paid) for it, and (for some) the country of origin.
7. Require campaigners to provide the Electoral Commission with more detailed, meaningful and accessible invoices of what they have spent, boosting scrutiny and transparency over online vs offline spend, and introduce shorter reporting deadlines, or even reporting in 'real time', so that financial information from campaigns on donations and spending is available to all interested parties more quickly .
8. Legislate for a statutory code of practice for the use of personal information in political campaigns, to clarify the rules and ensure voters know their rights.
9. Rationalise Britain's sprawling, Victorian-era electoral law under one consistent legislative framework.

My fervent hope is that the Electoral Commission goes from strength to strength, maintaining its independence. It needs to be equipped with the appropriate sanctions and resources, free from political interference and the capacity to ensure that all UK voters can depend on free and fair elections, secure in the knowledge that those who try to mis-use or abuse our voting rights will be identified, called to account and dealt with appropriately. I am sure I am not alone in looking to this committee to afford protection through the Electoral Commission of my, and my compatriots, voting security

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