

Written evidence from Selina Kerr (TEC 29)

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

I am making this submission as a member of the electorate because I greatly value our democracy and believe it is critical to peace and prosperity in the UK. I am concerned it is being eroded in significant ways and this trend must be reversed.

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. This is vital, not only as a constitutional issue within the UK, but also in relation to our standing in the world. Our international reputation has been badly damaged by a variety of events in recent times, and we have seen how the conduct of the 2020 US election has been subject to appalling practices in the manipulation of the US electorate. This has seriously damaged the global status of the United States. We can learn lessons from the US, too.

I am concerned in particular about the adequacy of the Electoral Commission's powers and duties with respect to the regulation of finances and the regulation of the use of all forms of print, broadcast and social media.

I have considered the questions posed, on which the Parliamentary Committee has invited evidence and specifically the issues/questions:

The effectiveness of the Electoral Commission in discharging its statutory obligation a) What roles and functions within the UK electoral system should the Commission perform? b) Should the remit of the Electoral Commission be changed? c) What powers should the Electoral Commission have? Should the existing powers of the Electoral Commission be changed?

The governance of the Electoral Commission

Public and political confidence in the impartiality and ability of the Electoral Commission

The international reputation of and comparators for the UK Electoral Commission

What, if any, reforms of the Electoral Commission should be considered?

Rather than making additional and separate submissions of my own in response to these questions I wish to rely on the evidence to be found in existing reports. In one way or another they have all been ably addressed by the Commission itself ([Q](#)) and/or the Electoral Reform Society and similar bodies [**]

I ask the Committee to take full account of the reports produced by the Electoral Commission itself in the last 5 years, together with those produced by and/or published by the Electoral Reform Society ("ERS") in the same period. (<https://www.electoral-reform.org.uk/?s=report+on+2019+election>)

These contain carefully compiled evidence and sound and practical recommendations, which should be given their full weight in the Committee's deliberations.

I trust that the Committee will have read the Commission's own report in full, and bear in mind all that it contains. The Commission is, after all, in many ways in the best possible position to know what has worked well and what has not, and why. I support its recommendations and conclusions, which are to be found here:

<https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/past-elections-and-referendums/uk-general-elections/report-overview-2019-uk-parliamentary-general-election>

THE ROLE AND USE OF MEDIA, INCLUDING PRINT, BROADCAST AND SOCIAL MEDIA

The advent of the internet and the very extensive everyday use of broadcast and social media has changed how politics and elections are conducted. I ask the Committee to give the careful consideration to the evidence given and recommendations contained in the ERS report "Democracy in the Dark," in which the authors highlight 10 key reforms needed to shine a light on online political campaigning. These are:

1. *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.*
2. *Strengthen the powers of the Electoral Commission to investigate malpractice and create a stronger deterrent against wrongdoing by increasing the maximum fine it can levy.*
3. *Implement shorter reporting deadlines so that financial information from campaigns on their donations and spending is available to voters and the Commission more quickly after a campaign, or indeed, in 'real time'. Currently, voters have to wait far too long to see the state of the campaign.*
4. *Regulate all donations by reducing 'permissibility check' requirements from £500 to 1p for all non-cash donations, and £500 to £20 for cash donations. The current rules are riddled with loopholes and haven't kept up with the digital age, raising the risks of foreign or unscrupulous interference.*
5. *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.*
6. *New controls created by 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.*
7. *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.*
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. *A public awareness and digital literacy campaign which will better allow citizens to identify misinformation.*
10. *Rationalise Britain's sprawling, Victorian-era electoral law under one consistent legislative framework.*

THE REGULATION OF FINANCE

I perceive that, nationwide, there is grave concern amongst those voters who take a serious interest in UK politics that there is no “level playing field” in the conduct of election campaigns. Much of that concern stems from the disparity between political parties (or campaign groups, in the case of the Brexit referendum) in comparison with others, in terms of the funds at their disposal and their power to influence both the media and the electorate. This creates an extraordinary advantage to those with the greatest financial resources. This advantage is leveraged by the lack of sufficiently stringent regulation of how campaign funds are spent. This needs urgent reform.

[The media, in its turn, wields power and influence in ways that are inadequately regulated (or not regulated at all, and the power of money makes its impact here too.)]

There also needs to be much greater transparency, so that the electorate can see how and from where such funds are raised and spent, and have confidence in the electoral process. There can be little doubt that public confidence in our politicians and our electoral system has been seriously weakened over recent years, and this should be troubling to all of us who wish to preserve our democracy.

In conclusion, there is a significant distrust in the electoral system. We must protect our democracy and restore much needed trust in the system. That means strengthening the role, powers and duties of the Electoral Commission and reforming associated legislation

I urge the Committee to make suitable recommendations accordingly.

I thank the Committee for undertaking this very important review.

November 2020