

## Written evidence from Dr Alistair Clark (TEC 39)

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

1. Many thanks to the Committee for the opportunity to give evidence in person in the hearing on Tuesday 9<sup>th</sup> March. I am grateful for the opportunity to do so, and hope that my evidence will be helpful for the Committee's deliberations as the inquiry proceeds. I write with some short supplementary evidence on two points discussed on 9<sup>th</sup> March.

2. The first point relates to accountability and the Speaker's Committee on the Electoral Commission. We discussed how that Committee might be more transparent in its processes, and also concern over it having a single-party majority for the first time in its history. Both are a concern from the perspective of good practice in electoral integrity.

3. My main point is that, while political parties are well represented, the voters' voice is notably absent from much of the parliamentary accountability around the Electoral Commission. This is a major oversight. To address this, *my recommendation is that the Speaker's Committee on the Electoral Commission is complemented by the addition of several Lay Members (3-5), with voting rights, to represent the views of voters in electoral processes and in oversight of the Electoral Commission.*

4. Following good regulatory practice in other sectors, the inclusion of Lay Members has already become accepted standard practice in parliamentary oversight of bodies regulating political behaviour in the House of Commons. For example, the Speaker's Committee for the Independent Parliamentary Standards Authority (SCIPSA), has three Lay Members, while the House of Commons Committee on Standards has five Lay Members. Lay Members on both committees now have full voting rights. This has helped counter the suggestion that parliamentarians are 'marking their own homework' on these committees. The inclusion of Lay Members on the Speaker's Committee for the Electoral Commission would go some way to addressing similar concerns around the Electoral Commission, while also helpfully ensuring that voters' voices can be clearly heard in the accountability process.

5. Concern was also raised about party-nominated Electoral Commissioners who are members of the House of Lords, the concern being that in expressing political views in the course of their business in the Upper House, they were undermining the need for impartiality as Electoral Commissioners.

6. There are two ways that this can be dealt with. The first is simply for political parties to voluntarily refrain from nominating members of the House of Lords to serve as Electoral Commissioners. More realistically, a different and more formal mechanism might be preferable to prevent any future perceptions of difficulties in this regard. This is that *any member of the House of Lords nominated as an Electoral Commissioner by a political party (or parties in the case of small parties) be required to take Leave of Absence from the House of Lords for the duration of their appointment to the Electoral Commission board.* I would suggest that this recommendation also be considered by the Committee.

7. In summary, my two supplementary recommendations are:

R1: The inclusion of 3-5 Lay Members, to represent the voters' interest, on the Speaker's Committee on the Electoral Commission;

R2: Any member of the House of Lords nominated as Electoral Commissioner by a political party (or parties) be required to take Leave of Absence from the House of Lords for the duration of their term as Commissioner if appointed.

8. I thank the Committee once again for the opportunity to give evidence on Tuesday 9<sup>th</sup> March. I hope that the inquiry goes well and look forward to seeing the Committee's report in due course.

*March 2021*